PBOT

PORTLAND BUREAU OF TRANSPORTATION

SIDEWALK VENDING CART

Application Packet

Mail	**City of Portland** **Bureau of Transportation** **Sidewalk Vending** **1120 SW Fifth Avenue Suite 1331** **Portland OR 97204**
Phone	**503-823-4026**
Email	**sidewalkvending@portlandoregon.gov**

The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints, and additional information, contact the Title II and Title VI Coordinator 1120 SW 5th Avenue, Portland, OR 97204, or by telephone 503-823-5185, City TTY 503-823-6868, or use Oregon Relay Service: 711

1/22/2016

SIDEWALK VENDING CART REQUIREMENTS

WHAT IS A SIDEWALK VENDING CART?

City Code defines operating a sidewalk vending cart as selling any approved goods or services from an approved vending cart located within a fixed sidewalk area. Operating a sidewalk vending cart requires a permit from the City of Portland and it is unlawful to sell any goods or services on any public sidewalk within the City without a permit. Each individual sidewalk vending cart requires a separate permit. The permit fee is $150 per calendar year.

Vending cart permits are personal and are not transferable in any manner. Permits are issued by calendar year and 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.

Sidewalk vending carts are covered in Section 17.26 of the City Code. Please check the City's web site for further information at www.portland.gov

VENDING IN OTHER LOCATIONS

The Bureau of Parks and Recreation (503-823-2525) issues vending permits for operating within City parks. If you seek a sidewalk vending permit for a location near 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.

Vending on private property does not require a vending cart permit from the Office of Transportation. However, permits from the County Health Office, Portland Fire Bureau, the Bureau of Licenses, the Bureau of Development Services and/or a Nurseryman's License may be required as appropriate. Please contact the appropriate authority for specific requirements.

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.

CONTINUING RESPONSIBILITIES

While operating your sidewalk vending cart your responsibilities as the sidewalk vending cart operator include:

- Providing a trash and/or recycling container for refuse.
- Picking up any litter that is deposited by any person on the sidewalk or street within 25 feet of the place of conducting
- 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.

SPECIAL EVENTS

If you already have a current sidewalk vending permit you may apply for a permit to operate your sidewalk vending cart during the Rose Festival parade or other major special event, as designated by the City Engineer. For an application or more specific information regarding a special event permit, please contact us at 503-823-7002 and select option 5.

Listed below are a few key points to keep in mind when considering a special event permit.

- You must pay the permit fee of $150.00
- You must have the written consent of the property owners adjacent to the operating area
- Application must be made at least five (5) working days prior to the event
- The operating area 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
- All conditions of section 17.26 of the City Code remain in effect

REVOCATION OF PERMIT

The City Engineer or Designee may revoke or suspend the vending cart permit or may deny the renewal of said permit if they find:

- The permittee has violated or failed to meet any of the provisions of chapter 17.26 of the Code of the City of Portland
- Any required permit has been suspended, revoked or canceled
- The permittee does not have currently effective insurance that meets permit requirements

SIDEWALK VENDING CART PERMIT APPLICATION INSTRUCTIONS

1. Submit the following:

- **Completed application** form (page 4). 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 and select option 5.
- **Letter of consent** from abutting property owner(s) providing approval to operate your sidewalk vending cart within the permit operating area you are requesting. Use the "Letter of Consent" form provided in this packet (page 5).
- **Site plan** of proposed location (page 6).
- **Detailed isometric drawings** (example page 8) and/or photos of proposed vending cart. Samples of materials you plan to use in construction of your cart may also be submitted. These will be forwarded to the Bureau of Development Services for design review. *Important: Obtain cart design approval before constructing or purchasing your cart.*
- **Application fee**. $150.

