



# CITY OF SNOHOMISH

116 UNION AVENUE · SNOHOMISH, WASHINGTON 98290 · (360) 568-3115 · WWW.SNOHOMISHWA.GOV

## SIDEWALK USE PERMIT APPLICATION

For more information, refer to Snohomish Municipal Code (SMC) 12.14

<b>Date:</b>	<b>File #:</b>
<b>Site Address:</b>	
<b>Land Use Designation:</b>	<b>Property Tax #:</b>

### APPLICANT/CONTACT

### ADJACENT PROPERTY OWNER

<b>Name:</b>
<b>Address:</b>
<b>City/State/Zip:</b>
<b>Phone:</b>
<b>Cell Phone:</b>
<b>Alternate Phone:</b>
<b>E-mail:</b>

<b>Name:</b>
<b>Address:</b>
<b>City/State/Zip:</b>
<b>Phone:</b>
<b>Cell Phone:</b>
<b>Alternate Phone:</b>
<b>E-mail:</b>

### TYPE OF USE

<input type="checkbox"/> Sidewalk Display (merchandise, etc.)	<input type="checkbox"/> Sidewalk Café	<input type="checkbox"/> Non-commercial installation (e.g., planter, bench)
<b>Dimensions of sidewalk use area (partitioned area, if applicable):</b>		
<b>Total square footage of sidewalk use area (partitioned area, if applicable):</b>		

### FEES

<input type="checkbox"/> Non-commercial use	\$ 0	<b>Date of Receipt:</b>	<b>Receipt #:</b>
<input type="checkbox"/> Commercial use application fee	\$ 20.00		
<input type="checkbox"/> Sidewalk Café fee (\$2.00/square foot.)	\$		

### QUESTIONS

<b>Provide a detailed description of your sidewalk use:</b>
<b>Hours of sidewalk use:</b>

### FOR SIDEWALK CAFÉS ONLY

<b>Will alcohol be served on the sidewalk?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>Will there be outdoor music?</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO
<b>If yes, please explain:</b>	
<b>Is additional signage proposed? If yes, a sign permit will be required. All signage must comply with Ch. 14.245 SMC.</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO

Is additional exterior lighting proposed?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, please explain:	
Please describe proposed security measures.	
Please describe any proposed physical modifications to the building or sidewalk.	
Please describe and provide illustrations of all furniture, fixtures, barriers, and other obstructions proposed for use on the sidewalk. Illustrations may be photos, cut-sheets, or similarly detailed representations.	
Please Identify any furniture, fixtures, or obstructions that will remain on the sidewalk during non-business hours.	
Please describe how sidewalk will be used during community events (if different from non-event times).	
How will the sidewalk area be maintained and kept clean?	

I hereby attest and acknowledge that I have read the attached conditions / requirements of this permit and agree to comply with same.

Signature of **Applicant**

Printed Name

Date

Signature of **Adjacent Business Owner**

Printed Name

Date

Signature of **Adjacent Property Owner**

Printed Name

Date

**Please confirm your application includes the following:**

- Dimensioned diagram of proposed sidewalk use area showing the following:
  - Specific location of proposal with reference to the abutting building(s).
  - Location(s) of ingress/egress to the sidewalk use and to the adjacent properties.
  - Proposed location of fixtures, furniture, and other obstructions.
  - Nearby on-street parking areas and crosswalks.
  - Existing objects/obstructions such as street lights, traffic signs and signals, fire hydrants, solid waste receptacles, postal boxes, etc.
  - Sidewalk area proposed for unobstructed use by the general public (4.5-foot minimum access).
- Details of proposed physical barrier(s) and other proposed furniture or installations that identify materials, style, and dimensions sufficient to allow a determination of conformance to applicable design standards.
- Certificate of public liability insurance, naming the City as an additional insured, containing a provision prohibiting cancellation of the policy except upon 30 days' prior written notice to the City, with a minimum coverage of \$1,000,000 commercial general liability insurance per occurrence combined with single limits, and \$2,000,000 aggregate.
- Signed and Notarized Hold Harmless Agreement.

Intake: \_\_\_\_\_

Date: \_\_\_\_\_



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**PLEASE REFER TO CHAPTER 12.14 SMC FOR CURRENT REGULATIONS.**

**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. Unless specifically authorized by the City, fixtures, furniture, enclosures, etc. may not be hung from or fastened to City or utility improvements (sign posts, street light standards, etc.). (Ord. 2198, 2011)
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 permittee shall maintain insurance coverage required by this chapter for the duration of the use of the public sidewalk. (Ord. 2198, 2011)
10. 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.
11. The City Planner may, at his/her discretion, require a bond or other surety to ensure the provisions of this chapter are satisfied.
12. 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 Chapter 14.245 SMC.

**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 Title 14 SMC.
- 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 of the City Planner's determination regarding whether to issue a sidewalk use permit shall be made and processed in accordance with the provisions of Chapter 14.75 SMC.

**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 entire term of the sidewalk use permit, any extensions or renewals thereof, and during any period of holdover where the permittee is using a public sidewalk but does not have a valid 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 not less than 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.