

ADMINISTRATIVE POLICES AND PROCEDURES

SUBJECT: USE OF CITY AND REDEVELOPMENT
AGENCY-OWNED REAL PROPERTY

EFFECTIVE: May 20, 1997

PURPOSE: To establish a policy setting forth the procedure for use
of City and Agency-owned real property by non-profit
organizations

POLICY:

- (A) Use of City or Redevelopment Agency-owned property shall be limited to non-profit organizations who pledge to use the proceeds from any such use for charitable and public benefit purposes.
- (B) The City or Agency-owned real property shall only be used for the purposes set forth in Merced Municipal Code Section 20.62.050, i.e., fireworks sales, pumpkin sales, or Christmas tree sales.
- (C) The City and Agency-owned real property permitted for the above uses are limited to the following properties:
 - (1) Commercial/Professional Office (CO)
 - (2) Neighborhood Commercial (CN)
 - (3) Thoroughfare Commercial (CT)
 - (4) General Commercial (GC)
 - (5) Central Commercial (CC)

The City Manager may in his discretion delete any of the above properties from use or may add additional properties thereto upon a determination that the properties are suitable for the above uses.

- (D) Use of the real property is subject to the following conditions:
 - (1) Applicant must submit a City-owned Real Property Use Permit application to the One-Stop Division of Development Services at least fourteen (14) days prior to date of requested use. Reservations for sites may be made up to one (1) year in advance of date of use;
 - (2) Applicant shall comply with all applicable statutes, ordinances, rules, regulations, etc., including all regulations of the City of Merced Fire Department;
 - (3) Applicant shall defend, indemnify and hold the City and the Redevelopment Agency free and harmless from and against any and all claims arising from applicant's use of the property;

- (4) Applicant shall provide an insurance policy in the face amount of at least \$500,000 satisfactory to the City which names the City and the Redevelopment Agency, its officers, employees, and agents as additional insureds, and which covers Applicant's indemnity obligations;
 - (5) Applicant shall remove all structures, debris, and other materials from the property no later than the last day of the permit's date of use;
 - (6) Applicant shall comply with all other requirements of Section 20.62.050 of the Merced Municipal Code;
 - (7) Applicant must certify that proceeds from the use shall be used for charitable and public benefit purposes only;
 - (8) Applicant shall comply with such other conditions as may be attached to the permit depending on the type of use.
- (E) Development Services Department (One-Stop Division) shall be the lead department responsible for issuing the Real Property Use Permits. Issuance of permits for any site shall be made on a first come, first serve basis. Only one site may be obtained per organization per event. Any permit may be denied due to any unmitigatable hazard or because of anticipated use by the City or Redevelopment Agency. The City may revoke use of a site due to Applicant's non-compliance with any condition or upon a determination that the site is needed for use by the City or the Redevelopment Agency.
- (F) A person seeking issuance of a Real Property Use Permit shall file an application. All applications shall include the following attachments:
- (1) Certificate of insurance;
 - (2) Completed business license application, if appropriate; and,
 - (3) Permit from the State Fire Marshal (depending on use);
 - (4) Location Map showing site configuration and surrounding uses.
- (G) Fee for a Real Property Use Permit shall be \$35.00. Additional fees through Fire or other departments may be applied based on type of use. All fees shall be paid a minimum of one week prior to date of use.
- (H) Each permit shall be valid for a maximum period of forty-five (45) days or less as indicated in the permit. No permit shall be allowed at the same location or on the same premises if the same or similar permit has been allowed on that property within the previous sixty (60) days.
- (I) Temporary signs shall be allowed in accordance with Merced Municipal Code Section 17.36.570.

- (J) Any decision by the Development Services Department to issue or deny a Real Property Use Permit may be appealed to the City Council by filing a written appeal with the Development Services Department. The City Council shall hear the appeal at their next regularly scheduled meeting, which is at least five (5) days after the appeal is filed. The City has the right to immediately revoke a permit if the permit holder is in violation of any of the conditions placed on the permit, or if the property is needed for City or Agency purposes. Should revocation occur, the permit holder has the right to appeal in writing at the next regularly scheduled City Council meeting occurring at least five (5) days after the appeal is filed with the Development Services Department. Revocation shall not be stayed while the appeal is pending. The City Council decision shall be final.

