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Resolution No. _____

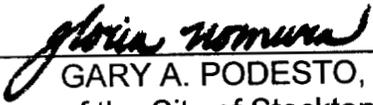
STOCKTON CITY COUNCIL

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

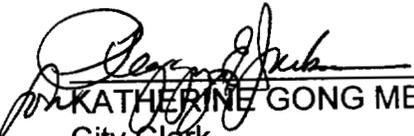
1. That Resolution No. 22,578 adopting "City of Stockton Department of Public Works Standard Conditions Applicable to Revocable Permits" is hereby rescinded.

2. That the Standard Conditions Applicable to Revocable Permits, a copy of which is attached as Exhibit "A" and incorporated by this reference, is hereby approved pursuant to Stockton Municipal Code section 9-912.

PASSED, APPROVED and ADOPTED NOV 14 2000


GARY A. PODESTO, Mayor
of the City of Stockton

ATTEST:


KATHERINE GONG MEISSNER
City Clerk
of the City of Stockton

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CITY ATTY
REVIEW GOP
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**CITY OF STOCKTON
DEPARTMENT OF PUBLIC WORKS
STANDARD CONDITIONS APPLICABLE TO REVOCABLE PERMITS**

1. Revocable permits are granted upon each of the conditions herein set forth which conditions Permittees agree, by the acceptance of said permits, to faithfully perform.
 - a. Permittees, their successors or assigns shall faithfully comply with all ordinances of the City of Stockton and all provisions of the Stockton Municipal Code.
 - b. Any construction contemplated hereby shall be made to the complete satisfaction of the Public Works Director of the City of Stockton who shall be given notice before construction commences and after its completion. All existing sidewalk and other public improvements disturbed by the installation of said improvements shall be replaced by Permittees, their successors or assigns to the official grade and to the satisfaction of the Public Works Director.
 - c. Any construction and installation shall be in strict conformity with all of the applicable provisions of the Stockton Municipal Code and permission for the actual installation shall be obtained from the applicable department or departments of the City of Stockton.
 - d. Permittees, their successors or assigns shall at all times maintain said installation in good condition and shall immediately repair any settlement of sidewalk, sidewalk area or other improvements due to said installation.
 - e. Permittees, their successors or assigns shall, during the continuance of this permit, indemnify and save harmless the City of Stockton from all damages, costs or charges of any kind or character arising out of or relating thereto or in any way connected with the construction, installation or maintenance of the installation referred to herein.
 - f. Permittees, their successors or assigns shall, during the continuance of such permit, be responsible for and pay any and all damages of whatsoever kind or character arising out of or relating thereto or in any way connected with the construction, installation or maintenance of the installation referred to herein. The Public Works Director may require, as a guarantee of the good faith of said Permittees and for the faithful performance of the purposes mentioned herein, that the said Permittees, their successors or assigns shall file with the City Clerk of the City of Stockton a good and sufficient bond in a sum to be determined by the Public Works Director. Said bond shall be maintained in force for such period of time as shall be determined by the Public Works Director.
 - g. The Permittees, their successors or assigns shall, at their own cost and expense, defend any and all lawsuits, if any, arising out of or in any way connected with the construction, installation and maintenance of the installation mentioned herein.

h. Insurance: The Public Works Director may require that the Permittee provide and keep in force during the term of the permit a policy of general liability insurance against liability for injuries to persons or property arising out of accidents attributable to the use of City property, in amounts to be determined by the Public Works Director with limits of at least \$1 million for each occurrence, and name the City of Stockton, by separate endorsement, as an additional insured. The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the Permittee by the terms of his permit and shall contain a provision that such policy may not be canceled except after thirty (30) days' notice in writing to be given to the Public Works Director. The copies of these policies or certificates evidencing the same shall be filed with Risk Management.

i. Permittees shall complete the installation and return the surface of the public easement to its original or better condition within thirty (30) days.

j. At the termination of such permit, the Permittees, their successors or assigns shall remove from City property the said installation mentioned herein and shall place the surface of the ground in its original condition or a better condition. Failure to do so within thirty (30) days after revocation of such permit shall be authority for the City to remove said installation from the City premises and repair the ground to its original or better condition. The Permittees, their successors or assigns shall promptly pay the City the expense and charges incurred in such removal and the replacement of the premises to present or better condition.

2. Permittees for a sidewalk cafe agree to the following conditions in addition to those stated above.

a. Sidewalk cafes shall be used only as seating areas for a use that serves food and/or beverages. Tables and/or chairs must be movable. Placement of tables and/or chairs shall be limited to the sidewalk area frontage adjacent to the building and the exact number allowed shall be stated on the permit.

b. No alcohol shall be served outside unless the business has a Type 47 (restaurant) ABC license and a City Use Permit. No music, dancing or live entertainment shall be allowed outside. No kitchen, restroom or storage shall be allowed outside. An employee must be specifically assigned to serve the outside area at all times when alcohol is being served. All applicable conditions of the Use Permit shall apply to the outside area. No additional off-street parking shall be required.

c. Sidewalk cafes shall not obstruct sidewalk pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards. A four-foot minimum clear dimension for pedestrian use is required between property line and edge of curb. This clear zone area must be paved to City sidewalk standards and unobstructed by street furniture, light standards, poles, fire hydrants, etc.

d. If alcohol is served pursuant to 2.b., a decorative portable barrier separating the outdoor cafe seating area from adjacent pedestrian traffic must be provided. The design and materials of such element must complement and be compatible to the architectural design of the restaurant building facade or of a design that adds visual interest to the streetscape.

e. Sidewalk cafes may be uncovered, partially covered or fully covered by means of umbrellas, awnings or canopies. Any awning or canopy material covering a sidewalk cafe shall be temporary or retractable and may extend over the public right-of-way from the face of the building up to the maximum clear zone dimension of four feet. Width and height of awnings and canopies shall meet U.B.C. requirements. Awnings, canopies, umbrellas must be made of fire-treated or non-flammable materials. Decorative/accent lighting may be incorporated into the outdoor cafe awning or canopy and shall meet all City Code requirements.

3. Each section of these Standard Conditions are hereby declared to be an independent section or part of a section. If, for any reason, any section or part thereof is declared to be invalid, the remainder of such revocable permit shall not be affected thereby.

4. Permittees shall have twenty (20) days from and after the approval of the revocable permit within which to file a written acceptance of such revocable permit with the City of Stockton and no rights shall be conferred thereby until the acceptance is filed.