

**City of Portland
Office of Transportation**

**Sidewalk Vending Cart
Permit
Application Packet**



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Each year the City of Portland receives many inquiries about operating vending carts on public sidewalks. The following pages describe the requirements for applying for a permit and operating a vending cart on Portland's public sidewalks.

APPLICATION INSTRUCTIONS

Step One:

Under certain conditions, the City of Portland issues permits to sell goods or services from vending carts located on public sidewalks. To apply for a permit to operate a vending cart on public sidewalks, the following must be submitted to our office (City of Portland, Development Services Center/Transportation; 1900 SW 4th Ave; Portland, OR 97201):

- ❑ **Completed application form, Page 3.** (To ensure a permit has not already been applied for or issued for the same location you are applying, contact Street Systems Management at 503-823-7002, select option 5.)
- ❑ **Letter of consent from abutting property owner(s), Page 4.** (Obtain adjacent property owner approval for the permit operating area you are requesting. Use the "Letter of Consent" form provided in this packet.)
- ❑ **Site plan of proposed location, Page 5.**
- ❑ **Detailed isometric drawings and/or photos of proposed vending cart, Page 6.** (Submit drawings, together with samples of materials you plan to use in construction of your cart. You may also include photographs of the cart. These will be forwarded to the Bureau of Development Services for review and approval.
Note: Obtain cart design approval before constructing or purchasing your cart.
- ❑ **Application fee of *\$60.** (Make checks payable to the City of Portland.)

Step Two:

Upon completion of design review for your cart and site approval of your proposed vending cart location, the following items shall be submitted to our office to proceed with your application:

- ❑ **Certificate of insurance and additional endorsement form, Pages 8-9.**
- ❑ **Business license or business license exemption information.** (Contact the Bureau of Licenses at 503-823-5157 for further information.)
- ❑ **Copy of Nurseryman's license (if selling flowers or plants).** (Obtain your Nurseryman's License from the State of Oregon; Agriculture Department; 635 Capitol Street NE; Salem, OR 97310-0110; 503-986-4635.)
- ❑ **Copy of Health Inspection (if selling food items).** (Obtain necessary food handler permits and Health Certificates for your cart from the Multnomah County Health Department; 426 SW Stark St; 2nd floor; Portland, OR 97204; 503-988-3400.)
- ❑ **Copy of completed Fire Inspection.** (Food carts with cooking or heating equipment need to obtain a \$25 annual propane permit from the City of Portland Fire Marshal's Office at 1300 SE Gideon St; Portland, OR 97202; 503-823-3712. No external power, piping or plumbing is permitted. The cart must be entirely self contained.)

(If you choose, you may submit the above listed items at the same time as step one requirements.)

Step Three:

The third and final step prior to permit issuance is a site inspection of your vending cart fully set up and ready for business. Please call our office at 503-823-7002, option 5, to set up an appointment with the City Engineer or Designee for a final inspection. Upon completion of this final inspection, the permit fee of *\$75 is due payable to the City of Portland for your annual permit. Your permit will be issued to you and you are ready to open for business!

* Fees subject to change. Please contact our office for the most current fee information.

SIDEWALK VENDING PERMIT PARAMETERS

- City Code states that it is unlawful for any person to sell any goods or services on any public sidewalk within the City of Portland without first obtaining a permit from the City Engineer (Approved items are listed below).
- A separate vending cart application is required for each vending cart.
- Vending cart permits are personal and are not transferable in any manner. Permits expire at midnight, December 31st of the year issued. You are required to renew your permit by Dec 31st each year if you plan to operate your cart in the following year.
- The Bureau of Parks and Recreation (phone 503-823-2525) issues vending permits within City parks. If you get a public right-of-way permit directly across from a City park, the Bureau of Parks and Recreation may issue a permit for sale of a product that could be in direct competition with your product. The following are City parks within the Central Business District where the Bureau of Parks and Recreation issues permits:

Chapman/Lowensdale Squares—SW 4 th & Main	O'Bryant Square—SW Park & Washington
South Park Blocks—SW Salmon & Jefferson	Ira Keller Fountain (Forecourt)—SW 3 rd & Clay

There may be additional areas covered by this bureau. Please contact the Bureau of Parks and Recreation for specific location information.

- Vending on private property does not require a vending cart permit; however, permits from the County Health Office, Portland Fire Bureau, the Bureau of Licenses, and Nurseryman's License are required as appropriate.

