

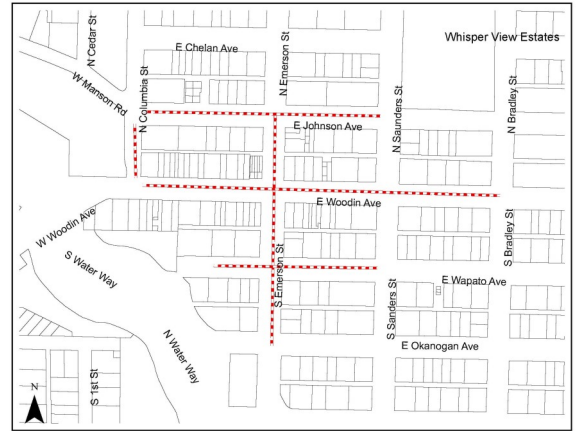


# What is a Sidewalk Business License?

The City of Chelan recognizes the unique character of its downtown area. The “Sidewalk Business License” is intended to provide for safe, efficient and convenient pedestrian and vehicle travel upon the streets and sidewalks of the city; and, to protect the beauty and aesthetic appeal of the city by controlling visual and physical clutter within the Downtown Mixed Use zoning district.

## What do I need to operate under a Sidewalk Business License?

- ⇒ Application for the Sidewalk Business License must be made with the Community Development Department.
- ⇒ The business must have a current City Business License.
- ⇒ The adjoining sidewalk to the business must be at least ten feet in width. The sidewalk business shall not extend more than five feet from the face of the building.
- ⇒ Pedestrian Entrances to all buildings shall be not less than five feet in width & kept clear at all times.
- ⇒ Proof of insurance in aggregate amount of not less than \$1,000,000 per incident with a \$2,000,000 aggregate, naming the **City of Chelan as Additional Insured**.



## Why do I need separate insurance?

Private use of the public sidewalk requires that the City of Chelan be insured against damages or accidents, which the business is liable. Endorsement of your Business Liability Insurance, naming the City as insured is therefore also required.

## Who do I call if I have questions?

Contact the Office of Community Development for further information at: (509) 682-8017

## What areas allow the use of a Sidewalk Business License?

Sidewalks between a building used for commercial purposes within the Downtown Mixed Use zoning district and the street. **The sidewalk must have a minimum of ten feet. Sidewalk businesses shall be limited to five feet from the building.**

## How do I apply for a Sidewalk Business License?

Fill out and sign an application, provide a copy of your certificate of insurance along with an endorsement of your business liability insurance naming the City as insured and provide an electronic sets of drawings to 1/4” scale depicting the proposed sidewalk business activity including measurements that show the minimum pedestrian right-of-way and pedestrian entrances. Please email to [llwilliams@cityofchelan.us](mailto:llwilliams@cityofchelan.us). It may take up to a week for the City to issue the License, so plan ahead!

## What is the cost of a Sidewalk Business License?

There is no fee associated with a Sidewalk Business License for retail. ***Sidewalk Cafés have an annual fee of \$150.***

## How long is the Sidewalk Business License good for?

The sidewalk business license shall have a term equal to the term of the business license of the operator of the abutting business. Sidewalk cafes expire at the end of every year are only permitted to operate as long as the adjoining business has a valid business license.

## What is the Minimum Pedestrian Right-of- Way?

The pedestrian right-of-way is an unobstructed area of the commercial sidewalk which shall be not less than forty-four inches in width for pedestrians and runs the entire width of the building.

## Are there any other restrictions of a Sidewalk Business License?

- ⇒ Only activities in like & kind conducted within the business building may be permitted on the sidewalk such as sale of merchandise, food and beverages. CMC 12.14.50
- ⇒ A Sidewalk Business is allowed to use the sidewalk a half hour before and after the business opens and closes. All items need to be removed from the sidewalk within a half hour after the business closes.
- ⇒ Alcoholic beverages are not allowed except as permitted by the Washington State Liquor Control Board. CMC 12.14.040 (D)
- ⇒ Sidewalks shall be kept clean, neat and in a safe manner at all times.
- ⇒ Landscaped areas and areas containing trees and/or shrubs, street furniture, public signage or planter boxes shall not be disturbed or used in connection with the sidewalk business.
- ⇒ No electrical cords or wiring shall be permitted that interfere with pedestrian traffic.
- ⇒ No temporary structures shall be permitted.



# Sidewalk Business License Application

Community Development Department ·  
PO Box 1669 · Chelan, WA 98816 ·  
135 E Johnson Ave  
(509) 682-8017 · (509) 682-8050 Fax

Sidewalk Business License No.

