

SPECIAL TEMPORARY OUTDOOR OPERATIONS PERMIT

Application is hereby made for a temporary permit to operate an outdoor business subject to the City Manager’s sole consideration and approval and in accordance with the standards and procedures adopted by the City of Turlock under Urgency Ordinance Numbers 1279-CS and 1280-CS.

TYPE OF APPLICATION:

- Retail or Commercial Business
- Restaurant, Bar, Winery, Brewery

Location of requested special use:

- Outdoor open space
- Parking lot
- Sidewalk
- Street

Requested operating hours & days of the week: _____

Business Information:

Business Name:	
Address:	
City, State:	
Zip:	
Phone:	
Email:	

Business Owner’s Name:	
Phone:	
Email:	

24-HOUR CONTACT INFORMATION:

Business Contact's Name and Position (ex. owner, manager, etc.):	
Business Contact's Signature:	
Date:	
Phone:	
Email:	

SUBMITTAL CHECKLIST:

- Site Plan detailing layout of proposed outdoor operations including (the more detailed information provided will result in a faster review/more thorough response):
 - Provide an accurate sketch of the proposed use including enough information to determine where your business is located, where the proposed special outdoor use is in relation to your business, surrounding business/residential building locations, surrounding roads and sidewalks, street names, business address and business name. Size and font must be legible.
 - Identify and dimension the area proposed for the permit.
 - Identify and label all proposed furniture and appurtenances (tables, chair, equipment, etc.) requested to be placed within the proposed permit area.
- Permission from Property Owner (for privately owned areas – see exhibit 1)
- Indemnity Agreement for Special Temporary Outdoor Operations Permit (for City owned areas – see exhibit 2)
- Proof of Insurance (for City owned areas – see exhibit 3)

EXHIBIT – 1 –

PERMISSION FROM PROPERTY OWNER:

Property Owner's Name:	
Property Owner's Address:	
City, State:	
Zip:	
Property Owner's Signature:	
Date:	
Phone:	
Email:	
PROPERTY OWNER'S AFFIDAVIT: I hereby certify under penalty of law that I am the owner of the above-referenced property and authorize the temporary outdoor restaurant operations as described herein.	

**INDEMNIFICATION, DEFENSE AND HOLD HARMLESS
AGREEMENT**

Please wait to sign until City Personnel is present

To the greatest extent permitted by law, Permittee,

[PRINT NAME]

shall indemnify, defend, and hold harmless the City of Turlock and its elective and appointive boards, officers, agents, employees, and volunteers from and against all claims, damages, losses and expenses, including attorney fees arising out of, resulting from or in any manner related to, the granting of the attached special temporary outdoor operations permit and use of the City’s property; including, but not limited to, claims, damages, losses or expenses attributable to bodily injury, sickness, disease or death, loss of business, or injury to or destruction of tangible property including the loss of use resulting therefrom, regardless of whether or not it is caused in part by a party indemnified hereunder.

In the event the city determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney’s fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.

Permittee hereby acknowledges, understands, and agrees to the terms and conditions set forth in this Indemnification, Defense, and Hold Harmless Agreement and affirms that it is authorized and has legal authority to execute this Agreement.

Permittee verifies that the information in this application, any supplemental application, or attached item is true and accurate.

Applicant Signature: _____ DATE: _____

Print Name: _____

City personnel Signature: _____ DATE: _____

Print Name: _____

EXHIBIT – 3 –

Applicant is required to submit the following documents as proof of insurance before issuance of the permit. The insurance coverage shall be at least one million dollars per occurrence and two million dollars in aggregate. For specific requirements please see Section 1-6 of the Turlock Municipal Code.

- Certificate of Insurance “ACORD” evidencing commercial general liability, automobile liability, and applicable workers’ compensation coverages.
- 30-days Notice of Cancellation Endorsement.
- Additional Insured CG 20 10 Endorsement naming “the City of Turlock, its elective and appointive boards, officers, agents, employees and volunteers.”
- Primary/Non-contributory Endorsement
- Commercial General Liability Waiver of Subrogation Endorsement.
- Workers’ Compensation Waiver of Subrogation Endorsement.