APPROVED VENDING CART ITEMS & SERVICES

There are several pre-approved items for vending: these include food and beverages for immediate consumption, fresh cut flowers, inflated balloons, jewelry, maps, shoe shining, and umbrellas. Requests to have a different item or service considered for approval shall be submitted, in writing, to the City Engineer who shall determine whether the item or service conforms to the criteria listed below. When choosing which item or service you wish to sell, keep in mind that consideration for approval is based on the following criteria. All items or services to be sold shall:

- Be vended from a regulation size vending cart;
- Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;
- Involve a short transaction period to complete the sale or render the service;
- Not cause undue noise or offensive odors;
- Be easily carried by pedestrians.

If the item or service does not conform, it shall be listed as prohibited for sale by sidewalk vendors. The decision of the City Engineer may be appealed to City Council.



Jim Francesconi, Commissioner
 1120 SW 5th Avenue
 Portland, Oregon 97204
 (503) 823-7002
 FAX (503) 823-4554
 TDD 823-6868

Application for Sidewalk Vending Cart Permit

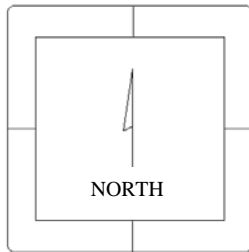
Name _____ Date _____

Address _____ Zip _____

Telephone _____ Business License Account No. _____

Type of Merchandise _____

Location:



Please fill in the appropriate street names and mark your permit operating area

I shall hold the City of Portland, its officers, agents and employees, and the adjacent property owner free and harmless from any claims for damages to persons or property including legal fees and costs of defending any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit.

SIGNATURE _____

For Office Use Only

- | | |
|---|--|
| <input type="checkbox"/> Letter of consent _____ | Length _____ Width _____ Height _____ |
| <input type="checkbox"/> Insurance Approval; Expires: _____ | Awning Height _____ Vendor: Inside <input type="checkbox"/> Outside <input type="checkbox"/> |
| <input type="checkbox"/> Business License # _____ | Cart Area _____ |
| <input type="checkbox"/> Application fee Receipt # _____ | Trash Receptacle _____ |
| <input type="checkbox"/> Design Review _____ | Total Area _____ |
| <input type="checkbox"/> Nurseryman's License _____ | Permit Fee Receipt # _____ |
| <input type="checkbox"/> Health Inspection _____ | |
| <input type="checkbox"/> Fire inspection _____ | |



Jim Francesconi, Commissioner
1120 SW 5th Avenue
Portland, Oregon 97204
(503) 823-7002
FAX (503) 823-4554
TDD 823-6868

Date: _____

Letter of Consent

To Whom It May Concern:

This letter hereby authorizes _____
(Owner of vending cart)

To place a Sidewalk Vending Cart adjacent to my property located at:

(Address of property)

This consent shall run concurrent with the permit. If at any time the permit expires or is revoked, this consent shall be void.

The owner and operator of the vending cart is required to comply with all applicable sections of City and County Code, as well as the State Code (for Nurseryman's permit). Failure to do so will cause the permit for said location to be revoked.

We understand this consent may be revoked in writing with the revocation to become final on December 31st of the same calendar year.

We understand that, pursuant to Section 17.26.080 of the City Code, no monetary compensation, either present or future is involved in the granting of this consent.

The vender agrees to hold harmless the property owner for any claims for damage to property or injury to persons, which may be occasioned by any activity in connection with the issuance of any Sidewalk Vending Permit.

OWNER
OF
PROPERTY

Name _____

(Please print)

Signed _____

(Owner or legal representative)

Address _____

Telephone _____

VENDER

Signed _____

(Owner of cart)

