



# CITY OF SNOHOMISH

*Founded 1859, Incorporated 1890*

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## **PLEASE REFER TO CHAPER 12.14 SMC FOR CURRENT REGULATIONS.**

**SMC 12.14.070 Regulations, Limitations, and Conditions.** Sidewalk use permits shall be subject to the following provisions:

### A. All sidewalk uses.

1. An unobstructed sidewalk area not less than six feet in width shall be maintained for public use. The sidewalk area reserved for the public's use shall be free of obstructions, except for those fixtures required for public safety, such as traffic signal standards, fire hydrants, street light standards, etc. In instances where such obstructions exist, the minimum width of unobstructed public sidewalk shall be 4.5 feet.
2. Use of the public sidewalk shall not obstruct required sight distances for motorists and pedestrians.
3. Use of the public sidewalk shall not obstruct required ingress-egress to nearby properties.
4. Use of the public sidewalk shall not obstruct access to public facilities such as traffic signals, fire hydrants, etc.
5. When the City determines that access to the public sidewalk is required for work relating to infrastructure or utilities, the permittee shall suspend use of the public sidewalk and vacate the area as directed by the City Planner or City Engineer. In the event of an emergency, the City may remove or move fixtures and furniture authorized by a sidewalk use permit. The City shall not be liable for any damage to any fixtures or furniture located upon a public sidewalk.
6. Fixtures, furniture, enclosures, etc. may not be hung from or fastened to City or utility improvements (sign posts, street light standards, etc.).
7. Use of the public sidewalk shall comply with all applicable local, state, and/or federal laws and regulations.
8. The permit applicant shall agree to defend, indemnify, and hold harmless the City of Snohomish as provided by SMC 12.14.090.
9. The City Planner may approve sidewalk use permits for signs for civic and community events authorized by special event permit. No other signs or advertising shall be permitted under this Chapter.
10. The City Planner may, at his/her discretion, require a bond or other surety to ensure the provisions of this Chapter are satisfied.
11. The City Planner may, at his/her discretion, attach other special conditions to a sidewalk use permit. Such conditions shall be necessary to satisfy the purpose of this Chapter and to protect the public's health, safety, and welfare.

### B. Sidewalk cafes.

1. The sale, service, and consumption of alcoholic beverages at sidewalk cafes is prohibited unless permitted by the Washington State Liquor Control Board and done in compliance with all applicable local, state and federal regulations and laws.
2. Additionally, alcohol service may be provided only by establishments offering food prepared onsite for onsite consumption.
3. The hours of operation for sidewalk cafes shall be limited to 7:00 a.m. to 10:00 p.m.

4. Commercial signs, banners, pennants, etc. for sidewalk cafes are prohibited unless otherwise authorized under SMC Chapter 14.245.

#### **12.14.080 Permit Review Process, Term, Revocation, and Appeal.**

- A. Permit review process. Sidewalk use permits shall be processed as a Type I Land Use Permit as provided by SMC Title 14.
- B. Term of permit. Unless specifically authorized by the City Planner, sidewalk use permits shall be valid for a period of one year from the date of permit issuance.
- C. Revocation.
  1. All permits approved under this chapter shall be temporary, shall vest no permanent right, and may be revoked at the sole discretion of the City upon the 30 days' written notice from the City Planner to the permit holder, or without notice in the event that after consultation with the City Engineer and the Chief of Police, the City Planner determines that a sidewalk use or activity has posed, or is likely to pose, a threat to the public's health, safety, or welfare.
  2. Permits shall also be revoked by the City Planner if:
    - a. The permittee fails to maintain insurance in accordance with SMC 12.14.090; or
    - b. After written notice from the City, the permittee fails to pay any required use or other applicable fees; or
    - c. The permittee fails to comply with the terms and/or conditions of the permit, and/or fails to comply with any provision of this Chapter.
  3. The decision to revoke a sidewalk use permit is conclusive.
- D. Appeals. An appeal the City Planner's determination regarding whether to issue a sidewalk use permit shall be made and processed in accordance with the provisions of SMC Chapter 14.75.

#### **12.14.090 Indemnity and Insurance.**

- A. Indemnity. Prior to issuance of a sidewalk use permit, the applicant shall execute and deliver to the City, upon a form supplied by the City Planner, a written agreement to defend, indemnify and hold harmless the City and its officers, elected officials, employees and agents from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons and/or entities by reason of or related to the sidewalk use for which the permit is sought.
- B. Insurance.
  1. Prior to the issuance of a permit, the applicant shall provide the City Planner with a certificate of public liability insurance, and where liquor is authorized to be served, liquor liability insurance. The permittee shall maintain said insurance coverage during the term of the sidewalk use permit.
  2. The public liability insurance shall be written on an occurrence basis, shall name the City as an additional insured, and shall contain a provision prohibiting cancellation of the policy except upon 30 days' prior written notice to the City.
  3. The public liability insurance shall have the following minimum insurance limits coverage: \$1,000,000 commercial general liability insurance per occurrence combined with single limits, and \$2,000,000 aggregate.