



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Growth Management Department

300 Sixth Street

Monica Heller, Community Planning Coordinator
Growth Management Department
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: monica.heller@rcgov.org

MEMORANDUM

TO: Planning Commission

FROM: Monica Heller, Community Planning Coordinator

DATE: September 29, 2009

RE: File #09SV001: A Sidewalk Vendor Permit request by Dakota Dogs, for property legally described as Main Street right-of-way located adjacent to Lots 1-6 and the E 2' of Lot 7, Block 82, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

On August 3, 2009, the City Council approved Ordinance No. 5521 to create a Sidewalk Vendor Permit by amending Chapter 12.20.020(F) of the Rapid City Municipal Code. In particular, Ordinance No. 5521 states that sidewalk vendors are permitted only in the Central Business District and may only sell food, non-alcoholic beverages and cut flowers. Sidewalk vendors must maintain a clear pedestrian path of at least 5 feet at all times. This pathway must be free of any obstructions such as trees, parking meters, and utility poles to allow pedestrian passage. Sidewalk vendors shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, fire protection appurtenances, parking meters, mailboxes, or signs located in the public right-of-way. All applicable sight triangle requirements shall be met at all times by sidewalk vendors.

The Sidewalk Vendor Permit Ordinance also sets forth design criteria regulating vending units, canopies/umbrellas, signage, lighting, noise and other miscellaneous criteria to be utilized by the sidewalk vendor. In addition, the Sidewalk Vendor Permit Ordinance requires that every sidewalk vendor permit holder furnish a certificate of insurance providing commercial insurance coverage of at least \$2,000,000 per occurrence for bodily injury, death, disability, and property damage liability. The City of Rapid City must be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café.

On September 11, 2009, the applicant submitted a Sidewalk Vendor Permit application to allow a sidewalk vendor to be located in the Main Street right-of-way as it abuts the



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above legally described property. The sidewalk vendor area does not exceed 60 square feet. A vending unit, coolers, a heater and a trash can will be located within the vendor area. The vendor will sell hot dogs, brats, sausages, nachos and assorted non-alcoholic beverages. The site plan identifies the sidewalk vendor area and all items within the vendor area. In addition, the site plan demonstrates that a minimum of a 5 foot wide pedestrian clear area is being maintained between the sidewalk vendor and the overhang of any car parked on the street adjacent to the sidewalk vendor area.

The applicant has also submitted a Certificate of Insurance in the amount of \$2,000,000 naming the City of Rapid City as an additional insured. The City Attorney's Office has reviewed and approved the Certificate of Insurance.

The applicant has a valid sidewalk vendor license approved by the Rapid City Council on September 8, 2009.

Staff has reviewed the applicant's Sidewalk Vendor Permit request and determined that it meets all of the design criteria and requirements of Chapter 12.20.020(F).

RECOMMENDATION: Staff recommends that the Planning Commission approve the Sidewalk Vendor Permit request with the following stipulations:

- 1. A minimum 5 foot wide clear pedestrian path shall be maintained at all times;**
- 2. A maximum of 60 square feet of space can be occupied by vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;**
- 3. The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;**
- 4. A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;**
- 5. A copy of the permit issued by the State, Department of Health for food related establishments be provided and renewed yearly;**
- 6. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;**
- 7. The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal Code at all times; and,**
- 8. The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(F).11.**