Expiration Date

## Application

Business Name		Contact Person/Title
Business Address	Mailing Address	Email Address
Business Phone	Office Phone	Evening Phone
Chelan Business License Number	Business License Expiration	Insurance Expiration Date

**Type of Business:** ☐ **Food and Beverage** ☐ **Retail** ☐ **Services** ☐ **Non-Profit**  
*Will alcohol be served?* ☐ **Yes** ☐ **No**

### Submittal Requirements:

1. A complete description of the proposed sidewalk business activity, and for sidewalk use whether or not alcohol will be sold or served and hours of operation;  
Electronic set of drawings to scale depicting at a minimum: the area for proposed sidewalk business activity, minimum pedestrian right-of-way, pedestrian entrances, litter control devices, outside lighting locations, barrier design and attachment and signage posted, if required by WAC Title 314-02-025. *I request that the City of Chelan use the previous year's sidewalk site plan. There have been no changes.*
2. The agreement by the abutting business to indemnify and hold the city free and harmless from all liability arising in relation to the conduct of the sidewalk business activity together with proof of such public liability and property damage insurance in an aggregate amount of not less than one million dollars (\$1,000,000) per incident, naming the City of Chelan as a co-insured.
4. Approval document by the Liquor Control Board for changes to a licensed premises.
5. Affidavit with owner approval allowing barrier attachment to adjacent structure, if applicable.

I have read and understand the provisions contained on the reverse side hereof, including the applicable provisions of the Chelan Municipal Code, and I agree to be bound by and to comply therewith. I agree to renew my insurance and endorsement upon expiration if I desire to continue using a Sidewalk Business License at that time. I also agree to indemnify and hold the city free and harmless from all liability arising in relation to the conduct of the Sidewalk Business activity.

Applicant Signature

Date

## Community Development Approval

- ⇒ The above name applicant is hereby granted a "Sidewalk Business License" to engage in the business described above for a term ending on the date that the business license for such business expires. This Sidewalk Business License must be attached to the licensee's business license and publicly displayed at all times.
- ⇒ This sidewalk business license is subject to all applicable section of the Chelan Municipal Code, and all of the conditions set forth on the reverse side hereof. Violation of the CMC and/or any of such conditions may result in suspension or revocation of the

Approved by Community Development Department/Title

Date

## Grant of Permission

This approved sidewalk business license is a grant of permission to the holder of a business license to conduct business activities in the public right of way. This right of the public to use the right of way for vehicle and pedestrian traffic and travel is paramount, and permission to engage in business in the public right of way is subordinate thereto. Therefore, this sidewalk business license is granted as a special privilege and subject to suspension or revocation. Violation of any of the terms and conditions on the reverse side of this form may result in suspension or revocation of the sidewalk business license.

# Sidewalk Business License Conditions

**This Sidewalk Business license is granted subject to the following terms and conditions:**

2. All sidewalk business activities shall comply with the requirements of the sidewalk business license and shall comply with other provisions of the Chelan Municipal Code including, without limitation, Chapters [8.26](#) (Nuisances), [9.28](#) (Public Morals) and [17.58](#) (Sign Code).
3. Except as permitted by the Washington State Liquor Control Board, sidewalk business activities shall not include the service or consumption of alcoholic beverages.
4. Licensees shall comply with all relevant regulations of the Chelan-Douglas Health District; shall keep and maintain the sidewalk area covered by such sidewalk business license in a clean, neat and safe manner at all times; and shall provide such receptacles for the placement of trash or refuse as are necessary to comply with this chapter.
5. The minimum pedestrian right-of-way and pedestrian entrances shall be maintained at all times to permit free **access** across the commercial sidewalk and to the abutting business consistent with the sidewalk business license and codes relating to buildings, fire and barrier-free **access** and WSDOT standards to meet safe pedestrian passage.
6. Landscaped areas and areas containing trees and/or shrubs, street furniture, public signage or planter boxes shall not be disturbed or used in connection with sidewalk business activities and shall not be included within the minimum pedestrian right-of-way.
7. No electrical cords or wiring shall be permitted that interfere with pedestrian traffic, and any permitted electrical wiring shall comply with the provisions of the electrical code that apply to the city.
8. In the event of the cancellation or termination of required insurance coverage, such sidewalk business license shall be suspended until insurance is reestablished.
9. All sidewalk business licenses shall be subject to the prior right of the city or of utility companies to effect repair and maintenance within and upon the commercial sidewalk.
10. The applicant shall comply with the terms and conditions of the sidewalk business license, shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the director or other appropriate city officer or their authorized representatives.
11. The licensee shall bear all costs to correct all conditions to a sidewalk determined to be unsafe by the director.
12. A sidewalk business license may be revoked without notice at any time by the director, according to the summary abatement procedures set out in Section [2.80.120\(C\)](#), upon the director's determination business activities cause or create unsafe sidewalk pedestrian passage, or violate any restrictions of the Chelan Municipal Code. (Ord. 1509 § 2 (Exh. A) (part), 2016).

