

# City of Fowler

128 S. 5TH STREET - FOWLER, CA 93625 - VOICE: (559) 834-3113 - FAX: (559) 834-0185

## ENCROACHMENT PERMIT APPLICATION FOR OUTDOOR SEATING AREA

This permit application is submitted pursuant to Section 7-3.01 of the City Code of the City of Fowler, City Council Resolution No. 2470, and applicable provisions of the Streets and Highway Code of the State of California. The undersigned applicant hereby applies for permission permit to encroach upon the City Right-of-Way to maintain and operate an Outdoor Seating Area.

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Name of Business Owner or Primary Contact: \_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

Description of Outdoor Seating Operations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Inventory of Outdoor Furniture:

	Number	Description
Chairs	_____	_____
Tables	_____	_____
Umbrellas	_____	_____
Heaters	_____	_____

### Conditions of Approval:

- A. Applicant shall comply with all requirements and procedures for an Outdoor Seating Area as specified in City Council Resolution No. 2470, a copy of which has been provided to Applicant.
- B. The Outdoor Seating Area shall comply with the attached Outdoor Seating Sample Layout and must be approved by the City's Public Works Director prior to beginning outdoor seating service.
- C. Outdoor seating may only be operated and available between the hours of 8 AM and 10 PM.

- D. Access to bathrooms and hand washing facilities must be provided at all times to individuals using the Outdoor Seating Area.
- E. Food preparation, plastic food displays, food storage, or refrigeration equipment is prohibited in the Outdoor Seating Area and public right-of-way.
- F. Umbrellas shall be of fire-retardant material and canopy shall not exceed six (6) feet in diameter and must be set up no less than 80 inches (6 feet, 8 inches) above grade.
- G. Moveable furniture must be labeled as property of business. At the end of each day of operation, moveable furniture (tables, chairs, etc.) must be moved inside the business building or secured within the Outdoor Seating Area in a manner to reasonably prevent theft, vandalism, or obstruction of the right-of-way.
- H. Space heaters shall be permitted if they are approved for outdoor use, installed in accordance with the manufacturer's recommendations, and located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
- I. The City may require the removal or relocation of the outdoor furniture or items when necessary for maintenance or repair of the street/sidewalk, utility repairs, or to restore pedestrian or traffic flow.
- J. All furniture and items located in the Outdoor Seating Area shall be located so as to freely allow pedestrian access along sidewalks, which is defined as a minimum of 48" in unobstructed walkway width.
- K. The Applicant, at its sole cost and expense, shall procure and maintain insurance against claims for injuries to persons and for damage to property that may arise from or in connection maintaining and operating the Outdoor Seating Area. Applicant must provide the City of Fowler with proof of coverage that a minimum \$1,000,000 Liability insurance policy is in effect for the term of this Permit which names the City of Fowler, its officers, officials, employees, consultants, and agents as additional insureds in respect to activity related to this Permit.

This application shall be completed and submitted to the City of Fowler Public Works Department. After review of the application, the Public Works Director will arrange for an on-site consultation. **Note: Submittal of an application is not an approval to begin outdoor seating service.**

Applicant has read, understand, and agrees to comply with the conditions set forth herein and desires to obtain a permit for an outdoor seating area in accordance herewith.

As a condition of approval of the Permit, the undersigned applicant shall defend, indemnify, and hold harmless the City of Fowler, its officers, officials, employees, consultants, and agents (collectively "City") from any and all liability, loss, suits, claims, damages, costs, judgments and expenses (including attorney's fees and costs of litigation), including any appeals thereto (collectively "Claims") resulting from any Claims made against the City arising out of, in connection with, or otherwise related to any activity or operation of the Outdoor Seating Area or the Permit. In addition, the applicant hereby releases, waives, discharges, and covenants not to sue the City for any loss or damage, and any claim or demands therefore arising out of, in connection, or otherwise related to the Outdoor Seating Area or the Permit, whether caused by the negligence of the City or otherwise.

