



# Application for Right-of-Way Sidewalk Café

*This is an application only, and not a permit to use ROW.*

<b>PLEASE RETURN TO:</b>  Public Works Dept. 1309 Myrtle Ave. Enumclaw, WA 98022 Phone: (360) 825-3593 Email: permits@ci.enumclaw.wa.us	Date Received
--	---------------

**NOTE: Right-of-Way (ROW) Use Permit & Agreement is required in cases where a development desires to utilize an adjacent portion of public ROW or public property for its own purposes and such use is allowed by the City.**

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

**Additional Fees based on square footage** *(effective 1/31/23)*

Application Fee:       **\$ 120.00**

- 0-100 sq ft of city owned ROW - \$75.00
- 101-200 sq ft of city owned ROW - \$150.00
- 201-300 sq ft of city owned ROW - \$225.00
- 100 sq ft thereafter of city owned ROW - \$100.00

Renewal Fee:       **\$ 60.00**

**BUSINESS INFORMATION:**

Business Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

WA State UBI # \_\_\_\_\_

**BUSINESS OWNER INFORMATION:**

First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_ Last Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**CONTRACTOR INFORMATION: (if applicable)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**DESCRIPTION OF USE: ex// tables and chairs, measurements, etc.**

Length: \_\_\_\_\_ x Width: \_\_\_\_\_ Total SF: \_\_\_\_\_

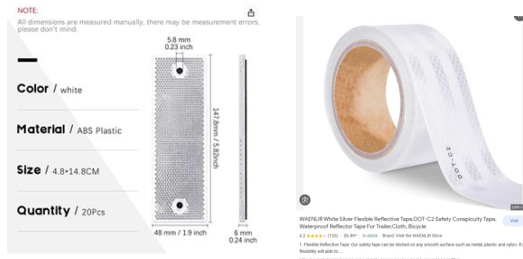
Description of Use:

**Terms and Conditions of a ROW Use permit for a sidewalk cafe.**

A ROW Use permit for use of a sidewalk cafe must comply with the following terms and conditions which will be attached to the ROW Use Permit:

- The applicant is the owner or occupant of the abutting property and operates a cafe, restaurant, or tavern thereon.
- The location of the sidewalk cafe shall not reduce or obstruct pedestrian passage on the sidewalk to less than four (4) feet to the nearest street trees, utility poles, traffic control signs and devices, parking meters, fire hydrants, buildings and other similar devices and structures. Furthermore, such placement shall be consistent with any applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone.
- The proposed sidewalk cafe area is included within a food-service establishment permit issued by the Seattle-King County health department or has otherwise been authorized by said department.
- Liquor. Liquor, as defined in RCW 66.04.010, as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit and provided for in this chapter and by permit of the Washington State Liquor Control Board, and not otherwise.
- Sidewalk condition. The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, 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 chief of police, fire marshal or their authorized representatives, or other appropriate city officer, such as a department director
- You are required to place white reflective markings on all upright posts of your sidewalk café. The white reflective markings must be placed along the top portion of your upright posts. The purpose of this is for pedestrians walking or cycling on the sidewalk to clearly see the sidewalk café barriers when it is dark. You may use white reflective tape or white plastic reflective plates. Below are some examples of white reflective markings that are acceptable; if you use a reflective marking that is not on the list and unsure if it will be acceptable, please contact Don McCann at (360) 615-5794 or [dmccann@ci.enumclaw.wa.us](mailto:dmccann@ci.enumclaw.wa.us).

Reflector Suggestions:



Additional terms and conditions may include, but not be limited to:

- Restrictions as to the number and placement of tables and chairs and as to the hours and dates of use;
- A requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to abutting or other nearby properties;
- Regulations upon lighting and illumination of the sidewalk cafe, limitations upon noise, and restrictions upon the placement of furniture or equipment used in connection with the sidewalk café
- The posting of a surety bond or establishment of an escrow account in accordance with the provisions of this chapter;
- If the sidewalk cafe causes a change in pedestrian travel patterns, appropriate modifications to the sidewalk in the immediate vicinity in order to accommodate the change or to assure compliance with the Federal Americans with Disabilities Act;
- Restoration of the sidewalk upon completion of the use.

Unless expressly authorized by the Director of Public Works in approving a ROW Use permit, 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 cafe.

The Right-of-Way Use Permit may be terminated by the City for any reason, and without cause, by giving the owner thirty days written notice.

**APPLICANT’S SIGNATURE**

I hereby certify and declare under penalty of perjury under Washington law that the statements furnished by me on this application are true and complete to the best of my knowledge. I understand that the issuance of this permit is conditioned upon compliance at all times with all applicable ordinances, regulations and statutes of the City of Enumclaw and the State of Washington. The issuance of this permit does not imply compliance with the Zoning Code and International Fire and Building Codes.

Signature

Title

Date



1309 Myrtle Ave, Enumclaw, WA 98022  
Phone: (360) 825-3593  
permits@ci.enumclaw.wa.us

**Right of Way Use - Site Plan**  
*For Customer Use*

Address: \_\_\_\_\_ Name of Business: \_\_\_\_\_

Length: \_\_\_\_\_ Width: \_\_\_\_\_ Total SF: \_\_\_\_\_

**\*\*Drawing should show the layout, measurements and materials/furniture used in the right-of-way (ROW) AND the measurement of the non-obstructed pedestrian passage on the sidewalk.**

**\*\*The location of the sidewalk cafe shall not reduce or obstruct pedestrian passage on the sidewalk to less than four (4) feet to the nearest street trees, utility poles, traffic control signs and devices, parking meters, fire hydrants, buildings and other similar devices and structures. Furthermore, such placement shall be consistent with any applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone.**

**\*\*Unless expressly authorized by the Director of Public Works in approving a ROW Use permit, 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 cafe.**

THIS PAGE IS INTENTIONALLY LEFT BLANK

## **SIDEWALK CAFÉ APPLICATION/RENEWAL CHECKLIST:**

*\*everything must be completed in its entirety for review\**

- Completed Right of Way (ROW) Use Permit application
  - Procure and maintain liability insurance as follows:
    - Updated copy of Certificate is needed with every renewal.*
  - Commercial General Liability coverage provided and written on ISO occurrence form CG 00 01 providing coverage for liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The city shall be listed as an additional insured under the owner's Commercial General Liability insurance policy with respect to the Right-of-Way Use using ISO additional insured endorsement CG 20 10 10 01 and additional insured-completed operations endorsement CG 20 37 10 01 or substitute endorsements providing equivalent coverage. The insurance shall be written with limits no less than \$1,000,000 per occurrence, \$1,000,000 general aggregate and a \$1,000,000 products-completed operations aggregate limit.
  - If the sidewalk café will be serving liquor, the owner shall procure and maintain Liquor Liability coverage, with limits of \$1,000,000 per occurrence. The city shall be listed as an additional insured on the Liquor Liability insurance.
  - All insurance policies shall contain, or be endorsed to contain that the sidewalk café owner's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the owner's insurance and shall not contribute with it.
- Application Fee \$120.00       Renewal Fee \$60.00