

**CITY OF COOS BAY  
Agenda Staff Report**

MEETING DATE February 19, 2013	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Director of Public Works and Development Department  
Laura Barron, Planning Administrator



**ISSUE      TRANSIENT BUSINESSES IN THE CITY LIMITS  
FEE SCHEDULE CHANGES**

On January 15, 2013 the City Council directed staff to move forward with a draft ordinance to allow "transient business", or vending, on various City-owned properties and right of ways. The specific City-owned properties where transient business is proposed to be permitted are as follows:

- Boardwalk
- Pedway
- Visitor Information Center
- Hollering Place Wayside

Authorization to conduct "transient business" on public right of ways or on specifically designated City-owned property, does not extend to city parking lots, or other public properties, nor does it extend to public property under the control of other public agencies such as the Oregon Department of Transportation (US Highway 101) or the Coos Bay School District or other agencies.

**SUMMARY OF ORDINANCE AND RESOLUTIONS**

A transient business will be required to obtain a City business license annually, and any other licenses required by the state or county. A Right of Way Use Approval will also be required since the transient business has the option of occupying right of way.

1. The Ordinance amends Coos Bay Municipal Code Chapter 5.05, Business Licenses Generally, by defining the use, transient business, which would be allowed on specifically designated city-owned properties and public right of ways.
2. The first Resolution amends the fee schedule for governmental operations and services provided. The annual business license fee for a transient business is proposed to be \$50. A Right of Way Use Approval (\$75) will also be required but will not be required to be renewed unless the business license expires.

At the request of the Finance Department, also in the draft Resolution are the following housekeeping changes.

- The addition of a \$25 fee for non-sufficient funds which will off-set bank charges and labor involved with contacting the check-owner.

- The addition of the Card Room Work permit fee (\$25) was inadvertently missed in the last fee resolution. This correction reflects the labor charge to issue the permit.
  - The text of the Card Room License Investigation in the resolution is being corrected to correspond with the text of the ordinance. This is a title change only, no fee change.
3. The second Resolution regulates the use on the specifically designated city-owned properties and public right of ways by listing the designated properties and identifying conditions for the transient business use.

## **BUDGET**

Because a transient business is a mobile type facility and not attached via a foundation to the land or a structure, the Coos County Assessor's office preliminary view is that their placement on city property on a temporary basis would not affect the Coos County property tax status of the land involved.

Fees collected from business licenses are put into the general fund.

## **RECOMMENDATION**

If the Council is so inclined:

- Approve the definition of "transient business" at specifically designated City-owned property and the public right of ways, and enact the Ordinance; and,
- Approve the fees for a "transient business," and those fees identified as "housekeeping" by the Finance Department, and adopt the Resolution 13-01; and,
- Approve the specifically designated city-owned properties and public right of ways and conditions for a "transient business" and adopt Resolution 13-02.

## **ATTACHMENTS**

Draft Ordinance; Draft Resolutions

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**ORDINANCE NO. ###**

**AN ORDINANCE OF THE CITY OF COOS BAY, OREGON AMENDING A PORTION OF ORDINANCE 103, CODIFIED AS COOS BAY MUNICIPAL CODE, TITLE 5, "BUSINESS LICENSES GENERALLY."**

The City of Coos Bay ordains as follows:

**Section 1.** Section 1 of Ordinance 103, codified as Coos Bay Municipal Code Chapter 5.05.010, under the heading "Definitions," shall be amended to add the definition of "transient business" to read as follows:

"Transient business" means a business that operates from various city owned properties and city right of ways and has no fixed permanent location from which the business is conducted, and which shall not remain on public property at any one location in the city, for more than the time specific on any single day. The business is permanently affixed to wheels and must be removed each day.

