



**APPLICATION FOR OUTDOOR DINING ENCROACHMENT PERMIT**

**APPLICANT NAME:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **FAX:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

**NAME OF ESTABLISHMENT:** \_\_\_\_\_

**LOCATION:** \_\_\_\_\_

**DAYS/HOURS OF OPERATION:**

| <b>Sunday</b> | <b>Monday</b> | <b>Tuesday</b> | <b>Wednesday</b> | <b>Thursday</b> | <b>Friday</b> | <b>Saturday</b> |
|---------------|---------------|----------------|------------------|-----------------|---------------|-----------------|
| From:         | From:         | From:          | From:            | From:           | From:         | From:           |
| To:           | To:           | To:            | To:              | To:             | To:           | To:             |

The subject establishment is a properly licensed bona fide food service. A copy of the valid City of Modesto Business License must be attached to this application.

The following must be submitted with this application before the review can begin:

- A space-use plan must be submitted to the Public Works Department that shows the proposed area to be occupied by outdoor dining tables and chairs. The plan must indicate the location of the entrance, number, dimension and arrangement of the tables and chairs to be used, and any existing sidewalk obstructions in the proposed area. This plan must be submitted before the outdoor dining encroachment permit can be reviewed.
- Evidence of general liability insurance coverage as required by Modesto Municipal Code section 4-15.108. The City of Modesto must be named as additional insured on this policy and an endorsement must be issued as part of the policy. All insurance certificates will be kept on file with the City Clerk’s Office.
- A non-refundable application fee of \$200.00 shall be paid upon application to the Public Works Department.
- A copy of the applicants City Business License.

- A Barrier Removal Deposit in the amount of \$250.00 must be submitted at the time of Application. This deposit will be refunded if the permit application is denied.

## **CONDITIONS & RESTRICTIONS PERTAINING TO OUTDOOR DINING**

Permittee agrees to indemnify and hold the City of Modesto, its officers, agents, and employees free and harmless from any and all damages, cost, charges or liability of any kind or character that may arise out of, relate to, or in any way be connected with the exercise of the rights granted pursuant to the issuance of the outdoor dining encroachment permit.

A copy of the approved permit will be posted within the establishment in an area clearly visible from the sidewalk dining area.

The outdoor dining area shall be constructed in accordance with Modesto Municipal Code section 4-15.107 (copy attached to this application). It is the responsibility of the permittee to keep the sidewalk pedestrian zone clear and unimpeded for pedestrian movement at all times, including seating, departing, waiting, and serving by employees.

Removable fixtures (i.e. chairs, planters, tables, etc.) shall be stored inside the premises when not in use.

Tables, chairs, and the designated outdoor dining area are to be free of litter and maintained in clean condition at all times.

Tables, chairs, and customers shall be confined to the area shown on the space-use plan.

Barriers, railings or fences placed around a sidewalk café shall be, whether moveable or permanent, affixed to the sidewalk and in place during hours of operation. Landscaping can be either in planters or planted in the ground. The height of the railing, barrier or planter, with its planted material, shall not be less four (4) feet high.

## **ALCOHOLIC BEVERAGE RESTRICTIONS APPLICABLE TO OUTDOOR DINING AREAS**

The outdoor dining area must be clearly and physically separated from pedestrian traffic.

Written notice shall be posted to customers stating that the drinking or carrying of an open container of alcohol is prohibited outside the outdoor dining area.

The outdoor dining area must be duly licensed by the State Department of Alcoholic Beverage Control (ABC).

In no case shall the City of Modesto requirements be less than those required by the ABC.

**The undersigned agree to the following provisions:**

I/We hereby apply for an Outdoor Dining Encroachment Permit pursuant to Section 4-15.101 et. seq. of the Modesto Municipal Code. \_\_\_\_\_  
(Initial Here)

I/We agree to all of the provisions set forth in said ordinance. The ordinance was detached from this application and read in its entirety. \_\_\_\_\_  
(Initial Here)

I/We understand, in certainty, the applicable conditions for issuance of the permit include, but are not limited to:

The Public Works Director, or his or her designated representative, is authorized to issue outdoor dining encroachment permits. Outdoor Dining Encroachment Permits are revocable at will.

Outdoor Dining Encroachment Permits shall be subject to annual renewal on July 1 of each year. The appropriate renewal fee will be due at that time. This requirement applies to both new permits and permits in existence prior to this ordinance.

**Signature of Business Owner:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

