

City of Sierra Madre – Encroachment Permit Application  
Department of Public Works

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Application No. \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

BUSINESS NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

BUSINESS LICENSE #: \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

**BUSINESS OWNER INFORMATION:**

NAME \_\_\_\_\_

CONTACT NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY, STATE, ZIP CODE \_\_\_\_\_

CITY, STATE, ZIP CODE \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_

**DESCRIPTION OF ENCROACHMENT REQUESTED**

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**INSURANCE**

**LIABILITY INSURANCE**

**WORKER'S COMPENSATION**

- (a) Company \_\_\_\_\_
- (b) Coverage \_\_\_\_\_
- (c) Policy No. \_\_\_\_\_
- (d) Expiration Date \_\_\_\_\_

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- (b) Coverage \_\_\_\_\_
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- (d) Expiration Date \_\_\_\_\_

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FOR'S CITY'S USE

**City staff approvals required:**

- |   |   |
|---|---|
| <input type="checkbox"/> Standard conditions signed       | <input type="checkbox"/> Permit fee submitted                               |
| <input type="checkbox"/> Business registration verified   | <input type="checkbox"/> Site plan submitted                                |
| <input type="checkbox"/> Reviewed by Business Licensing   | <input type="checkbox"/> Certificate of insurance and endorsement submitted |
| <input type="checkbox"/> Reviewed by Development Services |   |

Permit Issued By:

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Date

NOTE TO APPLICANT: Attached to this application please provide a site plan or other documentation depicting the location of the encroachment and the area of the encroachment (length and width)

## PERMIT CONDITIONS

I, the undersigned applicant, have reviewed these Permit Conditions and agree to the following:

1. The applicant agrees that City of Sierra Madre, its employees, agents and officials shall, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorneys' fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this encroachment permit, or the activities conducted pursuant to this approval. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City of Sierra Madre, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorneys' fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this approval, or the activities conducted pursuant to this approval. Applicant shall pay such obligations as they are incurred by the City of Sierra Madre, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

2. The applicant acknowledges the City's ownership of the encroachment area as depicted in the site plan. The applicant shall not encroach into any area outside of the permitted area as depicted on the approved site plan. The applicant shall not install any permanent fixtures or equipment upon City property, except as expressly depicted and identified on the approved site plan.

3. This permit is valid for one year from the date of issuance. In its sole and absolute discretion, the City may interrupt or terminate this permit at any time. The City, acting through the director of public works, may prohibit the use permitted under the permit at any time due to anticipated or actual problems, conflicts or emergencies. Such problems and conflicts may arise from but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street and/or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk dining will be prohibited by the City.

4. Insurance requirements.

a. During the term of this permit, applicant shall carry, maintain, and keep in full force and effect insurance against claims for death or injuries to persons or damages to property in the following amounts:

i. General liability insurance not less than one million dollars per occurrence for harm to both person and property.

ii. Workers compensation in an amount equal to state statutory requirements.

iii. Employers liability insurance not less than one million dollars per occurrence.

b. All of the policies required herein shall contain an endorsement providing that the policies cannot be canceled or reduced except on thirty days' prior written notice to City. The applicant agrees to require its insurer to modify the certificates of insurance to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

c. The insurance provided by the applicant shall be primary to any coverage available to City. Any insurance or self-insurance maintained by City and/or its officers, employees, agents or volunteers, shall be in excess of applicant's insurance and shall not contribute to it.

d. All insurance coverage provided pursuant to this permit shall not prohibit applicant, and applicant's employees, or agents, from waiving the right of subrogation prior to a loss. Applicant hereby waives all rights of subrogation against the City.

e. Procurement of insurance by applicant shall not be construed as a limitation of applicant's liability or as full performance of applicant's duties to indemnify, hold harmless and defend.

f. The insurance carrier must be placed with a company or companies licensed to do business in California.

g. The applicant shall be responsible for timely reimbursement of any deductible amount for any claim or suit which may be presented.

5. At all times during the term of this permit, the applicant shall possess a valid city business license.

6. The applicant must comply with the American Disabilities Act, Title 24 of the California Code of Regulations and other applicable state and federal laws.

7. A minimum 4-foot wide continuous walkway for pedestrian use is required.

8. Objects placed on the sidewalk must not interfere with pedestrian or vehicular safety, visibility of pedestrians from the roadway or otherwise result in traffic safety hazards. Objects on the sidewalk must be placed as depicted on the approved plan or as otherwise approved in writing by the Director of Public Works.

9. Applicant shall comply with subsection D of section 12.12.030 of the Sierra Madre Municipal Code and any other applicable provisions of the code.

10. This permit shall not become effective until all applicable conditions of approval for the permit have been met. All conditions of approval shall be observed throughout the duration of the permit.

11. Traffic control shall be per the most recent edition of the Work Area Traffic Control Handbook (Watch Manual) as promulgated by the American Public Works Association and published by BNi.

12. Obstructions to traffic left in the public right-of-way overnight such as (but not limited to) construction materials, construction equipment, shall be protected by reflectorized barricades.

13. Protection of the public from hazards resulting from activities under this permit shall be the responsibility of the applicant. The City reserves the right to stop any work observed by the City to be creating a hazard to the public.

14. All activity under this permit shall be subject to the provisions and requirements of the Sierra Madre Municipal Code.

15. Contractor shall notify all businesses, residents in project work/detour area, and Sierra Madre Police and Fire Departments a minimum of 3 business days (72 hours) prior to commencing work.

16. Additional Requirements: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Print name and title)