Business Owner Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature

\_\_\_\_\_  
(print name)

Reviewed and Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Dario Dominguez, Public Works Director

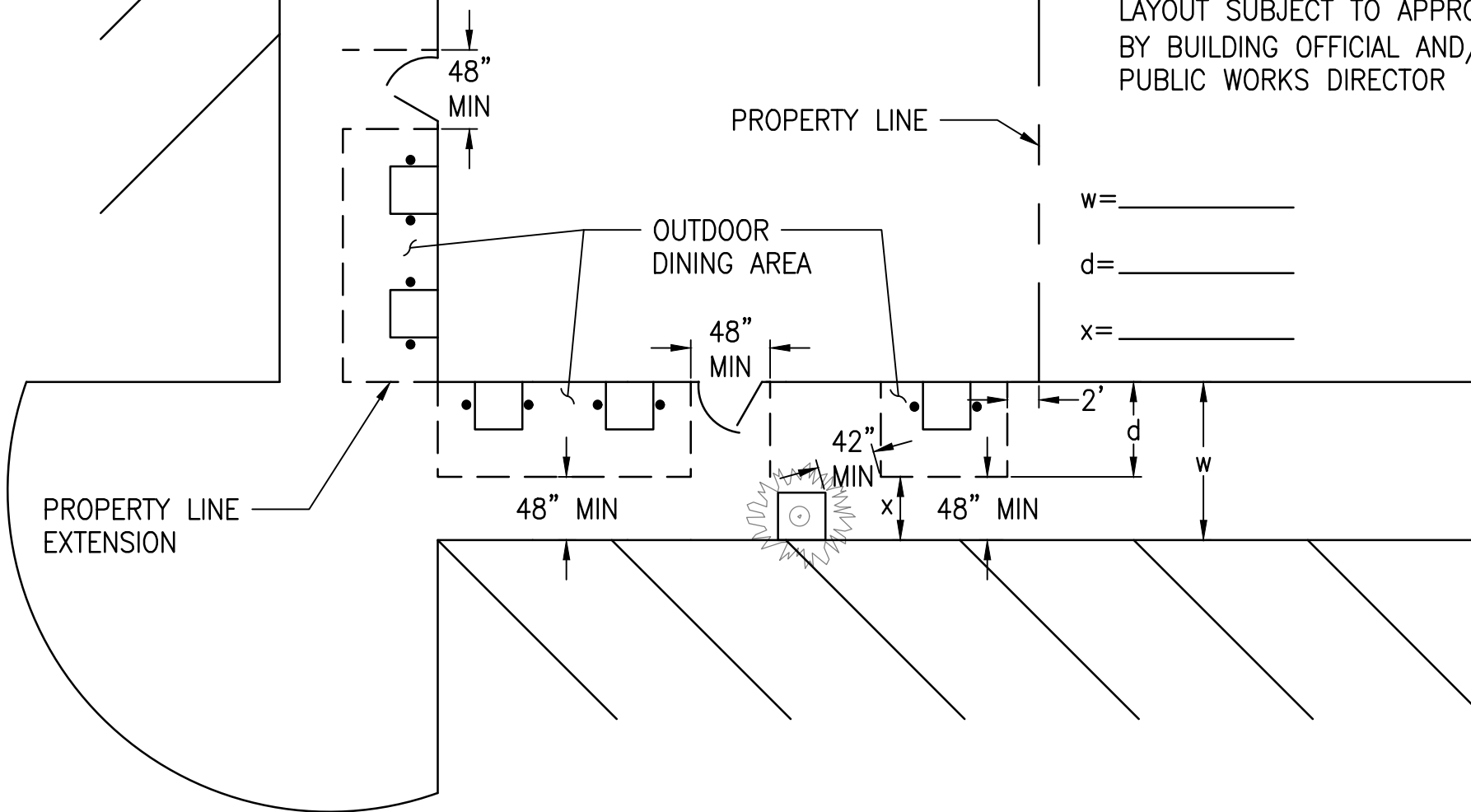
Failure to abide by the conditions of the Permit may result in suspension or revocation of the Permit by the City. Unless otherwise revoked, the term of this Permit shall expire in accordance with the provisions specified in City Council Resolution No. 2470.

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# BUSINESS

NOTES:

1. BUSINESS OWNER SHALL MAINTAIN AN ACCESSIBLE TRAVEL PATH WITHIN THE SIDEWALK AREA
2. THIS DRAWING IS PROVIDED AS GENERAL GUIDANCE. FINAL LAYOUT SUBJECT TO APPROVAL BY BUILDING OFFICIAL AND/OR PUBLIC WORKS DIRECTOR



w= \_\_\_\_\_

d= \_\_\_\_\_

x= \_\_\_\_\_

OUTDOOR DINING SAMPLE LAYOUT