2. Submit the following upon completion of design review and site approval:

- **Certificate of insurance and additional insured endorsement form** (page 9 & 10). Please note that an annual insurance review fee of $54 will be charged.
- **Business license or business license exemption information.** Contact the Bureau of Licenses at 503-823-5157 for further information.
- **Nurseryman's license** (if selling flowers or plants). Obtain your Nurseryman's License from the State of Oregon, Agriculture Department at 503-986-4635.
- **Copy of Health Inspection** (if selling food items). Obtain necessary food handler permits and health inspection certificates for your cart from the Multnomah County Health Department at 503-988-3400.
- **Fire Inspection** documentation. Food carts with cooking or heating equipment, need to obtain an annual propane permit from the City of Portland Fire Marshal's Office 503-823-3712.

3. Arrange for a site inspection:

Call 503-823-7002 and select option 5 to set an appointment for an inspection of your vending cart fully set up and ready for business. Upon completion of, and approval during, this final inspection, the permit fee of $150 and insurance review fee of $54 are due payable to the City of Portland for your annual permit. Your permit will be issued to you at the end of the final inspection and you are ready to open for business!

SUBMISSION:

City of Portland
Sidewalk Vending Carts
1120 SW 5th Ave Suite 1331
Portland, OR 97204

CONTACT US

If you have any questions or need further information, please phone **503-823-7002** and select **option 5.**

APPLICATION FOR SIDEWALK VENDING CART PERMIT

Application is hereby made for a revocable permit to operate a SIDEWALK VENDING CART in accordance with Chapter 17.26 of the Code of the City of Portland.

Cart Owner Name:_____

Owner Address:_____

City:_____ State:_____ ZIP:_____

Contact Phone #:_____

Business Name:_____

Business License #:_____ Expiration Date:_____

Goods / Services Sold:_____

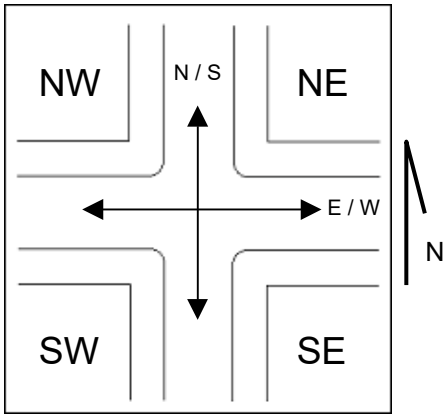
Location:

Name of north / south street of the intersection:_____

Name of east / west street of the intersection:_____

Circle (one) the quadrant of the intersection where you plan to vend:

NW NE SW SE



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.

Applicant Name (Print) _____

Applicant Signature_____ Date_____

THIS AREA IS FOR CITY STAFF USE – DO NOT COMPLETE

- ☐ Letter of consent _____
- ☐ Insurance Approval; Expires_____
- ☐ Business License # _____
- ☐ Application fee Receipt #_____
- ☐ Design Review _____
- ☐ Nurseryman's License _____
- ☐ Health Inspection _____

THIS AREA IS FOR CITY STAFF USE – DO NOT COMPLETE

- ☐ Fire inspection _____
- ☐ Length_____ Width_____ Height_____
- ☐ Awning Height_____ Inside ☐ Outside ☐
- ☐ Cart Area _____
- ☐ Trash Receptacle _____
- ☐ Total Area _____
- ☐ Permit Fee Receipt # _____

Sidewalk Vending Cart Permit
Letter of Consent

Date_____

To Whom It May Concern:

This letter hereby authorizes _____
Owner of Vending Cart Name

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

_____

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.

