



## Legislation Text

---

**File #:** Ordinance 86-2015, **Version:** 2

---

Agenda Date: 09/01/2015

**Subject:**

An ordinance amending the city code concerning structures on public rights of way

Presented By: Mike Braaten, Deputy City Manager
---

**POLICY QUESTION:**

Does city council support allowing privately owned planters, benches and other seating in the public right of way?

**BACKGROUND:**

In conjunction with the modification to the merchant display ordinance, some merchants have asked if they are allowed to place benches, a small table and chairs, or decorative planters in front of their stores, not connected to the display of merchandise. This ordinance seeks to make legal, through the revocable permit process, privately owned planters, benches, and other seating in the public right of way.

**STAFF ANALYSIS:**

The city is responsible for managing the public right of way. This ordinance seeks to allow any privately provided planters, benches, and other seating in the public right of way/sidewalk through a revocable permit issued by the city. This type of seating, often provided by merchants in the downtown has not been allowed by city code. This amendment will allow for a permit to be issued to a property owner as long as the revocable permit requirements have been met, including proof of insurance.

**FISCAL IMPACTS:**

Adoption of this ordinance may require additional staff time for the review and issuance of the revocable licenses.

**STAFF RECOMMENDATION:**

Staff recommends adoption of the ordinance.

**PROPOSED MOTION:**

I move to approve the ordinance on second reading amending the city code concerning structures on public rights of way.