**Section 2.** This ordinance shall become effective upon the 30<sup>th</sup> day after the enactment by the City Council and signature of the Mayor.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this \_\_\_\_\_ day of February 2013 by the following vote:

Yes:

No:

Absent:

\_\_\_\_\_  
Crystal Shoji  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST: \_\_\_\_\_  
Susanne Baker  
City Recorder of the City of Coos Bay  
Coos County, Oregon

**City of Coos Bay**

**Resolution 13-01**

**A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON AMENDING FEES FOR GENERAL GOVERNMENT OPERATIONS, BUSINESS LICENSES.**

**WHEREAS**, the City of Coos Bay adopted Resolution 12-02 on January 3, 2012, which established fees for business licenses, moorage rates, building code fees, public records research and copying fees, planning fees, and other general governmental and facility use charges; and

**WHEREAS**, amendments to the language of the fee schedule are necessary to add a fee “transient business” a use which the city has not previously permitted or charged for:

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF COOS BAY** that fees for utilizing City owned facilities and services provided shall be revised as follows:

**BUSINESS LICENSES (Ordinance 103 / Codified Title 5, Chapter 5.05):**

**General Retail and Service Businesses**

1 to 5 Employees .....	\$25 per year
6 to 10 Employees .....	\$50 per year
11 to 20 Employees .....	\$100.00 per year
21 to 30 Employees .....	\$125.00 per year
Over 30 Employees .....	\$150.00 per year

**Residential, Commercial and Industrial Leaseholds and Tenancies**

1 to 5 units .....	\$15.00 per year
6 to 12 units .....	\$15.00 per year plus \$2.50 per year per each unit in excess of five
Over 12 units .....	\$35.00 per year plus \$1.50 per year per each unit in excess of twelve

**Auctions** ..... \$50.00 per auction with an annual limit of \$250.00

**Auto Wreckers** ..... \$75.00 per year

**Carnivals and Circuses** ..... \$100 per performance plus a \$500.00 refundable clean-up deposit

<u>Exhibitions</u> .....	\$10 each day
<u>Flea Markets</u> .....	\$25 per day plus \$1 per table per day
<u>General Contractors</u> .....	\$125.00 per year
<u>License Transfers</u> .....	\$5 each
<u>Limited Contractors</u> .....	\$25.00 per year
<u>Mobile Home Parks</u> .....	\$75 per year for first space, \$2 per year for spaces 2 to 15, \$1 per year for each space in excess of 15, \$500.00 per year maximum
<u>Non-profit Organizations</u> .....	No Fee
<u>Seasonal</u> .....	\$25 per season
<u>Special Contractors</u> .....	\$75 per year
<u>Transient Business</u> .....	\$50 per year; a Right of Way Use Approval may also be required
<u>Transient Merchants</u> .....	\$125 per day or \$500.00 per year whichever is less, plus posting of a \$2500 bond for one year
<u>Vehicles for Passenger Hire</u> .....	\$125 per year plus \$25 per vehicle
<u>Entertainment Clubs</u> .....	\$175.00 per year

MOORAGE (Ordinance 217 / Codified Title 11, Chapter 11.05):

Long-Term Moorage (30 day minimum) Agreements. Each owner or operator shall pay a fee equal to \$2.50 per foot/per each month of long-term moorage, \$50.00 minimum (effective 7/1/09, \$3.00/ft/mo, \$60.00 minimum; effective 7/1/10, \$3.50/ft/mo, \$70.00 minimum) \$4.00/ft/month, \$80 minimum effective 7/1/12.

Short-Term Moorage Agreements. Each owner or operator shall pay a fee as follows: (Exceeding seven consecutive calendar days but less than thirty consecutive calendar days) Rate change effective 7/1/12.

Vessels 15' in length and under: ..... \$27.00 per week

Vessels greater than 15' in length,  
but less than 40' in length:..... \$45.00 per week

Vessels 40' in length and over: ..... \$2.00 / foot per week

Transient Moorage Agreements: Each owner or operator shall pay a fee as follows: (Exceeding 12 hours but less than one week)

Vessels 15' in length and under: ..... \$7.00 per day

Vessels greater than 15' in length,  
but less than 40' in length: ..... \$13.00 per day  
Vessels 40' in length and over: ..... \$.50 / foot per day

Due Date and Late Fees: Moorage payments shall be payable by the first of the month for long-term moorage and within twelve (12) hours of mooring for short-term and transient. A late fee of \$25.00 shall be assessed for late payments for each month or part of a month that payments are late.

