

RESOLUTION NO. 2020-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
TEMPORARILY SUPPLEMENTING AND/OR
MODIFYING CHAPTER 12.36 OF THE MERCED
MUNICIPAL CODE (RESTAURANT
ENCROACHMENT PERMITS)**

WHEREAS, the Merced County Department of Public Health on May 20, 2020, approved moving into Stage 2.5 of the California's Road Map for Reopening.

WHEREAS, Chapter 12.36 of the Merced Municipal Code authorizes Restaurant Encroachment Permits in the public right of way; and

WHEREAS, the City Council wants to assist local businesses during the Reopening process; and

WHEREAS, the City Council desires to temporarily supplement and/or modify Chapter 12.36 to allow for additional business, including restaurants, to take advantage of available outdoor areas to allow for and/or expand outdoor seating.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED
DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS
FOLLOWS:**

SECTION 1. The City Council hereby temporarily supplement and/or modifies Chapter 12.36 of the Merced Municipal Code to effect the following changes to permit expanded outdoor seating for restaurants, bars, brewpubs, bakeries, and grocery stores selling food and drink for consumption on the premises:

- A. Section 12.36.010(C) is supplemented to include restaurants, bars, brewpubs, bakeries and grocery stores selling food and drink for consumption on the premises.
- B. Section 12.36.020(B) is modified to empower the City Manager or his designee to revoke an encroachment permit.

- C. Section 12.36.060 is modified to reduce the fee for an encroachment permit to One Dollar (\$1.00) effective March 13, 2020.
- D. Section 12.36.070(A) is modified to allow a permittee to utilize the right of way from curb to property line provided that a five-foot path of travel must be maintained.
- E. Section 12.36.070(B)(2) is modified to allow a permittee to extend beyond the building frontage if the City Manager or his designee and the adjacent property owner grant permission.
- F. Section 12.36.110 is modified to prohibit all smoking and vaping within the encroachment permit area.
- G. Section 12.36.070(b)(3) (10 foot limitation from property line) and (4) (one building frontage limitation) are suspended in light of the aforementioned changes for as long as the changes remain in effect.
- H. Section 12.36.090(B) is modified to permit temporary signs within the encroachment area.
- I. Any other provisions of Chapter 12.36 not mentioned herein that conflict with the intent of this resolution are temporarily suspended.
- J. The provisions of this resolution will remain in full force and effect unless and until the City Council takes action to terminate, amend or revoke in whole or in part.

///

///

///

///

///

///

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2020, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

 5-28-2020
City Attorney Date