



APPLICATION FOR PUBLIC WAY USE PERMIT

APPLICATION DATE _____ AMENDED _____

BUSINESS NAME _____

ADDRESS _____

MAILING ADDRESS _____

PHONE _____ EMAIL _____

PROPERTY OWNER _____

TYPE OF OBSTRUCTION:

- Bench/Seating Bike Rack Table and Chairs Portable Sign
 Trash Receptacle Tourist-Oriented Sign (TOS) Other _____
 Additional Offsite Portable Sign – *attach copy of written permission (required)*

TYPE OF USE:

- Long-Term Temporary (45 days or less)
 Home Occupation Industrial/Commercial Property

LOCATION OF PORTABLE SIGN OR OTHER OBSTRUCTION: _____

APPLICANT SIGNATURE: _____ DATE: _____

By signing above, I hereby submit this Public Way Use permit application for approval, and if approved, hereby certify that the usage of this permit will be conducted in strict compliance with Code Section 3.900 through 3.940 (see reverse side).

FOR OFFICE USE ONLY:			
DATE RECEIVED: _____	BY: _____		
PERMIT STICKER #: _____	EXPIRATION DATE OF TEMPORARY PERMIT: _____		
- TOS ONLY -	RECEIPT #: _____	PERMIT #: _____	EXPIRATION DATE: _____

FOREST GROVE CODE 3.900 – 3.940
PERMITTED USES OF THE PUBLIC WAY
(Ord. 2009-13, 11/23/2009; Ord. 2011-08, 07/11/2011)

3.900 Permitted Uses Of The Public Way.

The purpose of Code Sections 3.900 through 3.940 is to reduce congestion and unsightly clutter, to keep public rights-of-way clear for safe and convenient travel by pedestrians, and to protect the City from claims of liability based upon the placement of obstructions within the public way. Notwithstanding the applicable provisions of this ordinance pertaining to signs not adjacent to a premise, obstructions permitted by a city, county, regional, state, or federal agency are exempt from the provisions of this Code.

3.905 Definitions.

As used in Sections 3.900 – 3.940, the following words and terms mean as follows:

Bench – A privately-owned bench placed on a sidewalk, including any structure on which patrons of businesses and members of the public can sit.

Long-Term – A period in excess of 45 consecutive days.

Moveable – Not affixed to the pavement.

Obstruction - Vending machine, table, bench or other seating object; bike rack, flower box, trash receptacle, display of stock in trade, sign or any other object placed by a person in the public way.

Person – A natural person, corporation, partnership, or other entity regardless of form.

Public Way - Includes any public street, road, sidewalk, or public easement.

Sale – The exchange of any object of merchandise or food for any form of consideration, whether at retail or wholesale, regardless of whether a profit is made.

Sidewalk - Any public improved path for pedestrians within a public way.

Structure – Anything constructed or erected adjacent to, on, or above a public way.

Temporary – A period of less than 45 consecutive days.

Tourist-Oriented Business – A facility that offer a cultural, historical, recreational, educational, entertaining or food service activity, or a unique and unusual commercial activity whose major income or visitors is derived from motorists not residing in the immediate area of the business. Bed and breakfast establishments conforming to the requirements of Development Code Section 10.7.025 to 10.7.035 shall be included as tourist-oriented. (Ord. 2011-08, 07/11/2011)

Vending Machine - Any self-service box, container, storage unit or other dispenser used for the display and/or sale of any item, such as (but not limited to) beverages, newspapers, periodicals, magazines, books, pictures, photographs, advertising circulars, and records.

3.910 Obstructions To Public Passage.

1) No person shall place an obstruction within the public way unless otherwise permitted under this or any other City Ordinance.

