

**APPLICATION FOR PERMIT TO USE THE PUBLIC RIGHT-OF-WAY  
FOR OPERATION OF OUTDOOR CAFE  
(TEMPORARY IMPROVEMENTS)**

The following requirements must be met prior to issuance of permit:

- ◆ Original Application. Please complete sections I, II, III and IV.
- ◆ The initial fee for an Outdoor Cafe permit for Temporary Improvements is waived.
- ◆ Signed conditions of approval.
- ◆ A commercial general liability insurance policy must be obtained.
- ◆ A City of Corning Business License is required. If the business does not already have a business license, one must be obtained from the City's Finance Office, 1108 Solano St. 530-824-7020.
- ◆ A site plan drawn to scale that includes table placement and a photograph of the front of the applicant's restaurant depicting the area within the public right-of-way proposed to be used for the outdoor cafe. Provide sufficient pages/sheets to clearly show this area.
- ◆ An indemnification agreement in a form approved by the City Attorney (see attached).

Additional conditions of approval determined by the director to be applicable may also apply.

If you have any questions, please feel free to contact the City Public Works Department at 824-7029 or by emailing [angela@corning.org](mailto:angela@corning.org)

CITY OF CORNING APPLICATION FOR A LICENSE TO  
CONDUCT A PUBLIC RIGHT OF WAY CAFE

Date application filed: \_\_\_\_\_

INSTRUCTIONS: Prepare one copy of this form, printing or typing accurately and completing the information requested in SECTIONS I, II, and III only. If this form is filled out by an individual for an organization, documentation of the authority under which the applicant is applying must be provided. Attach additional sheets as necessary to fully complete this form. Please refer specifically to the section number for which you are providing supplemental information. Sign and date in the space provided at the end of Section IV. Application should then be submitted for processing to the office of Planning, City hall 794 Third St., Corning, California. If license is approved, you will be requested to sign and date Section IV - Acceptance of License.

SECTION I. APPLICANT INFORMATION:

APPLICANT/AGENT NAME: \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_

PROJECT ADDRESS OR LOCATION:

Mailing Address: \_\_\_\_\_

Telephone: Business: (     ) \_\_\_\_\_ Home (     ) \_\_\_\_\_

SECTION II. ADDITIONAL INFORMATION REQUIRED FOR PUBLIC RIGHT OF WAY CAFES:

APPLICANT'S STATEMENT OF INTENT:

Please describe what you propose to do. (Include days of the week and times of day)

SECTION III. CERTIFICATION OF APPLICANT:

1. Read each of the statements below. After you have read the statements and understand them, please sign and date in the space provided at the end of this section.
  - a. I certify that I have read this application thoroughly, followed any and all instructions, understand its contents and supplied true and correct information herein to the best of my knowledge and belief.
  - b. I understand that falsification or misrepresentation on my part of any of the information that I have supplied above constitutes sufficient grounds for denial of this application, or for revocation of any license which may be hereafter granted, should any of my responses be determined to be false and/or misleading.
  - c. I certify that I will comply with all pertinent provisions of the Corning Municipal Code, and all other applicable laws, rules and regulations.
  - d. I understand that any license which may be granted will be subject to revocation by the City, after due notice to the parties concerned, in the event of any breach by me of any of the conditions under which it was granted.
  - e. For liability coverage purposes, it is my intent and the City of Corning's intent (hereinafter referred to as the "Parties"), that this permit is a written contract between the Parties. Pursuant to the insurance policy related to this permit/written contract, and consistent with the Certificate of Liability Insurance and Additional Insured Endorsements, the Parties hereby attach and incorporate by this reference, the Certificate of Liability Insurance and Additional Insured Endorsements, which are further expressly made a material part of the said permit/written contract between the Parties.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

SECTION IV. ACCEPTANCE OF LICENSE:

This section is to be completed by applicant after granting of license per SECTIONS V and VI below. When applicant has completed this section, he or she will receive a copy of the form and the remaining copies will be distributed as shown below.

"I certify that I accept this license and agree to comply with any and all conditions, including the 'Conditions of Approval' (Exhibit A, attached), which may be a part of the license, and to comply with all applicable provisions of the Corning Municipal Code, as well as the requirements of any other pertinent provisions which may be set forth within the laws of the County of Tehama and/or the State of California."