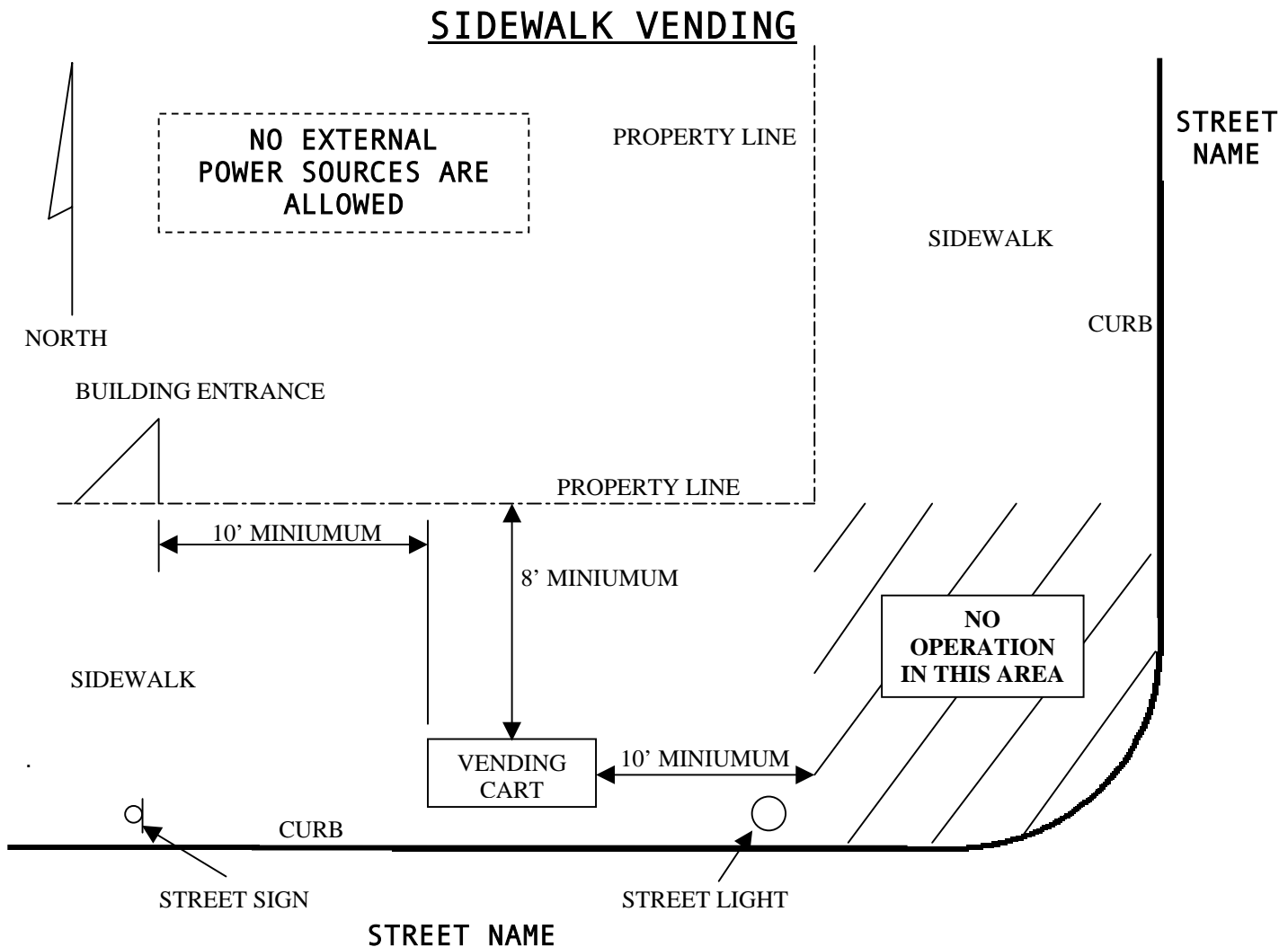
Address _____

Telephone _____

SITE REQUIREMENTS FOR VENDING CARTS

1. Vending carts are only allowed in commercial zones.
2. No food vendor application can be accepted for a permit operating area where a restaurant, fruit stand, or coffee shop, with direct access to the sidewalk, is within 100 feet on the same block face, except with the written consent of the proprietor of the restaurant, fruit stand, or coffee shop.
3. No flower vendor application can be accepted for a permit operating area where a flower shop, with direct access to the sidewalk, is within 100 feet on the same block face, except with the written consent of the proprietor of the flower shop.
4. A permit operating area is the sidewalk from the midpoint of one block face to the midpoint of an adjacent block face (see page 3). One person may not have permits for adjacent permit operating areas.
5. The immediate operating area can not exceed (24) twenty-four square feet of the sidewalk.
6. The site shall not be within (10) ten feet of the intersection of the sidewalk with any other sidewalk (as diagramed below).
7. The site shall not be within (8) eight feet of the adjacent property line (as diagramed below).
8. The site shall not be within (10) ten feet of the extension of any building entrance or doorway, to the curb line (as diagramed below).
9. The site shall not be within (10) ten feet of any parking space designated as "disabled", or access ramp.

