

City of Sierra Madre – Sidewalk Dining Encroachment Permit
Department of Public Works

Application No. _____

DATE RECEIVED: _____

BUSINESS NAME: _____

BUSINESS 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

(See attached Site Plan)

NO. OF TABLES: _____

NO. OF CHAIRS: _____

OTHER: _____

INSURANCE

LIABILITY INSURANCE

WORKER'S COMPENSATION

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

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- (c) Policy No. _____
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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: _____

Permit Expiration Date: _____

Director of Public Works

Date

NOTE TO APPLICANT: Attached to this application please provide a site plan or other documentation depicting:

- a. The length and width of the sidewalk from the face of the building to the curb, the total square footage and exact dimension of the proposed dining area, and the proposed pedestrian circulation pattern;
- b. The location of any trees, benches or trash cans and the type of parking (i.e. parallel parking, angle parking); and
- c. The size, number and location of the tables and chairs; and the height and width of the umbrellas.

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 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 operation of sidewalk dining 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 the amount set by ordinance or City Council resolution 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 the amount set by ordinance or City Council resolution per occurrence.

b. At all times during the term of this permit, Applicant shall maintain on file with City's Risk Manager a certificate or certificates of insurance showing that the required policies are in effect in the required amounts and naming the City and its officers, employees, agents and volunteers as additional insureds.

c. 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.

d. 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.

e. 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.

f. 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.

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

h. 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 5-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. Lighting may only be installed as depicted on the approved plan or as otherwise approved in writing by the Director of Public Works. Lighting may not interfere with the safe operation of vehicles or be glaring to pedestrians.

10. The sidewalk must be kept clear of litter and food scraps at all times. The sidewalk must be swept at the end of the business day by the applicant if food is consumed in the sidewalk area. At the determination of the Director of Public Works, a thorough cleaning of the sidewalk may be required to bring the area to a sanitary condition.

11. Any portion of an umbrella extending into the sidewalk or pedestrian walkway must be a minimum of six feet eight inches in height and must not obstruct the view of pedestrians or the motoring public in such a way as to create a safety hazard. Chairs, tables/umbrellas shall be of high quality materials and reflect appropriate community design. The bases of umbrellas or tables with umbrellas must be weighted and are to be maintained and removed at the close of each working day/night. No permanent fixture or hole, etc. shall be constructed on the public sidewalk.

12. Heat lamps are not allowed within the sidewalk dining area.

13. The sidewalk dining area must be cleared of all tables, chairs and other obstacles at the end of each business day.

14. Whenever seating provided in the sidewalk dining area is accessible to the public, an employee must be available to serve customers as needed and keep the permitted area clean.

15. No table or chair legs or other furniture or equipment shall be within eighteen inches of the curb facing or in the street.

16. Permittee shall notify the city immediately if there is any defect or hazard on public property in or near the sidewalk dining area.

17. Approval of this permit pursuant to SMMC 12.12.030 does not constitute an approval or issuance of a permit under any other provision of the Municipal Code or applicable local, state or federal law. For example, on-site sale of alcoholic beverages is subject to an approved conditional use permit and a valid license by the California Department of Alcoholic Beverage Control.

18. This permit for the use of public sidewalks for dining purposes shall be granted solely for the purpose specified herein. Any changes, modifications or revisions to the approved use shall be subject to approval by Director of Public Works.

19. 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.

20. 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.

(Signature of applicant)

Date

(Print name and title)