Live-Aboard Permits: Each owner and operator desiring to live aboard his/her vessel shall apply for a live-aboard permit with the Public Works and Development-Department. Issuance of a permit is contingent upon inspection of the vessel and may be renewed annually. There will not be a fee for the permit. A charge of \$100.00 for non-compliance shall be assessed if an owner or operator proceeds to live-aboard and does not apply for a live-aboard permit.

Finger Docks: All vessels 20' in length and under shall moor at a finger dock.

Reserved Docks: Day-to-day Transient Moorage from May through October; available for short-term and long-term moorage from November through April.

Service Docks: Restricted to temporary docking only.

Docks: All dock space other than finger docks, reserved docks and service docks shall be used to dock vessels greater than 20' feet in length.

Vessels assigned to the dock spaces that are metered for electricity shall pay for their electrical usage based upon the electrical rates used to calculate the total bill for the main electrical meter for the downtown city dock.

PLANNING (Ordinance 93 / Codified Title 17):

Additional plan review or planning assistance required or requested for which no fee  
is specifically indicated..... \$70.00 per hour  
Annexation .....\$1690.00 +  
Plus: Publishing and election.  
Appeal to the Planning Commission or City Council.....\$375.00

Architectural Design Review: Waterfront Heritage Zoning District (WH) as defined by Coos Bay Municipal Code 17.240, Empire Waterfront Settlement Design Review and Hollering Place (HP) Zoning District

1. Color selection; painting exterior of building.....0.00
2. Signage only ..... \$50.00
3. 30% or less change to the exterior of the structure, with no change in the square footage of the structure (e.g., replace windows with a different style of window).... 50.00
4. Greater than 30% change to the exterior of the structure, with no change in the square footage of the structure (e.g., replace more than 30% of the siding)..... 100.00
5. New structures or change in the square footage of the existing structure.....200.00

Administrative Conditional Use .....	\$200.00
Conditional Use; Cultural Resource .....	\$375.00

Engineering and other professional service recovery fees: All applications requiring additional professional services will pay a minimum retainage of \$500.00 to be applied against the actual cost of said services. Retainage to be increased as the cost of the professional services billed against the retainage. Balance of retainage will be returned to the applicant at final acceptance of the action by the City.

Estuarine & Coastal Shore Land Uses .....	\$400.00
Extension to land use applications.....	\$55.00
Flood Plain Elevation Certificate .....	\$115.00
May include Pre-elevation, Building Under Construction and Final Construction Elevation Certificates for a single project for one fee	

Flood Plain Map Revision Review..... \$70+, 1<sup>st</sup> hour \$70.00, additional review time \$70/hr  
Hearings Official - Applicant to pay the actual costs of hearing, recording fees, filing fees and publishing fees plus 10% Administrative fee Varies by case

Home Occupation .....	\$15.00
If public hearing is required.....	\$375.00

Lot Line Adjustment .....	\$190.00+
Plus: \$25.00 for each additional line adjusted after the first	

Ordinance Amendment (text) .....	\$825.00+
Plus: Publishing and if BM56 notice is required add \$2,000 for mailed notice	

Partition .....	\$575.00
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Plan Amendment (text or map) .....	\$960.00+
Plus: Publishing	

PUD (Requires Conditional Use and Site Plan & Architectural Review applications)Varies by case  
Site Plan & Architectural Review .....minimum \$525.00+  
\$0.00357 per sf. of the building square footage and all impervious surfaces

Street Names or Address Change .....	\$55.00
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Subdivision (Plus \$27.00 per lot and the cost of publishing) .....	\$1630.00+
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Vacation (Plus: Publishing) .....	\$795.00+
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Variance.....	\$375.00
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Waterway.....	\$55.00
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Zone Change .....	\$675.00
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#### BUILDING AND CONSTRUCTION (Ordinance 405/ Title 15):

##### Plumbing:

Sewer cap and minimum fee.....	\$50.00
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Plan check .....	65% of fee
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Sewer connection. ....	\$145.00
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Building: (Based on Valuation)