All obstructions shall comply with the following restrictions and conditions: (a) No obstruction shall be placed: Within three (3) feet of any marked pedestrian crosswalk as measured from the point of intersection between a crosswalk and the sidewalk curbing closest to the intended location of said object. Within five (5) feet of any intersecting driveway, alley or street. In a manner reducing the clear, continuous sidewalk width to less than five (5) feet. In a manner interfering with ingress or egress from private property or public facilities. Such that the placement causes a hazard for pedestrian or vehicular traffic or obstructs the view of such traffic from the public way. (b) No object or obstruction shall be attached in any way to a fire hydrant or other emergency equipment, traffic signal controller, traffic sign, light pole, utility pole, or street tree. (c) Temporary obstructions shall be removed by the expiration date on the permit. (d) Other than signs, no commercial advertising shall be permitted on long-term obstructions. (e) All objects shall be maintained by the owner of the object at all times, in a clean, neat and attractive condition and in good repair. The area around said object shall be kept free of debris and litter at all times. (f) No sign, awning or architectural features shall be located less than eight (8) feet in height as measured from the sidewalk surface. (g) A tourist-oriented business may have an offsite portable sign as provided by subsection (h) i) below or a city sign as provided by subsection (j) below. (Ord. 2011-08, 07/11/2011) (h) Temporary and portable signs within the public right-of-way shall be subject to the following provisions (Ord. 2011-08, 07/11/2011): Each commercially or industrially-zoned property shall be permitted one portable sign, either on the premises or in the right-of-way located directly adjacent to the property to which the sign pertains. An additional portable sign be placed within right-of-way in front of any other property provided that the owner of the property where the sign is placed gives written permission for the placement of the sign. In no case shall there be more than one portable sign placed in the right-of-way in front of any property. Signs shall be professionally prepared, shall not be larger than six (6) square feet, shall contain no moving parts and shall not be lighted. Signs shall be removed at the close of business each day. Obstructions other than signs can be placed anywhere in the public way subject to the provisions of this Code. Portable signs are typically signs known as sandwich board signs. During the time of a garage sale, one temporary sign shall be permitted per frontage in the right-of-way located directly adjacent to the property to which the sign pertains and up to two temporary signs may be placed anywhere within the public right-of-way consistent with the requirements of this ordinance. Said signs shall not exceed four (4) square feet in area, which are allowed from 6:00 a.m. on Friday to Sunday at 6:00 p.m. and must be removed promptly thereafter. Such signs are typically used for garage sales. No permit shall be required for such signs. Up to two temporary signs during the time of sale, lease or rental of a lot or structure. The signs can be located anywhere in a residential, commercial or industrial zone district within the public right-of-way with each sign not exceeding six (6) square feet in size and 30 (thirty) inches in height. Said signs are allowed from 6:00 a.m. on Friday to Sunday at 6:00 p.m. and must be removed promptly thereafter. No permit shall be required for such signs. (i) Obstructions other than vending machines shall be located directly adjacent to the property to which the obstruction pertains. (j) Signs allowed for tourist-oriented businesses on streets under City jurisdiction (Ord. 2011-08, 07/11/2011). Not more than one sign is allowed per business. Only one sign shall be allowed on a street sign pole and more than one sign can be allowed on other poles. Said signs shall be approved, located and erected by the Public Works Director. (3) In addition to the provisions of subsections (1) and (2) above, non-movable obstructions shall: (a) be located at least ten (10) feet as measured along the curb from any fire hydrant or other emergency equipment facility; (b) be located at least three (3) feet from any traffic signal controller, traffic sign, light pole or utility pole. (c) shall not be located over a utility vault, meter cover, manhole or access cover.

3.915 Location Permit.

The Public Works Director is hereby authorized to review application(s) and issue/deny permit(s) for placement of obstruction(s) in the public way, upon a clear showing by an applicant of conformity with the provisions of Code Section 3.910. Permits for permanent obstructions shall be valid for one (1) year from the date of approval. Permits for temporary obstructions shall be valid for no more than 45 days from the date of approval. No more than two (2) temporary permits shall be issued per property per calendar year.

3.920 Objects To Be Removed Upon Notice.

Any object placed within a public way shall be removable. Such object shall be removed immediately upon written notice from the Public Works Director or designee to the owner requiring the object's removal for safety reasons, for purposes of construction or maintenance activities by the City or other public agency, or because the object does not comply with the provisions set forth in Code Section 3.910.

3.925 Enforcement.

The Public Works Director or designee shall have the authority to order or effect the removal of any object deemed to be an obstruction under this Code. The Public Works Director or designee shall also have the authority to order removal of any object, if its owner fails to comply with written notice of removal provided by the City or an order to enforce the provisions of this Code.

3.930 Responsibility.

Notwithstanding the provisions of Code Sections 3.115 and 3.120, any person locating, placing or installing any object within the public way shall be solely responsible for any damage or injury to persons or property caused thereby.

3.935 Penalty Imposed.

A person responsible for a violation of any provision(s) of this Code shall be subject to a civil penalty in the amount of not less than \$100 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation occurring in a two (2) year period starting from the issuance of the first notice of violation. The Public Works Director or designee may cite the violator into Municipal Court for said violations.

3.940 Permit Fee and Sign Costs.

The fee for a public way use permit described above shall be set by City Council resolution.

The annual fee for a tourist-oriented street sign described above shall be set by City Council resolution. (Ord. 2011-08, 07/11/2011)