EXAMPLE:



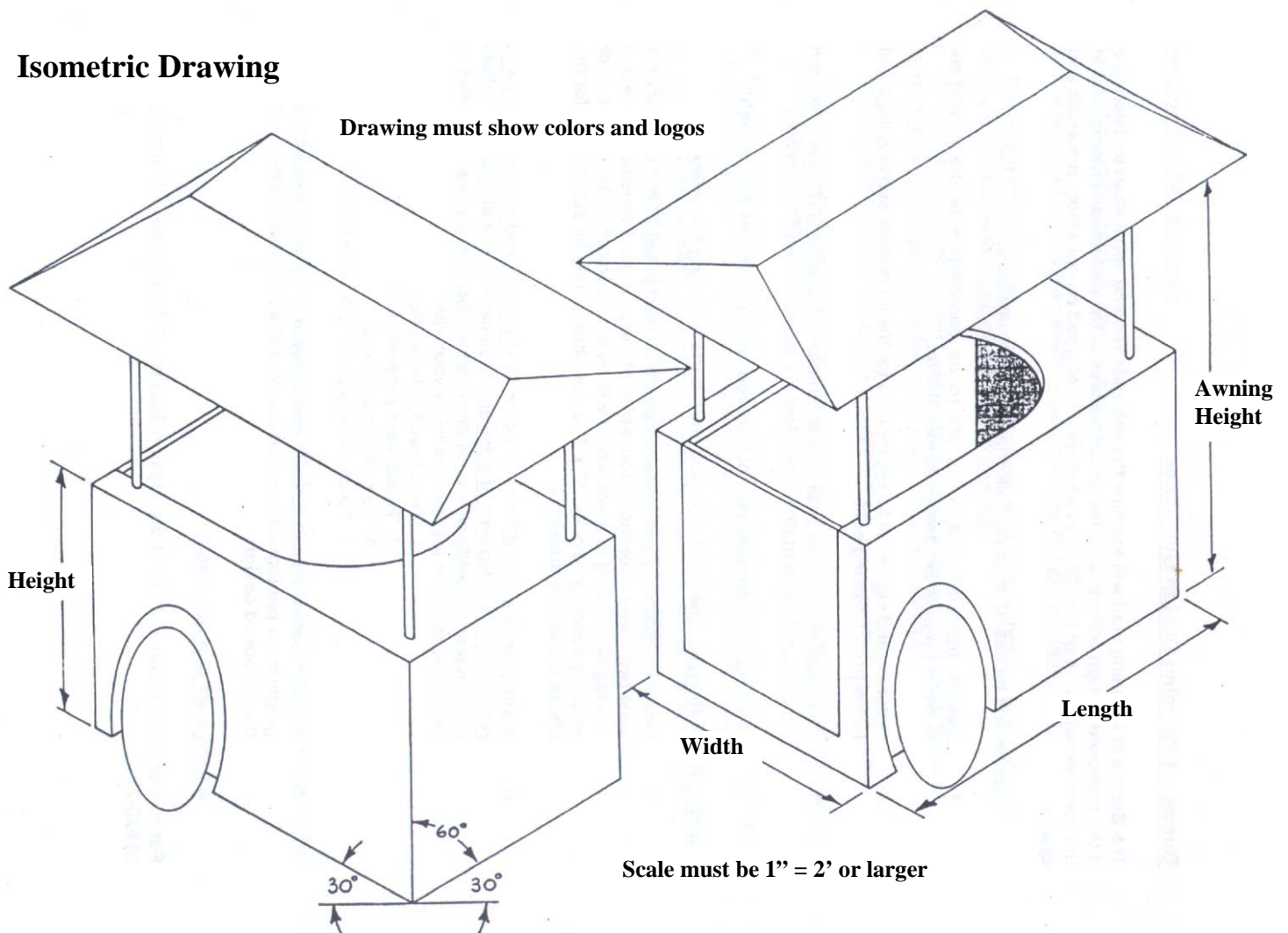
VENDING CART REQUIREMENTS

1. External power sources are not allowed.
2. The length of the mobile device or pushcart cannot exceed (6) six feet.
3. The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, cannot exceed (5) five feet.
4. Umbrellas or canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet six inches above the sidewalk.
5. Umbrellas or canopies may not exceed (40) forty square feet in area.
6. Design, materials and colors are to be considerate of the immediate surroundings of the proposed location.
7. Graphics and sign shall be appropriate for the immediate surroundings and to the product being sold and shall conspicuously post the price of all items sold.
8. The vending cart shall meet all requirements needed to obtain permits from Multnomah County Health Department and Portland Fire Bureau.