<u>Total Valuation</u>	<u>Fee</u>
\$1 to \$500 .....	\$17.05
\$501 to \$2,000 .....	\$17.05 for the 1st \$500.00 plus \$2.56 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000 .....	\$55.45 for the 1st \$2,000 plus \$10.23 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000 .....	\$290.74 for the 1st \$25,000 plus \$7.68 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000 .....	\$482.74 for the 1st \$50,000 plus \$5.12 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and up .....	\$738.74 for the 1st \$100,000 plus \$4.27 for each additional \$1,000 or fraction thereof

Valuation Table: A structural permit fee for new residential construction and additions shall be calculated using the International Code Council (ICC) Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the dwelling to determine the valuation.

Valuation Table: A structural permit fee for new commercial construction and additions shall be calculated using the International Code Council (ICC) Building Valuation Data Table current as of April 1 of each year, multiplied by the square footage of the building to determine the valuation and the contracted value for the actual work with the applicant supplying a copy of said contract to the city. The permit fee shall be based on the highest value of the two methods of calculation.

Demolition (Requires a performance bond equal to the contract amount or requires a signed Demolition Bond Waiver). The demolition fee includes sewer cap fee.

Residential home or garage.....	\$100
Commercial Building.....	\$250

(Complex commercial building demolition, as determined by the building official or city engineer, which may include multi-story buildings or a contract cost of \$100,000 or more will, in addition to the permit fee, pay a minimum retainage of \$500.00 to be applied against the actual cost of professional services used by the city to review the demolition permit. Retainage is to be increased as the cost of the professional services billed against the retainage exceeds \$500.00. Balance of the retainage will be returned to the applicant at final approval of the demolition work.)

Demolition Bond Waiver, failure to complete work..... \$500 per day

Deferred Submittal Plan Review 65% of the permit fee using the value of the deferred portion with minimum fee of \$200.00 for each deferred submittal item

Fire and Life Safety Plan Review ..... 40% of fee

Phased Projects Plan Review..... \$250.00+  
10% of total permit fee phase, not to exceed \$1500 per phase



Plan Review ..... 65% of fee  
 Residential Fire Sprinkler ..... \$1.50 per square foot of coverage

Grade/Fill/Excavation: (Based on Quantity)

<u>Total Valuation</u>	<u>Fee</u>
50 cubic yards or less .....	\$25.58
51 to 100 cubic yards .....	\$64.11
101 to 1,000 cubic yards .....	\$77.07 for the 1st 100 cubic yards plus \$18.07 for each additional 100 cubic yards or fraction, thereof to and including 1,000 cubic yards
1,001 to 10,000 cubic yards .....	\$239.70 for the 1st 1,000 cubic yards, plus \$15.35 for each additional 1,000 cubic yards or fraction thereof, to and including 10,000 cubic yards
10,001 to 100,000 cubic yards ....	\$377.85 for the 1st 10,000 cubic yards, plus \$49.79 for each additional 10,000 cubic yards or fraction thereof, to and including 100,000 cubic yards
100,001 and up .....	\$825.96 for the 1st 100,000 plus \$4.27 for each additional 1,000 cubic yards or fraction thereof

Fill for landscape work of less than 20 cubic yards is exempt from permit fee

Plan Review ..... 65% of fee

Mechanical:

Residential (Based on per item)

For installation, relocation or alteration of each appliance, including vents, ducts, metal & chimney, and fuel tanks ..... \$34.10  
 For each vent, duct or metal chimney not included in an appliance permit..... \$6.82  
 Fuel gas, hazardous or non-hazardous, piping system regardless of outlet number... \$20.46  
 Minimum fee..... \$50.00  
 Plan Review..... 65% of fee

Commercial (Based on Valuation of the job)

<u>Total Valuation</u>	<u>Fee</u>
\$1 to 1,000.....	\$35.00
\$1,001 to 10,000.....	\$35.00 for the 1 <sup>st</sup> \$1,000 plus \$.45 for each additional \$100 or fraction thereof, to and including \$10,000
\$10,001 to 100,000.....	\$195.20 for the 1 <sup>st</sup> \$10,000 plus \$10.98 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and up.....	\$1,183.40 for the 1 <sup>st</sup> \$100,000 plus \$7.54 for each additional \$1,000 or fraction thereof

Plan Review .....65% of fee

OTHER:

Advanced Financing of Public Improvement Fee .....\$431.00

Access Driveway/Curb Cut; Fireworks Retail Permit .....\$75.00

Additional fees and bonding may apply based on the proposed project.

