

EXHIBIT A

19.06.050 Commerce on public property.

- A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce.
- B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone.
- C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or services shall apply for a private commerce on public property permit. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.
- D. *Criteria for permit.* A private commerce on public property permit shall be reviewed based on the following criteria:
 - 1. The applicant business has an active business license for a location immediately adjacent to the public property location where the request has been made.
 - 2. The location of the business activity does not create a safety hazard for motorists, bicyclists or pedestrians.
 - a. The business location maintains sufficient area for the free passage of pedestrians along sidewalks and access to other adjacent businesses.
 - b. The business location does not obstruct the views of motorists turning into or out of a street or parking lot.
 - 3. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.
 - a. Adequate refuse containers shall be provided.
 - b. Hours of operations are sensitive to the surrounding neighborhood.
 - c. No music or sound is amplified.
 - d. The area can be maintained in a clean condition.
 - e. Physical improvements can be removed or secured when not in operation.
 - 4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.
 - 5. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.
 - 6. The location of a business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.
- E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. ~~Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.~~ Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.

- F. All permittees must comply with all applicable city, county, state and federal laws, including the International Fire Code.
- G. Permits for ongoing commercial use on public property shall be subject to renewal annually on the date of the original permit approval. Failure to submit a renewal request within 30 days of the annual renewal date shall result in the suspension of the permit.
- H. The revocation of a permit shall be governed by chapter 6.10 MICC.
- I. The provisions of this section shall not apply to the annual city-sponsored event known as "Summer Celebration."
- J. The code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to ensure that public property subject to commercial use under this section is restored to its former condition immediately following cessation of the commercial use.
- K. The code official may require evidence of insurance, indemnification or other measures deemed necessary and sufficient to limit the city's liability for the acts or omissions of persons, corporations, or companies seeking and obtaining permission to use public property for commercial purposes.