_____
Name – Property Owner

_____
Signature – Property Owner

_____
Contact Address – Property Owner

_____
Contact Telephone – Property Owner

_____
Signature – Owner of Vending Cart

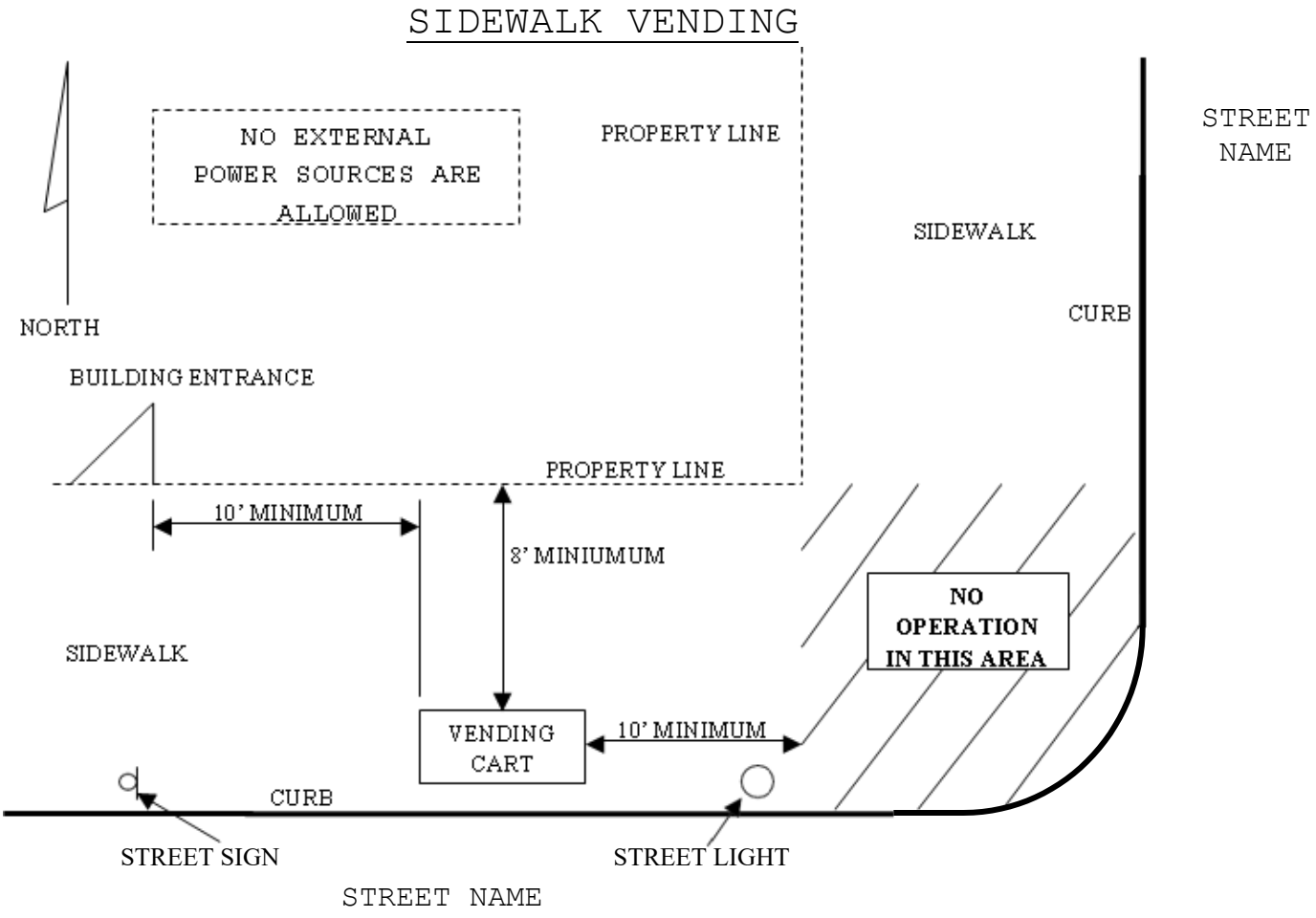
_____
Address – Owner of Vending Cart

_____
Telephone – Owner of Vending Cart

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 cannot 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 SITE PLAN



DESIGN REQUIREMENTS FOR VENDING CARTS

DESIGN REVIEW GUIDELINES

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 casters). 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:

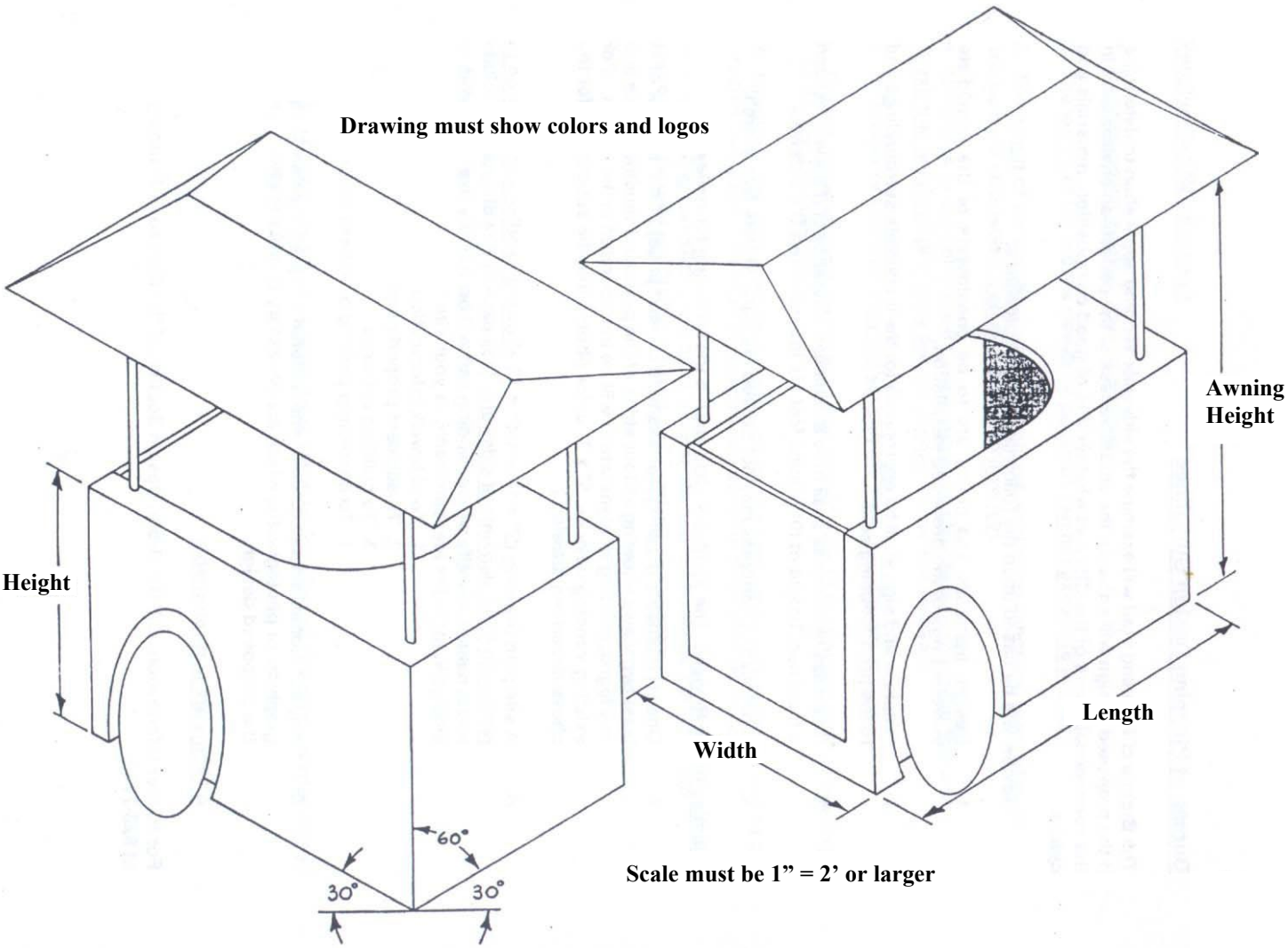
1. One (1) isometric drawing (example page 8) 2”=1’ in color of at least two views showing all four sides of the proposed vending device and any logos, printing or signs which will be incorporated in the design. (For existing vending devices, 5” x 7” color photos may be substituted for the above-described drawing.)
2. A site plan drawing (2”=1’ or ¼ “= 1’) showing vending cart location in relation to fixed elements of sidewalk (example page 6). 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.