Agreement to pay origination fee .....2% of loan amount or \$250.00 whichever is greater

Certified Factory Built & Modular Homes.....\$333.66

Engineering and other professional service recovery fees:

All applications requiring additional professional services will pay a minimum retainage of ....\$500.00 to be applied against the actual cost of said services. Retainage to be increased as the cost of the professional services billed against the retainage. Balance of retainage will be returned to the applicant at final acceptance of the action by the City.

Investigation Fee equal to permit fee with a minimum of two hours of "Other Inspections" listed below:

Inspection Fee (minimum one hour charge).....\$70.00 per hour

Land Use Review Fee for building permits is 10% of the building permit fee-minimum fee.....\$55.00

Plan Review fee for all other.....65% of fee

Parking Lot Permits.....\$190.00

Right of Way Use (e.g. sidewalks, utility work, landscaping, fences, etc.).....\$75.00

Sign Permits: Based upon the cost of the contract to perform the work, labor & materials, building permit fee, building plan check fee, land use review fee, fire/life safety as applicable and the state surcharge.

Additional Plan Reviews are Subject to Plan Review/Check Fees after 1<sup>st</sup> review each review shall be the greater of 50% of original fee or \$110.00

Solar Structural Installations that comply with the prescriptive path in OSISC 305.4 .....\$100.00

(includes review and one inspection) .....\$100.00

Temporary Certificate of Occupancy (Residential).....\$100.00

Temporary Certificate of Occupancy (Commercial) .....\$250.00

Temporary Use (Regulates placement of RV on site during construction per Resolution

No 83-17 and includes inspection fees, and sewer connection fee) .....\$301.80

FIRE:

Flammable or Combustible Liquid Storage installation, construction or removal from service:

Less than 130 gallons..... \$68.20

Greater than 130 gallons ..... 109.12

Exception: Storage of less than 25 gallons inside, less than 60 gallons outside; Fuel oil used in connection with oil burning equipment

Investigation fee.....	Equal to permit fee
Aerial ladder.....	150.00
Burn Permit.....	No charge
Rescue units .....	40.00
Suppression Costs (minimum one hour): Career firefighters: Actual cost	
Volunteer:.....	\$12.00/hr
If in excess of 40 hours: .....	\$18.00/hr
Varies by case	
Squad vehicles, personnel transportation.....	20.00
Support vehicles .....	15.00
Type 1 pumper.....	100.00
Water tender .....	70.00

#### PUBLIC RECORDS:

A. Compliance. The public records policy shall follow the Oregon Public Records Law as stated in Oregon Revised Statutes 192.410 - 192.505.

1. Specificity of Request. In order to facilitate the public's access to records in the City's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail as may be necessary to enable City personnel to readily locate the records sought.
2. Access. The City shall permit inspection and examination of its non-exempt public records during regular business hours in the City's offices. Copies of non-exempt public records maintained in machine readable or electronic form shall be furnished, if available, in the form requested. If not available in the form requested, such records shall be made available in the form in which they are maintained.
3. Certified Copies. Certified copies of non-exempt public records shall be furnished upon request and receipt of payment therefore.

B. Fees for Public Records. In order to recover its costs for responding to public records requests, the following fees shall be established:

1. Copies of Public Records; Certified Copies. Copies of public records shall be \$.25 per copy for standard, letter-size copies. Copies may be certified for an additional charge of \$10.00.
2. Copies of Sound Recordings. Copies of sound recordings of meetings shall be \$25.00 per copy.
3. Copies of Video Recordings. Copies of video recordings of meetings shall be \$25.00 per copy.
4. Copy of Police investigative Report. \$10.00 up to 10 pages. .25 cents per page thereafter.