Businesses serving food and /or beverages shall comply with all relevant Chelan-Douglas Health District regulations and all applicable regulations of the Washington State Liquor Control Board.

- A. Outside seating permitted and may remain at all hours on the sidewalk as per approved site plan. **Sidewalk business shall not extend more than five (5) feet from the face of the building.** All conditions are met in accordance with the Washington State Liquor Control Board, Fire Code, Building Code and RCW 66.

**The city reserves the right to make modifications to the terms and conditions below.**

The director shall issue a sidewalk business license which establishes reasonable conditions as to the conduct of the sidewalk business activity, as determined by the director, including but not limited to:

1. Restrictions as to the number and placement of tables and chairs and as to the hours and dates of use;
  2. A requirement that the area be cleared when not used for a sidewalk business activity, or upon the order of the director or other appropriate city officer or their authorized representatives; cafe barriers and outdoor furniture may remain outside within the designated space when the business is closed, not to exceed a period longer than seven days;
  3. Provisions that the licensee shall maintain the sidewalk in a clean and safe condition for pedestrian travel;
  4. A requirement that the licensee clear the sidewalk as may be necessary to accommodate deliveries to abutting or other nearby properties;
  5. Regulations upon lighting and illumination, noise, and restrictions upon the placement of furniture or equipment used in connection with the sidewalk business activity;
  6. Restoration of the sidewalk upon completion of the sidewalk business activity;
  7. Increased minimum pedestrian right-of-way and overhead height of at least seven feet (trees, canopies, umbrellas, etc.) to ensure safe walking conditions and/or visual aesthetics.
- D. Unless expressly authorized by the director, no pavement shall be broken, no sidewalk surface disturbed, and no permanent fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk business activity.

**WAC 314-02-025**

What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license or a beer and wine restaurant license?

(1) The liquor control board has the responsibility to classify what licensed premises or what portions of the licensed premises are off-limits to minors. (RCW 66.44.310(2).) Minors may not purchase, possess, or consume liquor, and may not enter any areas that are classified as off-limits to minors. (RCW 66.44.290 and 66.44.310.) The purpose of this rule is to clarify the ways in which licensees can prevent minors from consuming alcohol or entering restricted areas.

(2) Dedicated dining areas - If a spirits, beer, and wine restaurant licensee or a beer and wine restaurant licensee that allows minors chooses to have live music, Karaoke, patron dancing, live entertainment, or contests involving physical participation by patrons in the dedicated dining area after 11:00 p.m., the licensee must either:

(a) Request board approval to reclassify the dining area to a lounge for the period of time that live entertainment is conducted, thus restricting minors during that time; or

(b) Notify the board's licensing and regulation division in writing at least forty-eight hours in advance that the sale, service, and consumption of liquor will end in the dedicated dining area after 11:00 p.m.

Request or notifications may cover one event or a series of recurring events over a period of time.

(3) **Barriers** - Licensees must place barriers around areas that are classified as off-limits to minors and around game rooms.

(a) The barriers must clearly separate restricted areas, and must be at least forty-two inches high.

(b) The barriers must be permanently affixed (folding or retractable doors or other barriers that are permanently affixed are acceptable). A portable or moveable rope and stanchion is not acceptable. Those licensees that have been approved by the board for moveable barriers prior to the effective date of this rule may keep their movable barriers until the licensee requests alterations to the premises or the premises change ownership.

(c) Liquor bars cannot be used as the required barriers (see definition of liquor bar in WAC 314-02-010(10)).

(d) Entrances to restricted areas may not be wider than ten feet. If a licensee has more than one entrance along one wall, the total entrance areas may not exceed ten feet.

(e) "Minor prohibited" signs, as required by WAC 314-11-060(1), must be posted at each entrance to restricted areas.

(4) If the business allows minors, the business's primary entrance must open directly into a dedicated dining area or into a neutral area, such as a lobby or foyer, that leads directly to a dedicated dining area. Minors must be able to access restrooms without passing through a lounge or other age-restricted area.

(5) **Floor plans** - When applying for a license, the applicant must provide to the board's licensing and regulation division two copies of a detailed drawing of the entire premises. The drawing must:

(a) Be drawn one foot to one-quarter-inch scale;

(b) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and

(c) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

[Statutory Authority: RCW 66.08.030 and 66.24.363. 11-01-133, § 314-02-025, filed 12/21/10, effective 1/21/11. Statutory Authority: RCW 66.04.010, 66.08.030, 66.24.410, 66.44.310, and 66.44.420. 05-22-022, § 314-02-025, filed 10/24/05, effective 11/24/05. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-025, filed 3/15/00, effective 4/15/00.]