DESIGN REQUIREMENTS

1. No external power, piping or plumbing is allowed. The cart must be entirely self contained.
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



The DOs

Examples of well-designed sidewalk vending carts.

umbrella

high-quality wood materials

spoke wheels

canopy

well-crafted, creative design

caster wheels

umbrella

fenders

spoke wheels that sit tightly up against cart

playful graphics

caster wheels

canopy

propane tank contained within cart

high-quality construction

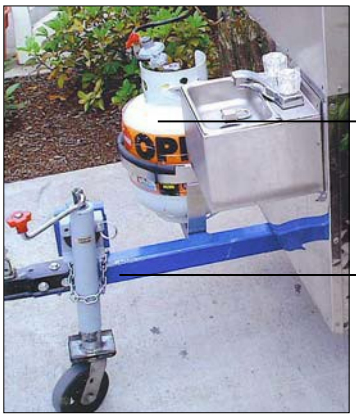
spoke wheels

spacious cart holds all equipment

caster wheels

The DON'Ts

Examples of design features that are discouraged.



Propane tank not enclosed

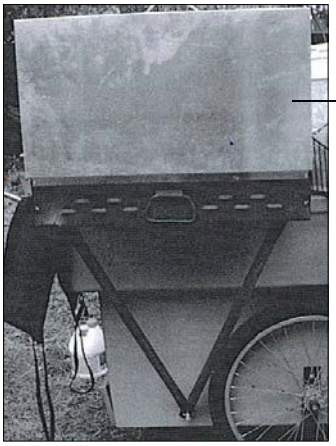
hitch has not been removed

poorly crafted design and low-quality materials

vehicle-type wheels

vehicle-type wheels

tail light has not been removed



grill is separately attached and not contained within cart

accessory equipment on sidewalk

wash buckets not securely attached to outside of cart

accessory equipment on separate shelving unit outside cart

propane tank on sidewalk

PBOT
PORTLAND BUREAU OF TRANSPORTATION
1120 SW Fifth Ave, Suite 1331, Portland OR 97204
Main: 503-823-5185 TTY: 503-823-6868 Fax: 503-823-7576
Portland.gov/Transportation

Insurance requirements for public right-of-way permits

Insurance requirements for right-of-way permits: The City of Portland requires a certificate of liability insurance **and** an additional insured endorsement to be on file with the City prior to issuance of right-of-way permits. The certificate and endorsement must be submitted in a format acceptable to the City Attorney with the adequacy to be determined by the Director of the Bureau of Transportation or their designee. Please allow 3-4 business days for processing**. Documents that contain missing or incorrect information will require a longer processing period.**

- **Certificate of Liability Insurance:** The insurance certificate is intended to protect the city from any liability it may incur as a result of granting the requested permit. The certificate shall contain the following:
  - City of Portland as the **Certificate Holder** as follows:

    City of Portland
    Portland Bureau of Transportation
    Attn: Insurance & Bonds
    1120 SW 5th Ave, Suite 1331
    Portland OR 97204
  - Minimum Coverage Requirements: **Per Occurrence** coverage not less than $1,000,000 (one million dollars) per occurrence. **General Aggregate** coverage not less than $2,000,000 (two million dollars).
  - Notification of Cancellation: The City of Portland requires 30 (thirty) days written notice from the insurance company prior to cancellation of the policy.
  - **In the "DESCRIPTION OF OPERATIONS..." section of the certificate:** List the type of permit requested (Street/Lane/Sidewalk Closure (TSUP), Street Opening, Sewer Connection, Banner, Outdoor Dining, Community Event, Block Party, etc.). **Please do not list each permitted location/date if applying for more than one permit. Doing so means a new certificate would need to be provided for each permit.**

