



CITY OF MERCED TEMPORARY OUTDOOR PERSONAL SERVICE PERMIT

Planning and Permitting, 678 W. 18th Street, Merced, CA 95340

Phone: (209) 385-6858 FAX: (209) 725-8775

Name of Business _____ Phone _____
Address _____

Name of Business Owner _____ Phone _____
Address _____

City/State/Zip _____ Driver's License # _____

Email Address: _____

Name of Business Owner _____ Phone _____
Address _____

City/State/Zip _____ Driver's License # _____

Email Address: _____

Provide a description of the business's operations and other equipment intended to be used and their desired location (include a scaled site plan showing the proposed booths and/or chairs and their distance to each other, to property line, driveways, structures, etc.).

Permittees who will be serving alcohol under this permit shall obtain a permit with the **Alcohol and Beverage Control (ABC)**.

Public Property Use Fee (Due to the impacts of the COVID-19 crisis, the permit fee has been established at **\$1.00** until further notice) RECEIPT NO. _____
(Make check payable to the City of Merced)

I, the undersigned, agree to the following conditions.

Signature _____ Date _____

STANDARD CONDITIONS FOR TEMPORARY OUTDOOR PERSONAL SERVICE PERMIT

1. A Permittee shall only use such sidewalk or park as is designated and approved by the City Manager or his designee. The use shall not be conducted in such a manner as to obstruct the free passage of any sidewalk or parkway nor shall it obstruct the free passage into or from any business office or other establishment. Public safety shall be the principal factor considered when determining allowable locations.
2. A designated location shall not:
 - Obstruct a five (5) foot area for pedestrian travel along the sidewalk. The five-foot clearance shall be maintained at all times.
 - Extend beyond the projected line of the building frontage, unless otherwise authorized by the City Manager or their Designee and the adjacent property owner.
 - Extend past the curb beyond the Permittee's property line.

- Be located along more than one building frontage.
 - Be located within ten (10) feet any of any driveway or alley approach.
4. Permittee shall erect no permanent structure within the encroachment area.
 5. If banner signs will be used within the encroachment permit area, the Permittee shall obtain a Temporary Sign Permit with the City. Such signs are allowed by permit only, not to exceed 120 days per year, at a max of 30 days per application period.
 6. All tables, chairs and other equipment shall be removed from the encroachment area during non-business hours.
 7. The servicing and consumption of alcoholic beverages shall be permitted within the encroachment area if Permittee complies with all other laws relating to the sale of alcoholic beverages (please review and sign attached liquor liability insurance form).
 8. Owner shall keep area free from trash and debris.
 9. All smoking and vaping shall be prohibited within the encroachment permit area.
 10. By executing this document every Permittee agrees to indemnify and hold harmless the City, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property which may arise out of or in any way be connected with the use of the encroachment permit.
 11. The applicant shall provide the City with a certificate of insurance with coverage of at least \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000 naming the city, its officers, agents and employees as additional insureds. This certificate shall provide that 30 days written notice of cancellation shall be given to the city.
 12. Permittee will comply with the practices described in Fire Prevention Guideline FPG-28 attached to this application.

ADDITIONAL CONDITIONS (As applicable)

NOTE: Applicant's signature is required on the next page.

The undersigned applicant does hereby agree to indemnify and hold harmless the City of Merced, its officers, agents and employees from any and all liability, costs, damages, or injuries to persons or damage to property which may arise out of or in any way be connected with the business.

Owner

Date

Owner

Date

OFFICE USE

APPLICATION APPROVED SUBJECT TO CONDITIONS _____

BY _____
Development Services Department (385-6858)

DATE _____

BY _____
Merced Police Department (385-6912)

DATE _____

REFUSAL OR REVOCATION OF PERMIT: Violation of any provision of this Chapter, or any federal, state, county or local health regulations shall be grounds for revocation of the encroachment permit. In addition, any conduct of any Permittee that is a threat to public health and safety shall be grounds for immediate revocation of the encroachment permit. Violation shall be grounds for denial of any subsequent application by the Permittee. The applicant or permit holder, in such case, shall have the right to appeal said revocation to the City Council.

