

Street Closure Moratorium: Update and Next Steps

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MERCED

MAY 18, 2026

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BACKGROUND:

- ❖ Merced Municipal Code Chapter 12.42 regulated temporary street closure encroachment permits, and the City's enforcement in recent months unveiled inconsistencies and gaps in the regulatory framework and City policies and administrative processes
- ❖ Continuing to operate under this structure creates a risk to public health, safety, welfare, unsafe concentrations of closures and/or arbitrary decision-making.
- ❖ Prior inconsistent enforcement combined with unclear standards may expose the City to potential claims of unequal or arbitrary treatment.
- ❖ City has a strong interest in allowing community events, parades, etc. and needs to establish a clear regulatory framework for enabling these to occur safely, orderly, and in a manner that is consistently applied.



Existing Moratorium

- ❖ Council adopted Urgency Ordinance Number 2590 that created a moratorium on utilizing Merced Municipal Code Section 12.42, with exceptions, on April 20, 2026.
- ❖ Events have been successfully processed under the exception to the moratorium created by Ordinance Number 2590. The exception would also be extended under tonight's proposed ordinance.

Current Event Approvals

- ❖ Urgency Ordinance Number 2590 allows the City Manager to administratively approve certain street closure encroachment permits.
- ❖ In Downtown area, if event utilizes Bob Hart Square (“Square”), and the Square is available, event will be approved.
- ❖ Outside downtown area, if event can utilize any available city-owned spaces reservable and suitable for housing events, events will be approved.
- ❖ City Policy A-25, Use of City and Redevelopment Agency-Owned Real Property, is outdated, does not reflect existing Merced Code, and, thus, is not being utilized. Staff will bring a resolution to City Council to rescind this policy altogether.

NEW ORDINANCE CONCEPT:

- ❖ Focuses on the event.
- ❖ Requires Events be held in City-created reservable spaces, if those spaces are available and appropriate for the proposed event.
- ❖ Allows for street closure encroachment permits, but limits our reliance on street closures, by placing events in City-created public spaces such as Bob Heart Square, Applegate Park, the Moat, etc.
- ❖ “One-stop shopping” approach where, regardless of event, Parks and Recreation is the point of contact for the applicant and a single application is utilized.

NEW ORDINANCE CONCEPT: CONTINUED:

- ❖ Standardized approach to fees.
- ❖ Event organizers must coordinate with affected businesses associated with the approved event location and Parks and Recreation Department.
- ❖ Staff is recommending the City stop allowing, as a routine practice, event organizers to utilize city-owned parking structures to house events.
- ❖ City Council approval of very unique or large events.

REQUESTED CITY COUNCIL ACTION:

- ❖ Provide input on proposed new ordinance concepts.
- ❖ Move to adopt tonight's Urgency Ordinance to extend City's temporary moratorium on street closures for a period of ten months and fifteen days.



QUESTIONS/ COMMENTS