- **Additional insured endorsement:** The City of Portland accepts endorsements referring to permits and state or political subdivisions including CG 20 12, BP 04 52 **or equivalent.** All fields on endorsements must be filled out. All pages of an endorsement must be submitted for review.
  - **Policy Number:** If the form has a designated space for the policy number, the policy number must be listed OR a schedule of forms and endorsements must be provided. If there is no space for the policy number on the endorsement, then the endorsement must be listed in the description section of the certificate OR a schedule of forms and endorsements must be provided.
  - **Schedules:** "The City of Portland and its officers, directors, employees, and agents" should be listed in any schedules provided. Alternately, the schedule may read, "Any state or governmental agency or subdivision or political subdivision that issues permits or authorizations to the insured".
  - **Please note**: We do not accept endorsements limiting coverage to work the insured performs for the additional insured. The insured is not performing work FOR the City. They are requesting a permit FROM the City to utilize the public right-of-way. Premise-based endorsements are also not accepted. We issue permits for the public right-of-way, not for premises.

Questions and Submissions: Phone: 503-823-7142 - Email: insurance@portlandoregon.gov
Website: https://www.portland.gov/transportation/permitting/row-insurance

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POLICY NUMBER: **Policy number must be listed or a schedule of forms and endorsements must be provided.**

COMMERCIAL GENERAL LIABILITY
CG 20 12 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – STATE OR GOVERNMENTAL AGENCY OR SUBDIVISION OR POLITICAL SUBDIVISION – PERMITS OR AUTHORIZATIONS

EXAMPLE

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

State Or Governmental Agency Or Subdivision Or Political Subdivision:
The City of Portland and its officers, directors, employees, and agents Alternately, the schedule may read, “Any state or governmental agency or subdivision or political subdivision that issues permits or authorizations to the insured”. If nothing is listed in the schedule, then a Declarations page adding the The City of Portland and its officers, directors, employees, and agents to the endorsement must be provided.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured any state or governmental agency or subdivision or political subdivision shown in the Schedule, subject to the following provisions:

1. This insurance applies only with respect to operations performed by you or on your behalf for which the state or governmental agency or subdivision or political subdivision has issued a permit or authorization.

However:

a. The insurance afforded to such additional insured only applies to the extent permitted by law; and

b. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

2. This insurance does not apply to:

a. "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the federal government, state or municipality; or

b. "Bodily injury" or "property damage" included within the "products-completed operations hazard".

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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POLICY NUMBER: Policy number must be listed or a schedule of forms and endorsements must be provided.

BUSINESSOWNERS
BP 04 52 07 02

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - STATE OR POLITICAL SUBDIVISIONS - PERMITS

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

SCHEDULE*

State Or Political Subdivision:

The City of Portland and its officers, directors, employees, and agents

Alternately, the schedule may read, "Any state or governmental agency or subdivision or political subdivision that issues permits or authorizations to the insured".

If nothing is listed in the schedule, then a Declarations page adding the The City of Portland and its officers, directors, employees, and agents to the endorsement must be provided.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

The following is added to Paragraph **C. Who Is An Insured** in **Section II - Liability:**

4. Any state or political subdivision shown in the Schedule is also an insured, subject to the following provisions:

a. This insurance applies only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

b. This insurance does not apply to:

(1) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(2) "Bodily injury" or "property damage" included within the "products-completed operations hazard".

EXAMPLE

 © ISO Properties, Inc., 2001 □

POLICY NUMBER: Policy number must be listed or a schedule of forms and endorsements must be provided.

COMMERCIAL GENERAL LIABILITY
CG 20 26 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):
City of Portland and its officers, directors, employees, and agents Alternately, the schedule may read, “Any state or governmental agency or subdivision or political subdivision that issues permits or authorizations to the insured”. If nothing is listed in the schedule, then a Declarations page adding the The City of Portland and its officers, directors, employees, and agents to the endorsement must be provided.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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