EXAMPLE:

Isometric Drawing

Drawing must show colors and logos



BUREAU OF DEVELOPMENT SERVICES GUIDELINES

The Bureau of Development Services staff will review the sidewalk vending application to determine if the proposed design will enhance the attractiveness of the pedestrian environment in the commercial zones of the City and whether it is of good composition, materials and colors.

Review will be based on the following design guidelines:

1. Design, materials, and colors are to be well crafted and considerate of the immediate surroundings of the proposed installation.
2. Graphics and sign shall be appropriate to the size of the cart and for the immediate surroundings. Typical sign area approved is up to (4) four square feet total, not including menu boards which are typically temporary and/or not permanently affixed to the cart.
3. Umbrellas or canopies shall have a minimum clearance of (7) seven feet and a maximum height of (9.5) nine feet six inches above the sidewalk.
4. Umbrellas or canopies may not exceed (40) forty square feet in area.
5. Wheels located under the cart are preferred (such as castors). Projecting wheels must have fenders.
6. Hitches attached to the cart must be removable and detached during operation hours.
7. Propane tanks must be attached to (or within) cart and the cart must allow for adequate ventilation and screening of the tank.

Submission for Review: The applicant shall submit the following for review:

1. One (1) isometric drawing (see example on page 6) 2"=1' in color of at least two views showing all four sides of the proposed vending device and any logos, printing or signs which will be incorporated in the design. (For existing vending devices, 5" x 7" color photos may be substituted for the above-described drawing.)
2. A site plan drawing (2"=1' or 1/4"=1') showing vending cart location in relation to fixed elements of sidewalk (see page 5). Site diagram to include street names, identify where vending cart will be located, identify fixed elements in sidewalk, include measurements of your site:
 - To sidewalk intersection
 - To adjacent property line
 - To building entrance
 - To disabled parking or access ramp
3. Any additional items (e.g., color and material samples, layouts of sign and graphics, or photographs) which are necessary in order to clearly visualize the proposed design.

All items (drawings, discs, and photos) are non-returnable.

For further information, call the Urban Design Section of the Bureau of Development Services at 503-823-7300.

CHECKLIST FOR CERTIFICATE OF INSURANCE

This checklist, along with pages 9 and 10 of this document provides you with detailed insurance requirements for City permits. Providing your insurance agent with these three pages should ensure a complete, accurate application.

Please verify that:

1. Agent's name and address are indicated;
2. Insured's name and address are indicated (insured must be the same entity as the permittee);
3. Policy number is indicated;
4. Policy period is current (effective/expiration dates);
5. Minimum coverage of \$500,000 for each occurrence is indicated;
6. Minimum 30 day notice of cancellation is indicated;
7. The City is listed as the certificate holder;
8. The certificate has been signed by the insurance agent;
9. The policy is written on an occurrence basis;
10. Additional insured: The permittee can name the City as an additional insured by attaching an endorsement to the certificate of insurance. This endorsement can be either the City's model form (page 8) or Insurance Services Organization (ISO) for CG 2012.

All Insurance documentation & questions should be directed to Sundee Hamrick

11. Mailing Address & Phone:

City of Portland
Street Systems Management
ATTN: Sundee Hamrick
1120 SW 5th Avenue, Room 825
Portland OR 97204-1971
(503) 823.7614
(503) 823.4554 Fax

**INSURANCE REQUIREMENTS FOR CITY OF PORTLAND
OFFICE OF TRANSPORTATION RIGHT-OF-WAY PERMITS**

PLEASE ALLOW 4 TO 6 BUSINESS DAYS FOR PROCESSING.

The City of Portland requires:

1. A Standard Certificate of Liability Insurance, with the City of Portland named as the Certificate Holder (see address below).
2. An additional insured endorsement naming the City of Portland as an additional insured. The following types of endorsements are acceptable:
 - A. the attached endorsement form (the City form), OR
 - B. a CG 20 12 11 85 (a standard insurance industry form for 'Additional Insured - State or Political Subdivisions - Permits')

Minimum Requirements for Liability Insurance

- \$ 50,000 - per claimant for property damage;
- \$200,000 - per claimant for all other claims arising out of a single accident or occurrence;
- \$500,000 - for any number of claims arising out of a single accident or occurrence; or
- \$500,000 - combined single limit (*or general aggregate*) policy.

