

OUTDOOR SALES GUIDELINES

FOR

FIREWORK SALES

*Code Section 20.62.050 - Temporary uses outside enclosed building

*Outdoor sales are permitted only in "commercial" zoned or designated districts as indicated on the City's Zoning and General Plan Maps.

*SALES ARE LIMITED TO THE FOLLOWING DATES: JUNE 26th - JULY 6th

*Applicant must supply the City Fire Department with following items:

1. Location Map
2. Letter from property owner giving permission to use the site.
3. Permit from State Fire Marshall
(Reviewed by the Merced Fire Department)

*Requires a completed City Business License Application signed by the following Departments:

1. Planning (678 W. 18th St.)
 - a. Confirm that the booth location will not interfere with traffic circulation.
 - b. Make three copies of the Business License Application
 - c. Put one copy in the Inspection Services Folder Labeled Business Licenses for Fire Inspection and one in the folder labeled Business Licenses-Copies for Fire Department.
 - d. Instruct the client to pay the Business License Fee at the Finance Department and direct the client to the Fire Department with the third copy of the Business License Application.

*Temporary signage must be located at a minimum of five (5) feet from the property line and cannot be located within a visual triangle.

Rev. 5/94

FQ:dh/BUSLICFI.WK

20.62.050. Temporary uses outside enclosed building.

A. Notwithstanding any other provision contained in this title, the following temporary uses may be conducted outside an enclosed building:

- (1) Christmas tree retail sales;
- (2) Pumpkin retail sales;
- (3) Fireworks sales.

B. Each temporary use permitted shall:

- (1) Be described in a permit therefor issued by the Planning Director prior to commencement. Said permit shall also include all other licenses, permits, or approvals otherwise required by this code;
- (2) Not continue for more than forty-five consecutive days at the same location or on the same premises;
- (3) Not be allowed or conducted at the same location or on the same premises if the same or similar temporary use has been allowed or conducted thereon within the previous sixty days;
- (4) Be discontinued at the expiration of the time period for which it is allowed and any signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith shall be removed from the location or premises.

C. The Planning Director may, in issuing permits for temporary uses, attach such conditions which he determines to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises. In addition to any other conditions imposed, the Planning Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

D. Any person aggrieved by the action of the Planning Director in issuing, refusing to issue or conditioning such a permit may appeal such action to the Planning Commission within three calendar days of the date of any such action. Such appeal shall be in writing stating the grounds therefor. The Planning Commission shall give notice of such appeal, and the date upon which it shall be heard, in writing to the applicant for such permit. Upon the hearing of such matter, the Planning Commission, upon a majority vote of its members, may:

- (1) Grant the permit as requested or as changed or modified when deemed to be in the public interest; or
- (2) Deny the permit as requested when such denial is deemed to be in the public interest.

E. There shall be no appeal from the action of the Planning Commission.

OUTDOOR SALES GUIDELINES
FOR
PUMPKIN AND CHRISTMAS TREE RETAIL SALES

*Code Section 20.62.050 - Temporary uses outside enclosed building.

*Outdoor sales are permitted only in "commercial" zoned or designated districts as indicated on the City's Zoning and General Plan Maps.

*It is the responsibility of the Business License applicant to acquire property owner permission to use the site.

*Requires a completed City Business License Application signed by the following Departments:

1. Planning
2. Inspection Services (Initial Business License Application, mark-off "Yes", and insert one copy into the files labeled Business Licenses for Fire Inspection and Business Licenses-Copies for Fire Department.
3. Inspection Services should be made aware if the applicant is installing a temporary power pole or is using their own generator.
4. Submit completed application to the Finance Department

*Temporary signage must be located at a minimum five (5) feet from the property line and cannot be located within a visual triangle.

FQ:dh/BUSLICXM.AS

20.62.050. Temporary uses outside enclosed building.

A. Notwithstanding any other provision contained in this title, the following temporary uses may be conducted outside an enclosed building:

- (1) Christmas tree retail sales;
- (2) Pumpkin retail sales;
- (3) Fireworks sales.

