



Application for TEMPORARY ENCROACHMENT for MOBILE PARKLET

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 513-5510
www.cityofgraham.com

Any organization wishing to place the Mobile Parklet (Parklet) on the organization's own property, the property of the City of Graham, any area in the Graham Central Business District (B-1) that falls further than three feet from the face of the building and/or on the sidewalk, shall first obtain a temporary encroachment permit from the City of Graham. If the Parklet is to be placed in other jurisdictions, all appropriate permits (in addition to the City of Graham's Mobile Parklet permit) must be obtained from that jurisdiction.

Location

Street Address: _____
City: _____
Business Name: _____
Type of Business: _____
Business Owner: _____
Phone # _____

Applicant

Name: _____
 Business Owner Other _____
Mailing Address: _____
City, State, Zip: _____
Phone # _____

Email: _____

I have completed this application truthfully and to the best of my ability, and have included a plan drawing and other required attachments.

Signature of Applicant _____ Date _____

Responsible Contact *if other than the applicant*

This is the person that the City may notify or contact at any time concerning the permitted temporary encroachment.

Name: _____
 Business Owner Other _____
Mailing Address: _____
City, State, Zip: _____
Phone # _____
Email: _____

Proposed Temporary Encroachment

Please consult the **standards** for temporary encroachments, listed on the back of this application.

Briefly describe the **location** of the temporary encroachment of the Parklet:

- Attach a **plan drawing** showing the dimensions and layout of the proposed temporary encroachment area. If umbrellas, trees or other overhead structures are in the area, note the vertical dimensions on the drawing.

Other Required Attachments

- A **\$50 delivery fee** must be paid to the City of Graham before delivery will occur. Send payments to:
City of Graham - Parklet
PO Box 357 - Graham, NC 27253
- Copy of a **valid business or privilege license** to operate a business establishment adjacent to the public sidewalk which is the subject of the application
- Proof of **current liability insurance** as required for this permit (see Condition 3)
- If any are required*, proof of any ABC license, health permits or other state permits for the business involved; list attached:
- _____

- If the proposed temporary encroachment will extend across adjacent businesses or properties, **written consent of adjacent landowners and businesses must be secured and presented with the Permit application.***

Standards, Conditions & Prohibited Acts for Temporary Encroachments

Complete information on a temporary encroachment permit can be found in the *City of Graham Code of Ordinances* in Chapter 18, Article VII, Downtown Outdoor Displays, Dining and Other Temporary Encroachments.

Standards

No permit shall be issued unless it meets all of the following standards, as applicable:

- (1) The permitted temporary encroachment area is limited to the area directly abutting the existing place of business, unless written consent of adjacent landowners and businesses is obtained and submitted with the application. The permitted area may extend to within two (2) feet of the curb.
- (2) Pedestrian travel upon the sidewalk shall be completely unobstructed a minimum of six (6) feet in width and seven (7) feet in height. No temporary encroachments shall be placed so as to block ingress or egress to or from any building, driveway, crosswalk, curb ramp, bus stop, fire hydrant, fire department connection or counter service window.
- (3) Furniture or other decorative materials shall be fire-retardant, pressure-treated or manufactured of fire resistive material, and shall not contain any commercial advertising. Additionally, all furniture, especially umbrellas, must be designed and installed to be secure in windy conditions.
- (4) Outdoor lighting of the temporary encroachment area may not be directed at or excessively illuminate any area other than the encroachment area.
- (5) Any portion of an outdoor dining area that abuts a building may be enclosed by a removable physical barrier or delineator. These shall meet any applicable building, fire or other codes or regulations and shall be at least fifty (50) percent open to maintain visibility of street-level activity. Any gate must swing into the property and remain unlocked during business hours.
- (6) Planters may not exceed a height of thirty-six (36) inches above the level of the sidewalk. Plants may not exceed a height of eight (8) feet above the level of the sidewalk.
- (7) In the Courthouse Square Historic District, all furnishings, fixtures and other decorative materials shall adhere to guidelines approved by the Historic District Commission. Alternatively, the applicant may submit an approved Certificate of Appropriateness as part of the permit application. In no event shall such Certificate of Appropriateness permit lesser standards than are required by this section.
- (8) The Applicant is responsible for bringing in the umbrellas when not in use and in case of high winds.

Conditions

- (1) Upon satisfactory submission of proof of insurance, this permit shall begin on ____ / ____ / _____ and shall expire after 45 days. Depending on demand, a permit may be renewable for a total of two consecutive terms.
____ Permit renewed ____ / ____ / _____ (if applicable)
- (2) The permit shall be personal to the permittee and not transferable in any manner, and shall be specifically limited to the approved area.
- (3) The permittee shall maintain current liability insurance, issued by an insurance company licensed to do business in the state, protecting the licensee and the City from all claims for damage to property and bodily injury, including death, which may arise in connection with the temporary encroachment permit for the Parklet. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City. The policy minimums shall be as follows:
\$1 million general liability; \$1 million umbrella coverage.

Prohibited Acts

No merchant, vendor, business or property owner shall:

- (1) Permanently alter or damage the sidewalk or any other structures in the public right-of-way.
- (2) Store or leave any stand of items or merchandise overnight, except for outdoor dining areas, which may be kept in the permitted area at the permittee's risk.
- (3) Affix permanent advertising on the Parklet at any time.
- (4) Permanently attach, chain or otherwise affix additional tables, chairs, fencing or any other movable items to the Parklet.
- (5) Operate outdoor heaters within the Parklet.
- (6) Store, park or leave any vehicle, truck or trailer within the temporary encroachment area.