Purpose of Permit

In the section of the certificate "DESCRIPTION OF OPERATIONS/LOCATIONS..." please indicate any specific information regarding the permit. For example is this for a street or lane closure, sidewalk cafe, sidewalk vending, etc.? If there is a specific address, please list, otherwise indicate 'all operations.' Also, please reference the additional insured endorsement in this section.

Cancellation Notification

Please note that the City of Portland requires thirty (30) days notice from the insurance company prior to terminating or canceling the policy.

Additional Insured Endorsement - Option A: the City form

Please give all required information on the top section of the form: Insured Person or Business, Name of Insurance Company, Policy Number, Effective Dates of the policy. Please make sure that it is signed by an authorized person at your insurance company (usually an underwriter) and dated.

Additional Insured Endorsement - Option B: the CG 20 12 11 85

Please fill in the Policy Number on the additional insured form. In the section "State or Political Subdivision" type "City of Portland." In addition, typing the name of the insured person or business is highly recommended (in case paperwork gets separated).

Regulations

The insurance certificate is intended to protect the public from any liability it may incur under the Oregon Tort Claims Act as a result of granting the requested permit. The insurance certificate and the endorsement must be approved by the City Attorney before we issue the permit.

ORS 30.270 sets the current liability limit under the Oregon Tort Claims Act. The City of Portland will require proof of insurance in amounts corresponding to the Tort Claims Act limits.

Official Mailing Address:

City of Portland
Street Systems Management
ATTN: Sundee Hamrick
1120 SW 5th Avenue, Room 825
Portland OR 97204-1971

If you have any further questions, please call Street Systems Management at (503) 823-7614.
Fax number (503) 823-4554.

This Form to be Attached to Permittee's Certificate of Insurance

INSURED: _____
AFFORDING CO: _____
POLICY NUMBER: _____
EFFECTIVE: _____

The policy shall bear also the following endorsement:

"Without prejudice to coverage otherwise existing herein, the City of Portland, its officers, agents, and employees are included as additional insureds under this policy as to any claim or claims for injury to person including death, or damage to property, resulting from or growing out of the operations of the permittee within the City of Portland, Oregon."

"It is understood and agreed that this policy shall not terminate or be canceled without first giving thirty (30) days written notice of intention to terminate or to cancel said policy to the Office of the City Engineer, 1120 SW 5th Avenue, Room 825, Portland, Oregon 97204-1971."

Notwithstanding the naming of additional insureds, the said policy shall protect each insured in the same manner as though a separate policy has been issued to each; but nothing herein shall operate to increase the insured's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insured would have been liable if only one person or interest had been named as insured. The coverage applies as to claims between insureds on the policy. This endorsement assures that the policy complies with the terms and conditions of the named insured's permit with the City of Portland."

Authorized Insurance Representative Signature

Dated: _

Name & Address of Certificate Holder:
City of Portland
City Engineer
1120 SW 5th Avenue, Room 825
Portland, OR 97204-1971

ONGOING RESPONSIBILITIES

Along with the requirements described in this packet, additional responsibilities of the vending cart operator include:

- Picking up any paper, cardboard, wood or plastic containers, wrappers, or any litter which is deposited by any person on the sidewalk or street within 25 feet of the place of conducting business (styrofoam products are prohibited for use in the City of Portland). You must provide a garbage container for such items.
- Not leaving the vending cart unattended on a sidewalk, nor allowing a vending cart to remain on the sidewalk between midnight and 6:00 a.m.

The City Engineer or Designee may revoke or suspend the vending cart permit or may deny the renewal of said permit if (s)he finds:

- The permittee has violated or failed to meet any of the provisions of chapter 17.26 of the Code of the City of Portland, Oregon;
- Any required permit has been suspended, revoked or canceled;
- The permittee does not have a currently effective insurance policy in the minimum amount required by 17.26.050(e).

SPECIAL EVENTS

If you would like to obtain a temporary permit to operate your vending cart during the Rose Festival parade or other major special events that the City Engineer designates, you may apply for a separate permit to operate your cart at the event by making a separate application. The application will apply only to that event. Listed below are a few key points to keep in mind when considering a special events permit. For an application or more specific information regarding this permit, please contact 503-823-7002, select option 5.

- You must possess a valid sidewalk vending permit;
- You must pay the permit fee of \$20.00;
- You must have the written consent of the property owners adjacent to the permit operating area;
- Application must be made at least five (5) working days prior to the event;
- Temporary fixed locations must be on side streets adjacent to the parade or event;
- Temporary locations are valid only for the date and hours specified on the permit;
- Other conditions of the Sidewalk Vending Cart code remain in effect.