CITY OF LOGAN
ORDINANCE NO. 02-63

AN ORDINANCE AMENDING LOGAN MUNICIPAL CODE, 1989, CHAPTER 5.35, "BUSINESS LICENSES AND REGULATIONS--SIDEWALK VENDORS"

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN AS FOLLOWS:

SECTION 1: Chapter 5.35, "Sidewalk Vendors," is hereby amended to read as set forth in the attachment.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

PASSED BY THE LOGAN MUNICIPAL COUNCIL, STATE OF UTAH THIS OF October, 2002 by the following vote:

AYES: Berg, Kerr, Ayres, Adair, Thompson

NAYS: None

ABSENT: None

ATTEST:

Tom Kerr, Chairman

Lois Price, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval on the 2nd day of October, 2002.

Tom Kerr, Chairman

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this 3rd day of October, 2002.

Douglas E. Thompson, Mayor
Chapter 5.35 SIDEWALK VENDORS AND CAFES

§5.35.010 Definition.

A. A "sidewalk vendor" means any person licensed under this chapter, who sells, or offers to sell food, nonalcoholic beverages, balloons, cut flowers, caps, clothing, accessories, souvenirs, handmade crafts, or like products on a public sidewalk. (Ord. 91-28 §1(part), 1991)

B. "Sidewalk café" is defined as an outdoor extension of an existing licensed restaurant that is adjacent to the restaurant and extends in any way onto public right-of-way.

§5.35.020 License required.

A. It is unlawful for any person, firm, or corporation to display, offer for sale, or sell any retail goods on a public sidewalk or other public right-of-way without having first complied with the provisions of this chapter and without having first obtained a business license as a sidewalk vendor (also referred to as a vendor in this chapter), or as a sidewalk café, as applicable. The provisions of this chapter shall not apply to sales or displays allowed by Section 12.08.040 (C). (Ord. 91-28 §1(part), 1991)

B. Any material changes to the business operation, ownership (including business structure), product or location shall require a new license application and review process. The licensee is required to notify the division prior to any such change.

C. Any new officer, partner, member, or manager shall require submission of their information on a form prescribed by the division. The licensee is required to notify the division as the change occurs.

D. A renewal application and payment is required annually. Renewal approval will be based on continual compliance with the license requirements.

E. Violation of this section and chapter is grounds for license suspension or revocation.

§5.35.030 Insurance required.

Applicant shall agree to hold the city and its employees and agents
harmless and to indemnify and defend the city, its employees and
agents, against all claims, liability, loss, damage, or expense,
including attorney fees, resulting from the activities of the licensee
upon public sidewalks or other public right-of-way. Applicant shall
maintain a commercial general liability insurance policy with minimum
limits as approved by the business license administrator of liability of
three hundred thousand dollars per occurrence for bodily injury, personal-injury, and property damage. Any deductible or self-insured
retention must be declared to and approved by the city. A current
certificate of insurance must be kept on file with the business license
administrator verifying continuing coverage and naming the city as an
additional insured. The certificate shall provide thirty days written
notice to the city upon cancellation, non-renewal or material change
in the policy. (Ord. 91-28 § 1 (part), 1991)

§5.35.03540 General requirements for sidewalk vendors.

All sidewalk vendors are required to conduct their business only as
approved in the license application process.

A. All sidewalk vendors are required to conduct their business from
an approved cart or approved restaurant location as approved in
the license application process. Cart: If a cart is to be used, a
photograph or drawing showing the appearance of the cart with
all proposed signage shall be submitted upon application. The
cart must be maintained as approved.

B. Signs: Any proposed signage must be identified upon application
and shall not be used without proper permit, as required. Only
signs attached or painted directly on the cart or the cart’s canopy
shall be permitted.

C. Location: Each license shall specify the location where the
vendor and/or cart/restaurant is approved to be operated. No
operation shall occur at locations other than the approved site.
All vending operations are restricted to only the licensed abutting
merchant. Transient vendors may operate in front of public
property with appropriate written permission and an appropriate
business license. No carts shall remain on the sidewalk when not
open for business.

B. Sidewalk vending from carts shall be limited to locations within
the C2 Zone on Main Street from 300 North to 170 South; Center
Street from 100 West to 100 East; 100 North from 100 West to
100 East. Hours of operation will be from seven a.m. to ten p.m.
No carts shall remain on the sidewalk except during the above
hours of operation.