**DEVELOPMENT SERVICES DEPARTMENT
CITY OF MERCED
678 W. 18TH STREET, MERCED CA 95340
PHONE (209) 385-6858**

**LIQUOR LIABILITY INSURANCE
-POLICY-**

YOU HAVE APPLIED FOR A TEMPORARY OUTDOOR PERSONAL SERVICE ENCROACHMENT PERMIT AND HAVE INDICATED THAT ALCOHOLIC BEVERAGES WILL EITHER BE SERVED AS PART OF THE FUNCTION OR ACTIVITY BEING CONDUCTED.

THE OWNER(S) OF THE BUSINESS SHALL BE REQUIRED TO COMPLY WITH ALL LAWS RELATING TO THE SALE OF ALCOHOLIC BEVERAGES.

FOR BUSINESS OWNERS SERVING OR SELLING ALCOHOLIC BEVERAGES OUTDOORS, WE RECOMMEND THAT YOU CONTACT YOUR INSURANCE CARRIER TO OBTAIN SPECIFIC INFORMATION ON COVERAGE.

WHETHER YOU SELL OR SERVE ALCOHOLIC BEVERAGES, IT IS YOUR RESPONSIBILITY TO COMPLY WITH THE RULES AND REGULATIONS OF THE CALIFORNIA STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL WITH REGARD TO OBTAINING THE NECESSARY LICENSES OR PERMITS. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE REQUIREMENT FOR A LICENSE OR PERMIT, YOU SHOULD CONTACT THE CALIFORNIA STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL, 31 EAST CHANNEL STREET, ROOM 168, P.O. BOX 150, STOCKTON, CALIFORNIA 95201; TELEPHONE (209) 948-7739.

I CERTIFY THAT I HAVE READ AND REVIEWED THE LIQUOR LIABILITY POLICY OF THE CITY OF MERCED AND WILL COMPLY WITH THESE REQUIREMENTS.

SIGNATURE

DATE



FIRE PREVENTION GUIDELINE

Title: Temporary Outdoor Operations		
Number: FPG-28	Effective Date: 8/10/2020	Revised Date: N/A
Code References: California Fire Code (CFC), California Code of Regulations (CCR) Title 19		
<p><i>Note: This guideline is a summary of Fire Department clarifications and interpretations of City and State Codes and nationally recognized standards in accordance with the currently adopted edition of the Fire Code. Information contained herein applies to typical circumstances and may not address all situations.</i></p>		

SCOPE

This guideline has been developed to assist businesses with developing practices for operating outdoors safely.

SAFETY CHECKLIST

SHADE STRUCTURES

- Ensure shades, canopies, or pop-up tent structures are constructed of flame-resistant fabrics. (Contain CPAI-84 label)
- Ensure all shades, canopies, or pop-up tents are secured properly.
- Temporary tents with sides larger than 400 square feet or tents larger than 700 square feet without sides require a permit issued by the fire department.

ELECTRICAL EQUIPMENT

- Extension cords shall be for temporary use only. (Unplug appliances when not in use.)
- Ensure extension cords are listed in accordance with UL 817.
- Ensure extension cords are marked for outdoor use.
- Ensure extension cords are plugged directly into a receptacle.
- Ensure extension cords have adequate ampacity for the appliance being used.
- Ensure extension cords are grounded.
- Ensure electrical wiring is routed to prevent tripping hazards.
- Ensure electrical wiring is protected to prevent abrasion and damage.
- Ensure multi-plug adapters are plugged directly into a receptacle.
- Ensure multi-plug adapters are not plugged into one another.
- Ensure multi-plug adapters are equipped with over-current protection. (Has a circuit breaker with reset.)