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

SECTION V. REVIEW AND RECOMMENDATIONS:

1. Recommendations by Police Department:
2. Recommendations by Fire Department:
3. Recommendations by Public Works Department-Operations & Maintenance:
4. Recommendations by Community Development Department-Code Enforcement:
5. Recommendations by Community Development Department-Planning:

SECTION VI. APPLICATION APPROVAL/DENIAL:

Determination by Public Works Director:

Approved \_\_\_\_\_ Approved with modifications \_\_\_\_\_ Denied \_\_\_\_\_

Modifications/Special Conditions: This license expires one year from the date of issuance.

Date of Issue: \_\_\_\_\_

SECTION VII. REVOCATION

The penalty for failure to comply with any of the provisions or conditions of approval will result in revocation of the license.

Appeal of Determination to City Manager:

1. Where the applicant is not satisfied with the action of the City, either due to denial, revocation, or unacceptable conditions, the applicant shall have the right to appeal said action.
2. The appeal must be commenced within 15 days from the postmarked date on which written notice of denial or revocation was received by the City.

CITY OF CORNING CONDITIONS OF APPROVAL -  
PUBLIC RIGHT OF WAY/ OUTDOOR CAFE (TEMPORARY IMPROVEMENTS)

1. This license is valid for the period of the COVID-19 State of Emergency from date of issue. The City retains the right to revoke the permit if the applicant fails to comply with the conditions of the permit.
2. The hours of operation of outdoor cafes shall be limited to the hours of 6:00 a.m. and 11:00 p.m. of the same day.
3. Outdoor cafes shall not obstruct sidewalk pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.
4. None of the furniture or other improvements shall block any exit - 36" minimum width to be maintained at all times.
5. A five-foot minimum paved clear and unobstructed dimension for pedestrian use shall be required that complies with the Americans with Disabilities Act and all requirements for disabled access.
6. Outdoor cafes shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed.
7. Signs not in conformance with the sign ordinance are prohibited.
8. Lighting shall not be affixed to any vehicle, tree, or other city property.
9. No smoking shall be permitted.
10. Any alcohol sales or consumption shall comply with\_ State and local regulations. If Business Owner proposes to sell or serve alcohol as a part of its outdoor activities, Business Owner shall furnish, along with this Application, proof of a liquor liability coverage endorsement or policy. Business Owner shall obtain authorization by ABC for outdoor alcohol service prior to operation and provide documentation of such upon request.
11. Noise produced by any audio equipment or other device used to attract attention to the place where the food or beverage is being sold shall not exceed the noise limits prescribed by state of California of City of Corning laws and regulations. Live amplified music shall not be allowed.
12. Except as permitted by the director, equipment used in the operation of an outdoor cafe in the public right-of-way shall be removed from the public right-of-way when the operation is not in use.

13. Equipment used and improvements built for the operation of an outdoor cafe in the public right-of-way shall be maintained and operated in a safe and sanitary manner and in a manner which does not unreasonably obstruct or interfere with the use of a city public right-of-way.
14. Drainage facilities shall remain clear and operational at all times at the sole expense of licensee and all other public facilities and public utilities shall remain free and clear of all obstacles and obstructions.
15. The sidewalk area within 100 feet of the restaurant and outdoor cafe shall be monitored for trash that may be produced by the operation of an outdoor cafe and the licensee at licensee's sole expense shall be responsible for keeping this area clean.
16. License holder to periodically (once every three months) power wash sidewalk/hardscape in the sidewalk cafe area. Prior to washing, license holder shall sweep and collect debris in area to prevent garbage from going into storm drain. License holder to maintain bricks and sidewalk flat without trip hazards.
17. Appropriate receptacles for trash shall be present in outdoor cafes located in the public right-of-way during all hours of operation and shall be removed from the public right-of-way when the operation is not in use. Receptacles are to be of a type approved by the director. Trash receptacles shall be durable, water tight, non-leaking, flame/fire resistant container(s) of appropriate size and/or quantity that is suitable for the volume of refuse generated by the permittee to eliminate accumulation of waste outside of the container. Receptacles shall be emptied regularly, and maintained in a clean and orderly fashion free of noxious odors.
18. The applicant shall contact Code Enforcement (824-7036) for a final inspection of the sidewalk cafe area to insure compliance with conditions of approval prior to operation of the sidewalk cafe.
19. The licensee shall agree, through the execution of an agreement in a form approved by the City Attorney, to hold the city and its elected officials, officers, employees, and agents harmless from any and all liability arising from operation of the outdoor cafe.
20. Licensee shall provide the City with proof that insurance has been obtained. Insurance coverage shall conform to the following:
  - a. Commercial general liability insurance from one or more U.S. domiciled insurance companies licensed to do business in the State of California with an A.M. Best Company rating of "B" or better, or in the alternative, an unlicensed U.S. domiciled company or companies with a rating of "A", which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least \$1,000,000 for each occurrence, and \$2,000,000 in the aggregate, with a maximum policy deductible of \$5,000. An Occurrence policy is required.
  - b. Separate policy endorsements attached to the certificate shall also provide that:

1. The City of Corning, its officers, boards and commissions, and members thereof, its employees and agents are covered as additional insureds as respects to any liability arising out of the activities of the named insured.
  2. The insurance coverage afforded by this policy shall be primary insurance as respects to the City of Corning, its officers, officials and employees. Any insurance or self-insurance maintained by the City of Corning, its officers, officials or employees shall be in excess of the insurance afforded to the named insured by this policy and shall not contribute to it.
  3. The insurer will provide to the City at least thirty (30) days prior notice of cancellation or material change in coverage.
- c. Said insurance coverage shall be executed by an authorized official of the insurer(s).

21. Licenses shall not be transferable in any manner.

- Application/Renewal Fee
- Insurance Certificate
- Copy of current business license or business license number
- Site Plan
- Photograph(s) of the area requested for use as Cafe
- Indemnification Agreement
- No smoking requirement

I have read, understand and will comply with all conditions set forth herein.

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Signature of Licensee

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Date



INDEMNIFICATION AGREEMENT REGARDING LICENSE  
AUTHORIZING OUTDOOR CAFE IN THE PUBLIC RIGHT-OF-WAY

THIS INDEMNIFICATION AGREEMENT (Agreement) is made on \_\_\_\_\_, 2020, by \_\_\_\_\_ a(n) \_\_\_\_\_ (Licensee) in regard to the license issued by the City of Corning (City) to Licensee, which authorizes Licensee to operate at an outdoor cafe at the following location:

IN CONSIDERATION OF the issuance of such license, Licensee, by these presents, hereby agrees to hold the City, its boards and commissions and members thereof, its officers, employees and agents, harmless and free from any and all liability, damage or loss arising out of the operation of the Licensee's outdoor cafe where such liability, damage or loss is proximately caused by the negligent or intentional act or omission of Licensee, any officer, employee, customer, or agent of Licensee, or any person who is under Licensee's legal control. Should City or any of its boards or commissions or members thereof, its officers, employees or agents, be named in any suit, or should any claim be made against any of them by suit or otherwise, whether the same be groundless or not, arising out of or relating to any such negligent or intentional act or omission of Licensee, any officer, employee or agent of Licensee, or any person who is under Licensee's legal control, then Licensee shall defend the City, its boards and commissions or members thereof, its officers, employees and agents, and shall indemnify them from any judgment rendered against them, or for any sums paid out in settlement or otherwise, including but not limited to any litigation costs and attorney fees whether incurred by or awarded against any of them.

IN WITNESS WHEREOF, Licensee has executed this Agreement in the City of Corning, County of Tehama, State of California, on the date set forth above.

\_\_\_\_\_  
Licensee

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Collin Bogener, City Attorney

\_\_\_\_\_  
Date

## CITY OF CORNING -

### Insurance Requirements

#### Insurance Submission

The Certificate of Insurance, required endorsements, waivers, and declarations should be sent directly to the City of Corning's Risk Management Office.

The City of Corning's preferred method for certificate submission is email. Emailed certificates should be included with the Application. Certificates that have been emailed should not also be sent in hard copy to the City.

#### Minimum Requirements for all Agreements & Permits

- Certificate of Insurance Listing the City as Named Insured: The City of Corning, its officers, boards and commissions, and members thereof, its employees and agents
- Policy Type: An Occurrence policy is required
- Additional Insured Endorsement: Non-ISO forms must be at least as broad as the specified ISO form listed in the requirements.
- Primary & Non-Contributory Endorsement: Primary and non-contributory language must be endorsed or included in the policy form.
- Notice of Cancellation: Thirty (30) day prior notice of cancellation or material change in coverage. Ten (10) day notice for non-payment of premium is acceptable.