D. Separation distances: All vendors/carts located upon the public
sidewalk shall not obstruct business display windows and signs,
and shall maintain the following separation distances:
1. A minimum of five feet from any building entrance or walkway;
2. No less than twenty feet from any driveway;
3. Two feet from the abutting property line extended and shall be so located as to not constitute an obstruction to pedestrians and to allow the maximum number of carts in the immediate vicinity. Carts may be placed on the public sidewalk but shall not extend more than five feet from the property line. No cart or restaurant shall be allowed within the sight triangle located at a street intersection. (Said triangle is created by the extension of corner property lines with the arc being the sidewalk/curb radius.) (Ord. 91-28 §1 (part), 1991)
3. A minimum of six feet of unobstructed sidewalk width for pedestrian traffic at all times;
4. Not less than twenty feet from an intersection and not within the sight distance triangle at any street intersection according to codified definition (Section 17.62.1610), and
5. Any other separation distance required for specific site and circumstance.

§5.35.04950 Sidewalk vendor: License application and approval process.

A. Applications for a sidewalk vending license shall be on forms provided or required by the city. The application shall include the following information, including:
1. A diagram or map identifying the specific site location compliant with the requirements of this chapter;
2. A completed zoning and planning form;
3. A completed business license application form providing information on all owners and operators of the business;
4. A completed right-of-way permit form, as directed;
5. A drawing or photograph of the proposed cart and signage to be used and specifying the proposed colors for such;
6. A list of all products to be sold; and
7. Any other information the business license administrator deems necessary to enforce this chapter.

B. Applications shall be subject to the general licensing provisions specified in Logan Municipal Code, Title 5, Chapter 5.02, in addition to the restrictions specified in this section.

C. Applications shall be subject to review by code authorities, including those for public works, planning, zoning, building, fire, police, health, and others as indicated for the product and vendor.

D. Approvals shall be based on a combination of code compliance in all applicable areas and the qualifications of the on-site vendor:
1. The applicant must be considered an adult by Utah law;
2. The applicant and any on-site vendor shall not be approved if there have been any criminal convictions or unresolved criminal proceedings for conduct that has the potential to threaten public safety;

3. The applicant and any on-site vendor must obtain and maintain proper business and sales tax registration for all aspects of the operation prior to operating, including food handler permits, as applicable; and

4. Any other factors or circumstances review authorities consider necessary to protect the public and enhance the community, such as:
   a. Pedestrian traffic and site compatibility with proposed operation,
   b. Proximity to other vending operations, and
   c. Ability of the applicant to manage the operation and maintain compliance with all laws and local code,

   —1. The name and mailing address of the applicant;
   —2. A description of all products to be sold;
   —3. A valid copy of all applicable health permits required by federal, state or local authorities;
   —4. A description of the cart or restaurant location to be used in conducting business, including scaled drawings or a photograph;
   —5. Proposed colors, including signage to be used;
   —6. The proposed license operating location;
   —7. Proof of a current food handlers permit; and
   —7. Any other information as the business license administrator deems necessary to enforce this chapter.

B. All applications for sidewalk vending shall be referred to the planning division, BRAG health department (if involving food), police department, building inspector for review and compliance with applicable codes and ordinances. After review and recommendation, the application shall be referred to the mayor for approval. (Ord. 91-28 §1 (part), 1991)

§5.35.050 — Cart standards.

A. Size. A cart shall not be larger than four feet wide, eight feet long and three feet high measured from the sidewalk. Canopies, umbrellas or awnings attached to the cart shall be permitted provided the shading device does not extend more than one foot from the edge of the cart in any direction, and does not exceed a height of six feet eight inches measured from the sidewalk. The space between the three foot maximum cart height and the six foot eight inch canopy or awning may contain appropriate shelves
and displays provided the cart has a fixed canopy. (See subsection E of this section.)

B. Signage: Only business-signs painted directly on the cart or canopy advertising the items being sold from the cart shall be permitted. Signage shall not extend above the opaque sides of the cart or hang below the awnings of the cart, and the total signage attached to the cart shall be no greater than ten square feet.

C. Product Display. All displays, products and accessory items shall be contained within the cart. No products or accessory items shall be attached to the side of the cart. No product or display shall be higher than six feet above the ground except:

1. Transparent devices used to prepare food, e.g. popcorn machines and hot dog warmers, which may not exceed six feet eight inches in height measured from the sidewalk;

2. Helium-filled balloon whose display shall not exceed eight and one-half feet above the sidewalk.

D. Construction. Carts shall be constructed of wood, washable plastic, fiberglass, or noncorrosive metal. All carts shall be painted. All carts shall be designed to be moveable by one person and shall have a minimum of two rubber or rubber-like wheels as part of the cart for ease of movement.

E. Cart dimension illustration:

(Picture wouldn't download)

(Ord. 91-29 §1 (part), 1991)

§5.35.05560 Sidewalk café standards.