**PROCEDURE:
RESPONSIBILITY**

City Planner

Applicant

Permit Agent

Fire Department

Permit Agent

ACTION

- (1) Designates staff member(s) to perform duties assigned as Permit Agent(s) under this policy and procedure.
- (2) Submit application for Real Property Use Permit at least one month prior to the proposed use. (Reservations for sites may be made up to one year in advance)
- (3) Completes, or ensures that Applicant has completed, all necessary information on Permit Application and has included all required attachments, as described in the Application Instructions.

- (4) Forwards the Application for review and approval to Fire Department, and any other department impacted.

NOTE: Applicant may wish to personally obtain the required sign-offs to expedite the process. Some departments may require more than 24 hours processing time to review plans or conduct site inspections.

- (5) Transmits informational copies to other affected departments.
- (6) Reviews proposed use and Site Plan for potential safety hazards.
 - a. If no hazards are identified, initial, date and return Application to Permit Agent.
 - b. If hazard is identified, recommend to Permit Agent means to mitigate hazard.
- (7) Advises Applicant of possible hazard, means of mitigation, and any additional conditions attached to permit, or that permit is denied for specified reasons.

- (9) Following payment of fees by Applicant, Permit Agent assigns a permit number and logs permit issuance.
- (10) Issues the Property Use Permit to Applicant.
- (11) Copies of Permit shall be filed with Inspection Services.
- (12) If permit is denied, advises applicant of appeal procedure.

APPROVED:


City Manager

CITY OF MERCED

City-owned Real Property Use Permit Application

Permit Number:	Issued for the Period:
Total Fee:	Date:
Check Number:	Received By:

Date: _____

Name of Organization: _____

Non-Profit I.D. number: _____

Organization Address: _____

Contact Person: _____

Phone Number: _____

Site Location: _____

Type of Use: _____

Beginning and Ending Dates for Use: _____

A fee of \$35.00 must accompany this Real Property Use Application to cover cost of processing. This is not a business license fee. Other fees through Fire or other City departments may be applied based on type of use. All fees shall be paid a minimum of one week prior to date of use through the Finance Department.

Applicant shall defend, indemnify and hold City free and harmless from and against any and all claims arising from Applicant's use of property.

Applicant shall provide an insurance policy in the face amount of at least \$500,000 satisfactory to the City which names the City, its officers, employees and agents as additional insureds and which covers Applicant's indemnity obligations.

Applicant shall attach a Location Map to this application (see attached example) and a Business License application

Signature Date

NOTE: Falsification of this application is a misdemeanor and grounds for revocation of any permit.

Proof of Non-Profit Status	Location Map	Fees	Insurance	Indemnification
APPROVED	DENIED	APPROVED	DENIED	
Planner	Date	Fire Chief	Date	

INSTRUCTIONS FOR COMPLETION CITY-OWNED REAL PROPERTY USE PERMIT APPLICATION

- 1. NAME OF ORGANIZATION** - Name of non-profit organization requesting permit.
- 2. NON-PROFIT I.D. NUMBER** - Proof on non-profit status, as provided by the State of California.
- 3. ORGANIZATION ADDRESS** - Organization's permanent address including city and state.
- 4. CONTACT PERSON**- Name of representative who can answer questions.
- 5. PHONE NUMBER** - Phone number of organization or organization's representative.
- 6. SITE LOCATION** - Identify exact location of site to be used.
- 7. TYPE OF USE** - Describe the purpose for which the site will be used and identify item(s) to be sold or service to be performed.
- 8. BEGINNING AND ENDING DATES** - Identify the dates site will be in use.
- 9. FEES** - Following submittal of application, Permit Agent shall calculate all fees required. Fees are payable through the Finance Department prior to issuance of permit.
- 10. REQUIRED ATTACHMENTS** - Applicant shall attach to the application the following: Original, signed Certificate of Insurance; completed Business License application, Location Map clearly indicating desired site; surrounding uses; and site layout showing position of signs, vehicles, campers, tents, etc.; and proof of non-profit status, as provided by the State of California.
- 11. SIGNATURE** - Individual applying for permit shall sign and date application.

EXAMPLE

All maps must have the following information:

1. Applicant's name
2. Date.
3. Scale of drawing (i.e. 1/8" = 1')
4. Arrow showing North direction (Drawing should be oriented to the North).

LOCATION MAP