B. Each temporary use permitted shall:

- (1) Be described in a permit therefor issued by the Planning Director prior to commencement. Said permit shall also include all other licenses, permits, or approvals otherwise required by this code;
- (2) Not continue for more than forty-five consecutive days at the same location or on the same premises;
- (3) Not be allowed or conducted at the same location or on the same premises if the same or similar temporary use has been allowed or conducted thereon within the previous sixty days;
- (4) Be discontinued at the expiration of the time period for which it is allowed and any signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith shall be removed from the location or premises.

C. The Planning Director may, in issuing permits for temporary uses, attach such conditions which he determines to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises. In addition to any other conditions imposed, the Planning Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

D. Any person aggrieved by the action of the Planning Director in issuing, refusing to issue or conditioning such a permit may appeal such action to the Planning Commission within three calendar days of the date of any such action. Such appeal shall be in writing stating the grounds therefor. The Planning Commission shall give notice of such appeal, and the date upon which it shall be heard, in writing to the applicant for such permit. Upon the hearing of such matter, the Planning Commission, upon a majority vote of its members, may:

- (1) Grant the permit as requested or as changed or modified when deemed to be in the public interest; or
- (2) Deny the permit as requested when such denial is deemed to be in the public interest.

E. There shall be no appeal from the action of the Planning Commission.

OUTDOOR SALES GUIDELINES

FOR

FARMERS MARKET

*Prior to requesting for a Business License Application the vendor/applicant should obtain standards and regulations for the Farmer's Market from the Merced Downtown Association (1722 Canal Street).

*Applicant must complete a City of Merced Business License Application -- Farmer's Market (Short Form).

*Applicant submits Business License Application to the Finance Department. Additional signatures from Planning, Building, Police and Fire Departments are not required (but may be necessary under unique circumstances).

NOTE: A City of Merced Business License is not required for the "Swap Meet" located at the Merced County Fairgrounds.

10/92

FQ:dh/BUSLICFM.KT

20.62.050. Temporary uses outside enclosed building.

A. Notwithstanding any other provision contained in this title, the following temporary uses may be conducted outside an enclosed building:

- (1) Christmas tree retail sales;
- (2) Pumpkin retail sales;
- (3) Fireworks sales.

B. Each temporary use permitted shall:

- (1) Be described in a permit therefor issued by the Planning Director prior to commencement. Said permit shall also include all other licenses, permits, or approvals otherwise required by this code;
- (2) Not continue for more than forty-five consecutive days at the same location or on the same premises;
- (3) Not be allowed or conducted at the same location or on the same premises if the same or similar temporary use has been allowed or conducted thereon within the previous sixty days;
- (4) Be discontinued at the expiration of the time period for which it is allowed and any signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith shall be removed from the location or premises.

C. The Planning Director may, in issuing permits for temporary uses, attach such conditions which he determines to be reasonably necessary in connection with the hours of operation, cleanup of the location or premises, use of lights or lighting or other means of illumination, or operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises. In addition to any other conditions imposed, the Planning Director may require the posting of a cash bond in an amount sufficient to guarantee the removal of any fixtures, equipment or stands and the cleanup of the location or premises immediately upon the expiration of any such temporary use.

D. Any person aggrieved by the action of the Planning Director in issuing, refusing to issue or conditioning such a permit may appeal such action to the Planning Commission within three calendar days of the date of any such action. Such appeal shall be in writing stating the grounds therefor. The Planning Commission shall give notice of such appeal, and the date upon which it shall be heard, in writing to the applicant for such permit. Upon the hearing of such matter, the Planning Commission, upon a majority vote of its members, may:

- (1) Grant the permit as requested or as changed or modified when deemed to be in the public interest; or
- (2) Deny the permit as requested when such denial is deemed to be in the public interest.

E. There shall be no appeal from the action of the Planning Commission.