



ENCROACHMENT PERMIT PROCESS

An encroachment permit is required for all sidewalk signs, furniture, projecting wall signs, awnings, outdoor displays, projecting sidewalk signs, etc., that are a physical encroachment or obstruction in, over or upon any street, alley, and public way that has been dedicated or are open to public use (Monrovia Municipal Code Section 12.48.010). The process to obtain an encroachment permit from the Planning Division is as follows:

- Review and approval. Obtain approval from the Development Review Committee for all outdoor dining furniture, sidewalk signs, projecting wall signs, outdoor display, and projecting sidewalk signs. Awnings require approval from the Building and Planning Division. Approval is contingent upon approval of liability insurance and an encroachment permit if on or over City property.
- Liability Insurance. Contact the City's Risk Manager at (626) 932-5500 for information regarding the documentation needed to prove minimum insurance coverage and other requirements. Once you have the documentation required (see attached), submit the information to their office located in the basement of City Hall.
- Approval of Insurance. Once the City's Risk Manager has verified and approved the insurance, they will provide you with a stamped and signed copy of the insurance approval on your insurance papers. Bring these approved papers to the Planning Division located on the first floor of City Hall.
- Indemnification Statement. Applicants will be required to sign an Indemnification Statement (see attached) holding the City harmless from any legal action resulting from placement of the item(s) on or over the public way. This is part of the encroachment permit that will be obtained from the Planning Division. The encroachment permit will include a copy of the approval site plan/sign, conditions (if applicable) and insurance. A one-time fee of \$158 will be required to process the permit.
- Yearly Renewal. The required insurance certificate is to be submitted to the City's Risk Manager yearly as part of the renewal process. Current insurance must be maintained at all times that the business continues to encroach upon the City's right-of-way.



PERMIT NO. _____

**PERMIT TO ENCROACH ONTO PUBLIC RIGHT-OF-WAY
FOR OUTDOOR DINING, SIGNS, AWNINGS AND DISPLAYS**

Date of Issue:		Insurance Expire Date:	
Address:			

Check all approved by the Development Review Committee for City right-of-way placement:

Outdoor Dining ___ Sidewalk Sign ___ Outdoor Display ___ Awning ___ Proj. Sign ___

CONDITIONS

1. A current copy of this permit shall be posted at the property at all times.
2. Permittee shall remove all moveable furniture, planters, fencing, signs, displays and any other structures within the street right-of-way each evening upon the close of business.
3. Permittee shall carry, maintain, and keep in full force and effect at all times a policy or policies of Liability Insurance the amount, scope of coverage, endorsements and form required by the City's Risk Manager, including an endorsement naming the City as an additional insured. Permittee shall submit evidence of insurance, in a form acceptable to the City's Risk Manager, for review. Permit will not be effective until insurance is approved by the City's Risk Manager. See attached Insurance Requirements for Encroachment Permit. **Bring approved liability verification from the City's Risk Manager.**
4. Permittee shall comply with the attached drawing, which was approved by the Development Review Committee (attach copy of approved item(s)), and shall comply with all terms and conditions imposed by the Development Review Committee (if applicable).
5. Attach copy of approval letter from the Development Review Committee (if applicable).
6. Permittee agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents, and volunteers from and against any and all claims, suits, demands, actions, losses, damages, judgments, settlements, penalties, fines, defensive costs or expenses, including without limitation, interest, attorneys' fees and expert witness fees, or liability of any kind or nature arising out of or attributable to the acts or omissions of Permittee, or Permittee's officers, employees, or agents which in any way arise out of, result from, or are in any way related to the to Permittee's use of City's public right-of-way for outdoor dining, signs or displays, excepting only liability arising out of the sole negligence or willful misconduct of City, its officers, officials, employees, agents, or volunteers.

Permittee agrees with these conditions.

Print Permittee Name:			
Signature:			
Day Phone:		Cell Phone:	
Planning Dept. Approval:			Date:
Risk Mgmt. Approval:			Date:

Copies to: Planning Division, Risk Manager and Business Owner

CITY OF MONROVIA

INSURANCE REQUIREMENTS FOR ENCROACHMENT PERMIT

Business operator shall procure and maintain for the duration of the encroachment permit insurance against claims for injuries to persons or damages to property that may arise from or in connection with the business' operation and use of the City's right-of-way. The cost of such insurance shall be borne by the Business operator.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
2. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

Minimum Limits of Insurance

Business shall maintain limits no less than:

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

Deductibles and Self-Insurance Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Business shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions

The general liability policy is to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees and volunteers are to be covered as insured with respect to liability arising out of ownership, maintenance or use of that part of the right-of-way used by the Business.
2. The Business' insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of the Business' insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either part, **except after thirty (30) days' prior written notice by certified mail**, return receipt requested, has been given to the City. **An additional insured endorsement shall be attached to the certificate. Under cancellation the words "but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives shall be deleted from the certificate"**

Acceptability of Insurers

Insurance is to be placed with insurers with a current **A.M. Best's rating of no less than A:VII**. Exception may be made for the State Compensation Insurance Fund.

Verification of Coverage

Business shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms approved by the City and amended to conform to the City's requirements. . All certificates and endorsements are to be received and approved by the City before use of the City's right-of-way commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications are any time.