

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> April 15, 2014	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Shoji and City Councilors  
FROM: Rodger Craddock, City Manager  
ISSUE: Transient Vendor Resolution

**BACKGROUND:**

Per the direction of the City Council, staff has made the requested changes to the City's Transient Vendor Rules which was adopted through Resolution 13-02 by the Council on February 19, 2013. The proposed changes are as follows:

1. Staff added "approved areas in City parking lot E" to the list of eligible locations to conduct "transient business" (vender carts / truck) activities.
2. Staff added in the provision that a "transient business" could park near a competing business (within 50 feet of their location) if they received written permission from the competing business owner(s).

Attached you will find the following:

1. Resolution 14-06 which incorporates the proposed changes for your consideration and possible adoption.
2. Two maps providing different options for approved transient vendor usage.

In addition, the City Council has asked staff to review current business fee for Transient Vendors. This matter has been scheduled for the upcoming Council meeting on April 15, 2014.

**ADVANTAGES:**

Vendor carts can now park in additional lots within the City which have increased capacity for both the vendors and potential customers.

**DISADVANTAGES:**

Given the presence of the nearby Call Center which has plans to expand, the newly opened Seven Devils Brewery business, yet to be opened businesses in the Ford building, and the previous approval by the City Council to site a future bus transfer station in lot "E", there is concern the combined usages will exceed the capacity of the lot.

**BUDGET IMPLICATIONS:**

None

**RELATED CITY GOAL:**

To promote and assist in the revitalization of the Downtown and Empire URA Districts in an effort to provide development opportunities for businesses and industry.

**ACTION REQUESTED:**

Staff requests that the City Council adopt Resolution 14-06.

## **City of Coos Bay**

### **Resolution 14-06**

#### **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 451 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.

WHEREAS, on February 19, 2013 the City Council adopted Resolution 13-02 listing specific designated City-owned properties with public right of ways where “transient business” could be conducted along with and specific conditions and specifications for the conducting of such businesses.

WHEREAS, on March 18, 2014 the City Council directed staff to amend the list of specific designated City-owned properties where “transient business” could be conducted by adding a portion of parking lot “E” to the south and adjacent to the business known as Seven Devils Brewery and to allow a transient business to locate within 50’ of a competitive business with approval of the competitive business owner.

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 below.

1. Authorization to conduct “transient business” on City-owned property will be limited to the following specific designated locations:
  - 1.1. Boardwalk
  - 1.2. Pedway
  - 1.3. Visitor Information Center (gathering place on the south side of the VIC)
  - 1.4. Hollering Place Wayside
  - 1.5. Approved areas in City Parking Lot “E”
2. 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 not listed above 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.
3. Transient business shall be conducted in accordance with the following conditions or specifications.
4. 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.

5. 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.
6. 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.
7. 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 300 feet or a City block, whichever is greater, of the area subject to the event permit unless separate approval has been granted by the event operator.
8. 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.
9. 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. unless they obtain written permission from the property owner.
10. 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.
11. There shall be no sale or consumption of alcoholic beverages at any time on public property or right of way.
12. 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.
13. In order to eliminate fire hazard, propane or combustible fuel of any type are not permitted on the Boardwalk.
14. 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.
15. Transient businesses motorized or non-motorize, are not permitted to conduct business on US Highway 101.
16. 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.
17. Provide the City of Coos Bay with the following certificates of insurance:
  - 17.1. Automobile liability (if a motorized vehicle).

17.2. Comprehensive General Liability with limits of not less than \$1 million and listing the City of Coos Bay as an additional insured.

18. 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.

The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 15<sup>th</sup> day of April 2014.

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Crystal Shoji, Mayor

ATTEST:

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Susanne Baker, Recorder

## Legend



VENDOR AREA

24 PARKING SPACES  
IMPACTED

ART  
MUSEUM

PENNEY'S  
BLDG.

PUERTO  
VALLARTA

7 DEVILS  
BREWERY

S 2ND ST

LOT "E"

CURTIS AVE

FIDELITY  
TITLE CO.

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



## LOT "E" VENDOR AREA



Agenda Item #6  
1 inch = 60 feet



**Legend**



**VENDOR AREA**

**32 PARKING SPACES  
IMPACTED**

**PUERTO  
VALLARTA**

**7 DEVILS  
BREWERY**

**S 2ND ST**

**LOT "E"**

**CURTIS AVE**

**FIDELITY  
TITLE CO.**

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**LOT "E" VENDOR AREA**



**Agenda Item #6**  
1 inch = 50 feet