A. Sidewalk cafés located upon a public sidewalk shall be limited to Main Street within the G3 Zone specifically approved right-of-way in appropriate zones. Permitted hours of operation shall be from seven a.m. to eleven p.m. Outdoor restaurants may be operated between April 15th and October 15th, weather permitting.

B. All restaurants sidewalk cafés located upon a public walkway shall be located adjacent to the existing licensed restaurant for which the sidewalk café is proposed, and shall not exceed specifications granted by the public right-of-way permit, building and shall not extend more than seven feet from the street right-of-way line/property line. Restaurants shall not be located closer than two feet from the abutting property line extended. The restaurant sidewalk café design and layout shall be subject to approval by city planners. shall be surrounded, except for entries, with a screening enclosure which shall contain consistent live plant material and which shall not exceed thirty-six inches in height nor less than
twenty-four inches in height. Tables and chairs must be painted a single color and shall be in good repair at all times. Umbrellas shall be permitted and if umbrellas are allowed, they must be anchored securely to withstand winds, etc.

C. The business-license administrator may, after giving cause, revoke license if any provision of this chapter is violated. Vendor may appeal to mayor within five days of said action, and the mayor shall determine within five days if said revocation is justified. (Ord. 91-28 §1 (part), 1991)

§5.35.070 Sidewalk café license application and approval process.

A. Applications for a sidewalk café license shall be on forms provided or required by the city, including:
   1. A diagram showing proposed café design and layout;
   2. A completed zoning and planning form;
   3. A completed business license application form;
   4. A completed right-of-way permit form, as directed;
   5. Any other information the business license administrator deems necessary to enforce this chapter.

B. Applications shall be subject to the general licensing provisions specified in Logan Municipal Code, Title 5, Chapter 5.02, in addition to the restrictions specified in this section.

C. Applications shall be subject to review by code authorities, including those for public works, planning, zoning, building, fire, police, and health.

§5.35.05680 Appeals process.

The denial, conditional approval, non-renewal, probation, suspension, or revocation of any license issued pursuant to this chapter may be appealed as set forth in Section 5.02.160 of this title.
DATE: September 26, 2002
TO: Logan Municipal Council Members
FROM: D. Gay Jamieson, Business License Administrator
SUBJECT: Chapter 5.35 Revisions

I apologize for not being present at the last Council Meeting to address the questions related to this chapter. I was out ill, but since have received a briefing from Lois Price regarding the questions raised. I will try to address those issues in this memo, but you are welcome to visit with me at any time if you need further clarification.

Regarding alcohol: If we address alcohol in this chapter, it would need to be limited to a simple reference to state and local alcohol code. All sidewalk cafés will be an extension of existing licensed restaurants. Those serving alcohol have a specific premises diagram on file with the State Department of Alcoholic Beverage Control – the premises would have to be redefined and approved by the State to include the sidewalk café extension. The State will not entertain the premises change without local approval. Currently local approval is not permitted.

Regarding other types of sidewalk sales: This chapter does not and is not intended to address temporary sidewalk sales nor annual or special events – these types of events are already permitted and controlled elsewhere in the code. Ongoing retail stores that desire to spread out onto the sidewalk are also covered currently under a separate portion of the code. This chapter reduces existing regulation of sidewalk vendors. Chapter 5.35 also governs existing restaurants, allowing them to extend onto the public right-of-way.

If you have any questions, please feel free to contact me at 716-9234.
(Civil)

PROOF OF PUBLICATION

STATE OF UTAH
COUNTY OF CACHE, ss.

On this 8th day of October, 2002, personally appeared before me Rachelle S. Thomas, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement

LEGAL NOTICE

a copy of which is hereto attached, was published in said newspaper for One (1) issue, commencing October 7, 2002 and ending October 7, 2002. Signed Rachelle S. Thomas.

Subscribed and sworn to before me, the day and year above written.

Signed Cynthia K. Fulton,
Notary Public.


LEGAL NOTICE

SUMMARY OF AN ORDINANCE amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council is as follows:

ORD. 02-63. An ordinance amending Title 5.35, "Business Licenses and Regulations—Sidewalk Vendors and Cafes" was adopted October 2, 2002 and approved October 3, 2002. Section 5.35.010 adds and defines "Sidewalk café" as an outdoor extension of an existing licensed restaurant that is adjacent to the restaurant and extends in any way onto public right-of-way. Changes are made to clarify licensing procedures and requirements for both sidewalk vendors and cafes.

These ordinances are effective immediately upon publication.

Full texts of the ordinance may be reviewed at the Office of the Logan City Recorder, City Hall, 255 North Main, during regular business hours.

Lois Price, Recorder
Publication Date: October 7, 2002