5. Certified Copy of Police Report. \$5.00 per page.
  6. Copy of Audio Recording. Minimum charge of \$15.00 (to be billed at rate of \$25.00 per hour).
  7. Copy of Video Recording. Copies of video recordings related to police investigation shall be \$25.00 per copy.
  8. Copy of Photo CD. \$10.00 per disc.
  9. Card Room License Investigation - \$40.00 per applicant.
  10. Criminal History Record Check for Non-Profit/Charitable Organization and non-law enforcement governmental agencies - \$10.00 per applicant.
  11. Copies of Maps and Other Nonstandard Documents. Charges for copying maps or other non-standard size documents shall be charged in accordance with the actual costs incurred by the City.
  12. Research Fees. If a request for records requires City personnel to spend more than 15 minutes searching or reviewing records prior to their review or release for copying, the fee shall be the actual cost to the City, with a minimum charge for one-quarter hour. The City shall estimate the total amount of time required to respond to the records request, and the person making the request shall make payment for the estimated cost of the search and copying in advance. If the actual time and costs are less than estimated, the excess money shall be refunded to the person requesting the records. If the actual costs and time are in excess of the estimated time, the difference shall be paid by the person requesting the records at the time the records are produced.
  13. Additional Charges. If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing the records.
  14. Reduced Fee or Free Copies. Whenever it is determined that furnishing copies of the City's public records at a reduced fee or without cost, would be in the public interest because making the record available primarily benefits the general public, the City may so authorize (ORS 192.440(4)).
- C. Authorization Required for Removal of Original Records. At no time shall an original record of the City be removed from the City's files or the place at which the record is regularly maintained, except upon authorization of the City Council of the City of Coos Bay.
- D. On-Site Review of Original Records. If a request to review original records is made, the City shall permit such a review provided that search fees are paid in advance in accordance with paragraph B6 above. A representative shall be present at any time original records are reviewed, and the charges for standing by while the records are reviewed shall be the same as the charges for searching or reviewing records.
- E. Unauthorized Alteration, Removal or Destruction of Originals. If any person attempts to alter, remove or destroy any City record, the City representative shall immediately terminate such person's review, and notify the attorney for the City.

PARKING (Ordinance 114 / Codified Title 10, Chapter 10.15):

1 <sup>st</sup> Offense within 60 days .....	\$7.00
2 <sup>nd</sup> Offense within 60 days .....	15.00
3 <sup>rd</sup> Offense within 60 days .....	25.00
4 <sup>th</sup> and subsequent offenses within 60 days .....	50.00

Late penalty will be added to any fine remaining Unpaid after  
30 days from date of issue ..... 20.00

MISCELLANEOUS:

Animal Permit – initial application and annual renewal .....	\$50.00
Card Room Work Permit .....	\$25.00
Intrusion Alarm Permit – per permit.....	\$35.00

Interest shall be charged, pursuant to the rate allowed by ORS, on accounts greater than three months past due.

Lien search fee (per property) ..... \$45.00

Liquor License – initial application and annual renewal ..... \$25.00

NSF (Non-Sufficient Funds) Fee ..... \$25.00

Police Officer Training Reimbursement as allowed in 2009 Senate Bill 971 at actual cost.

Scout Cabin

Non-profit organizations or governmental agencies..... \$10.00

Private groups, individuals, or other organizations ..... \$50.00

Damage deposit..... \$100.00

NOW, THEREFORE, BE IT RESOLVED THAT, the Coos Bay City Council of the City of Coos Bay, Oregon, hereby amends the fee schedule for applications, permits and charges for utilizing City owned facilities and for services provided.

The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 19<sup>th</sup> day of February 2013.

