

**BEFORE THE CITY COUNCIL
FOR THE CITY OF LAFAYETTE, OREGON**

**A RESOLUTION AUTHORIZING A)
SYSTEM OF PERMITTING AND FEE)
ESTABLISHED FOR USE OF THE)
CITY'S RIGHTS-OF-WAY)**

RESOLUTION No 2025-08

THE CITY COUNCIL (the "Council") OF THE CITY OF LAFAYETTE, OREGON (the "City") sat for the transaction of City business on October 9, 2025 at 6:30 p.m. in the Council Chambers of Lafayette City Hall.

WHEREAS, the Oregon Constitution Article XI, Section 2 and the City Charter of the City of Lafayette Chapter II Sections 4 and 5 establish Home Rule authority to regulate the use of public rights-of-way within the territorial boundaries of the City of Lafayette; and

WHEREAS, the City of Lafayette Municipal Code 2.250 *et seq.* and 7.800 generally authorizes permitting and regulation of uses in the rights-of-way within the city; and

WHEREAS, the City of Lafayette has right-of-way through its territorial jurisdiction that is regulated by the State of Oregon and Yamhill County; and

WHEREAS, the City seeks to allow private uses on the public rights-of-way that are under the exclusive jurisdiction of the City of Lafayette; and

WHEREAS, the City seeks to have an administrative fee that is designed to be equitable to convert the costs to the City to provide oversight, regulate safety, and safeguard the rights-of-way from unsafe and illegal obstruction of the rights-of-way. Therefore, the City establishes a fee based on the number of tables. Council finds that the number of tables is an effective standard to predict the amount of activity better than square footage.

WHEREAS, the City Council finds that allowing public and private uses of the public rights-of-way will result in the following benefits to the city and its citizens:

- (a) Promoting local businesses by allowing business owners with a physical address to temporarily occupy right-of-way on sidewalks adjacent to their properties;
- (b) Encouraging tourism and walkability within the city;
- (c) Promoting the City of Lafayette as a destination stop; and
- (d) Enhancing the economy of the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, AS FOLLOWS:

Section 1: The above findings are hereby adopted.

Section 2: The above Whereas clauses are hereby adopted.

Section 3: The City hereby establishes a permitting process for allowing business owners who have a physical location for their businesses within the City of Lafayette to use the rights-of-way for outdoor dining

Section 4: Use of the rights-of-way will be temporary, not permanent, and nothing in this resolution establishes a right in any individual or business to use the rights-of-way. The permit granted shall be temporary and revocable at any time, at the sole discretion of the city.

Section 5: The fee established for use of the right-of-way is \$5 per seat per month and is to be updated annually on the City's adopted fee schedule.

Section 6: The City Council delegates authority to the City Administrator to create an application form for a permit, collect fees, authority to grant or refuse any permit application at the City Administrator's sole discretion.

Section 7: Severability. If any provision, section, phrase, or word of this Resolution or its application to any person or circumstance is held invalid, the invalidity does in affect other provisions that can be given effect without the invalid provision or application.

Effective Date: This resolution is effective as of the date of its adoption. This line and the following line seem redundant.

This resolution shall be and is effective from and after its passage by the Council.


ADOPTED by the City Council this 9th day of October 2025.

VOTE: Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0 Vacancies: 0

CERTIFIED:

ATTEST:


Hilary Malcolmson, Mayor


Kennedee Richardson, City Recorder