



Permit No. _____

Temporary Outdoor Dining & Commerce Permit (thru 12/1/21)

Applicant Name _____ Phone _____

Email _____ Date _____

Business Name

_____ Business

Address _____ Do you own or rent the

building? _____ If renting, does your landlord approve? _____

You plan to expand your business out onto a:

- Sidewalk
- Parking Space

Other _____

Do you plan to serve alcohol outdoors? ____ Yes ____ No

DESCRIBE YOUR OUTDOOR PLAN: _____

ATTACH A DRAWING OR PHOTOS OF YOUR PROPOSED PLAN: The plan should include measurements of the areas you are proposing to use including sidewalk width from your building to the curb. The plan also needs to include:

- Utility covers on the sidewalk, existing awnings, trees, tree wells/grates, newspaper boxes, fire hydrants and any other items located in the space you are proposing to use.
- Your plan to provide for Americans with Disabilities Access (ADA) and appropriate space for pedestrians to pass (if near a sidewalk). Please show dimensions and make sure all access is a minimum of 4 ft in wide.
- Your plan to separate the area from traffic/ parking area and details on the proposed barriers.
- Your plan to furnish the space including size, number and location of tables, any umbrellas, canopies, heaters or lighting you propose.

ATTACH PHOTOS of the proposed expansion area as well as of the outdoor furnishings, shade structures, heating units etc. you plan to move outdoors and / or install.

ATTACH A CERTIFICATE OF INSURANCE (for project in the public right of way only) for general liability insurance coverage of not less than \$1 million, endorsing the Town of Windsor as an additional insured with the Town's address as the certificate holder at the time of permit issuance.

General Permit Conditions:

1. Permit is temporary and will expire on December 1, 2021 unless extended in writing. This permit may be terminated, revoked, or amended at any time at the sole discretion of the City Manager.
2. Permittee shall adhere to all County Health orders and Health Department requirements.
3. Permittee shall adhere to all related ABC licensing requirements.
4. Permittee shall adjust outdoor plan if Town staff identify safety, ADA compliance, or logistical issues after this permit is issued.
5. All outdoor furnishings shall be moveable.
6. Permittee shall accept all risk related to loss or damage of any outdoor furnishings.
7. Permittee shall leave space for ADA (Americans with Disabilities) access (minimum of 4 ft unobstructed clearance) and for appropriate pedestrian flow. Up to 6 ft may be necessary for high traffic areas.
8. Permittee shall leave Fire department connections, fire hydrants, designated red zones and exits and access to adjoining businesses remain unobstructed.
9. No outdoor cooking is permitted unless prior approval is granted by the Health Department and Fire Department.
10. Permittee shall comply with latest Health Department guidance document regarding outdoor food safety.
11. Permittee shall close all outdoor dining areas by 9:30 pm.
12. A 12 foot minimum distance from center line of the road to any barrier demarcating the dining area must be maintained at all times.
13. Permittee agrees there shall be no liability on the Town or upon any of its officers, agents, or employees for any damage by the permittee from any cause arising out of, or related to, permitted activities. Furthermore, I agree to indemnify, defend, and hold harmless the Town of Windsor and its officers, commissioners, agents, independent contractors, and employees from any liability arising out of permitted activities
14. Permittee may be subject to unannounced inspections, to ensure safety and compliance with these conditions.

Tent and Canopy Permit Conditions:

1. All canopies and tents must meet the public health requirements communicated by Sonoma County or the State California and allow the free flow of outdoor air through the entire space. Currently this limits tents and canopies to only one sidewall, no additional walls may be added or "rolled down" at any time
2. All tents and canopies shall be of sturdy construction, easily shed rainwater, and be secured using free-standing concrete bases or water-filled bases.
3. Tents over 400 sq ft require a permit from the Fire District. Due to COVID the fees for this permits have been waived. Applicants should contact Deputy Fire Marshal Jason Piloni (jpiloni@sonomacountyfd.org) or 707-892-2013) with the following information:
 - a. Proof the tent meets Ca. State Fire Marshal flame retardant rating
 - b. Diagram showing tent location (note public right away, roads, adjacent buildings)
 - c. Must be 5' off the building
 - d. Tent can be in place for 180 days, after that a second inspection will be required if tent is to remain up longer
 - e. Tent Shall be properly anchored or ballasted in accordance with manufactures guidelines or as approved by the fire code official [(L x W) x 5lbs = total ballast required
 - a. Water barrels top tied only = 192 lbs each
 - b. Water barrels top tied and bottom strapped to leg = 336 lbs each

Outdoor Heater Permit Conditions:

General Heater Use

A Permit from the Fire Department is no required for outdoor use when **not** being used in a tent or canopy. However, these heaters must meet the following conditions.

1. User must follow the heater manufacturer installation/recommendations on proper usage of the UL listed (Underwriters Laboratory) appliance.
2. Heating appliances are not permitted within 5 feet horizontal and vertical distance of walls or ceilings of tents, membrane structures, umbrellas, E-Z Ups or buildings and shall be kept a minimum of 10 feet horizontal distance from exits from buildings (if allowed by manufacturer use instructions).
3. Propane heaters and containers shall be located a minimum of 5 feet from buildings, drive aisles, and pedestrian areas and comply with 2109 California Fire Code Table 6104.3.
4. Propane cylinders may no be stored inside the building, heaters must have propane tanks removed at night prior to storing them inside the building
5. Outdoor heaters potentially can only be used near an E-Z Up canopy if placement meets the installation instructions of the heater manufacturer (clearance from combustibles) and also meet flame resistance requirements of CA Title 19.

Heaters in Tents and Canopy's

1. Portable outdoor gas-fired heating appliances may be used in tents if ALL of the following limitations are in place; the term "temporary" shall apply to these regulations due to COVID, once this is lifted regulations will change.
2. A temporary propane permit has been issued by the Fire Department
3. The heating appliance is listed and is used in accordance with manufactures guidelines and these limitations
4. The tent in which it is installed shall not have greater than 1 wall or obstructed side
5. Tanks used do not exceed 5-gallon water capacity
6. The permitted shall not operate more than 5 tanks total in use and storage at any one time (empty tanks are considered full and count towards total)
7. Heating appliances are not permitted within 5 feet horizontal and vertical distance of walls or ceilings of tents, membrane structures or buildings and shall be kept a minimum of 10 feet horizontal distance from exits from tent or buildings
8. The facility is subject to a minimum of 2 inspections in a 12 month period
9. Propane shall be stored in accordance with CFC:
 - a. Tanks installed in listed appliances or not installed in listed appliances stored inside of businesses shall be stored in a secured location within the business
 - b. Tanks not installed on or in listed appliances shall be in milk crates, nested, or secured top and bottom
 - c. Storage shall not be within 10 feet of ventilation intakes, doors, windows or ignition sources (kitchens, rooms with gas hot water heaters, etc..)
 - d. Storage areas shall be posted "No Smoking or Open Flame"
 - e. Propane shall not be used inside of buildings at any time

By signing this permit, I agree to adhere to all the conditions of the permit on the following page. If I am not able to adhere to these conditions, I understand that my permit may be revoked.

Signature of Business Owner _____ Print Name _____

Signature of Property Owner _____ Print Name _____

Please contact the Town of Windsor Economic Development Manager Tim Ricard at tricard@townofwindsor.com with any questions or to submit your application.