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Crystal Shoji, Mayor

ATTEST: \_\_\_\_\_  
Susanne Baker, City Recorder

## **City of Coos Bay**

### **Resolution 13-02**

#### **A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON, REGULATING TRANSIENT BUSINESS ON SPECIFICALLY DESIGNATED CITY-OWNED PROPERTY AND PUBLIC RIGHT OF WAYS**

WHEREAS, the City of Coos Bay adopted Ordinance No \_\_\_\_ on February 19, 2013, which defined “transient business,” Coos Bay Municipal Code Chapter 5.05, as a business which shall be conducted on specifically designated city-owned property and public right of ways. The specifically designated city-owned property is as follows: Boardwalk, Pedway, Visitor Information Center and Hollering Place Wayside.

WHEREAS, authorization to conduct “transient business” on public right of ways or on the specifically designated city-owned property controlled by the City of Coos Bay, does not extend to city parking lots, or other public properties, nor does it extend to public property under the control of other public agencies such as the Oregon Department of Transportation (US Highway 101) or the Coos Bay School District or other agencies.

WHEREAS, transient business shall be conducted in accordance with the following conditions or specifications.

1. All local and state licenses must be obtained prior to operating a transient business. This includes a Business License, which must be renewed annually, and a Right of Way Use Approval which will remain valid as long as the business license does not expire.
2. When operating adjacent to, or on a sidewalk, a minimum unobstructed pedestrian passage area of 36 inches must be maintained at all times; avoid creating safety hazards for pedestrians and vehicles.
3. All transient businesses must be self-contained. The discharge of gray water or grease on site, or in a city storm drain, is prohibited. No electrical cords, ropes or other devices that may constitute a trip and fall hazard shall extend across any sidewalk or pedestrian-way.
4. Occasionally, the city issues permits for festivals and parades. Such permits shall supersede the use of the right of way for a transient business within the area subject to the event permit and within 200 feet of the area subject to the event permit unless separate approval has been granted by the event operator.
5. Business shall not be conducted in any area of the City which is predominantly residential. However, transient businesses, such as ice cream trucks, may make sales in residential districts as long as they are not in one location for more than 15 minutes.
6. A transient business shall not be within 10 feet of the entrance of a building where business is being conducted. A transient business shall not be conducted within 50 feet of the following: any restaurant, if selling food; a flower shop, if selling flowers, etc.
7. All areas around the business activity must be kept in a neat and orderly condition, free of debris and litter generated by business activities or patrons. The vendor

must provide a litter receptacle for use by their patrons at the site where business is taking place and all trash must be removed upon departing the site. All transient business carts must be removed when the vendor is no longer operating/selling their goods.

8. There shall be no sale or consumption of alcoholic beverages at any time on public property or right of way.
9. At all times during the conduct of business a motorized vendor vehicle must be legally parked; the motorized vendor vehicle shall not be parked on the sidewalk, the Boardwalk, or the Pedway, obstruct a pedestrian way or a driveway, or create any type of hazard. Sales from a motorized vendor must be from curbside.
10. In order to eliminate fire hazard, propane or combustible fuel of any type are not permitted on the Boardwalk.
11. One sandwich board type sign may be placed on the right of way adjacent to the transient business, subject to the 36-inch clearance indicated above.
12. Transient businesses, motorized or non-motorized, are not permitted to conduct business on US Highway 101.
13. Transient businesses shall not locate on the Boardwalk in such a manner as to block the view of the water for the pedestrians using the Boardwalk.
14. Provide the City of Coos Bay with the following certificates of insurance:
  - a. Automobile liability (if a motorized vehicle).
  - b. Comprehensive General Liability with limits of not less than \$1 million and listing the City of Coos Bay as an additional insured.
15. City staff is authorized to enforce the above conditions. Failure to comply with any of the above listed conditions when operating on property or rights of way controlled by the city of Coos Bay will result in the revocation of your business license and a fine of up to \$500.

WHEREAS, on February 19, 2013 the City Council approved the designated city-owned property and public right of ways for transient business and the above referenced conditions and specifications.

NOW, THEREFORE, BE IT RESOLVED, that this Resolution shall confirm the use, transient business, on specifically designated city-owned property and public right of ways pursuant to the conditions or specifications listed above.

The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 19<sup>th</sup> day of February 2013.

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Crystal Shoji, Mayor

ATTEST:

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Susanne Baker, Recorder