



City of Albany



ENCROACHMENT PERMIT-- STREET EVENT

Office Use Only

PERMIT NO.: _____ FEE: _____ APPROVED BY: _____ DATE: _____

NAME OF STREET: Curtis FROM (LOCATION): Marin TO (LOCATION): Solano

(Attach map or location description as needed)

ON (DATE): May 19 BETWEEN HOURS OF: 8 am AND: 12 pm

APPROXIMATE NUMBER OF PARTICIPANTS: 300 at one time, total 500

DESCRIPTION OF EVENT: Bike to School Day event

chalk art, safety course in street

APPLICANT'S NAME: Heather Cunningham ORGANIZATION: Marin Elementary PTA

APPLICANT'S ADDRESS: 1241 Solano Ave MAILING ADDRESS: _____

PHONE: (510) 295 9456 EMERGENCY PHONE: _____

REQUIRED CONDITIONS:

1. Indemnification: The applicant understands, acknowledges and agrees to the following conditions: It is hereby certified that the foregoing statements describing the nature of the event and the representations made to the City of Albany in seeking this permit are true and correct. Applicant hereby agrees to indemnify and hold harmless the City of Albany, its City Council, officers, agents, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, whatsoever, including attorney's fees regardless of the merit or outcome of any such claim or suit arising from or in any manner connected to the requested street closure activity. Permittee also agrees to comply with all permit conditions, and understands that the failure to comply with any condition, or any violation of law may result in the immediate cancellation of the event, denial of future events and/or criminal prosecution.
2. Emergency Suspension of Authorized Event: The Chief of Police and any sworn Police Officer employed by the City of Albany may temporarily suspend this event authorized by the permit whenever there is a fire or other emergency or circumstance that requires the event to be temporarily suspended to protect public safety. When the event is temporarily suspended for this reason, the Permittee and the event participants shall immediately comply with the suspending officer's instructions. The Chief of Police or designee shall immediately attempt to notify Permittee orally and shall notify the Permittee, City Administrator, and the City Clerk, in writing, within 24 hours after the suspension, citing the with particularity the facts and reasons for the suspension.



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3. Liability re: Permit Issuance: The Permittee agrees to hold the City harmless from and against any liability, damage or loss suffered by Permittee, or any of its employees or agents, resulting from any act or omission of the City related to the issuance or revocation of this permit or the activities authorized hereunder.
4. Insurance: Permittee shall obtain and provide proof of insurance in accordance with the requirements of the City of Albany.
5. If City property is destroyed or damaged by reason of this event, the Permittee shall reimburse the City for actual replacement or repair costs for destroyed or damaged property.
6. The Permittee shall be responsible for obtaining any and all business licenses and other permits or licenses required for the sale of food, beverages or other goods and services at this event.
7. Any and all activities undertaken by the Permittee related to this event shall comply with all federal, state, and local regulations including but not limited to the observance of individuals' constitutional and first amendment rights.
8. The granting of this permit does not confer or delegate to the Permittee and/or the Albany Chamber of Commerce the right to perform City policing functions such as enforcement of laws or to restrict an individual's exercise of constitutional rights.
9. The Permittee and/or the Albany Chamber of Commerce understands and agrees that Albany Police Officers are not the agents of the Permittee or the Albany Chamber of Commerce and are not under the direction of the Permittee and/or the Albany Chamber of Commerce.
10. The Permittee and/or Albany Chamber of Commerce shall provide event monitors sufficient to oversee and coordinate event activities. The Permittee and/or Albany Chamber of Commerce shall inform the event monitors of the conditions of this permit and the requirements to abide by the conditions of this permit. Specifically, event monitors shall be instructed not to violate or in any way infringe upon the exercise of any individual's constitutional rights, including first amendment rights of all persons present.
11. Acceptance by the applicant of the permit shall be conclusive evidence of the reasonableness of the terms imposed and shall constitute a waiver of any right to legislative determination thereof.

APPLICANT'S SIGNATURE: _____

DATE: _____

ADDRESS OR TITLE OF EVENT: _____



City of Albany



ENVIRONMENTAL PROTECTION STATEMENT OF RESPONSIBILITY FOR DISCHARGES & DAMAGE

I. PURPOSE

This statement is to provide notice to property owners, contractors, and others of the responsibility for compliance with Albany Municipal Code (AMC) as it relates to protection of public trees and waterways.

Public Trees: Damage to street trees or other trees located on public property is considered damage to public property. Damage to trees includes, but is not limited to, cutting any amount of tree roots, ripping or tearing of branches, and peeling, tearing, or scarring of tree bark. Damage may cause death and/or a dangerous condition by destabilizing the tree. Restoring a tree to its pre-damaged state can take years. Therefore, preventing damage to trees is a priority of the City of Albany.

Waterways: The City's storm water runoff system conveys rainwater directly to the San Francisco Bay through a network of surface flows, underground pipes, and creek channels. Materials discharged to a sidewalk, street gutter, storm drain, or creek can cause creeks and the Bay to become polluted. Any material other than rainwater is considered an illicit discharge under the Federal Clean Water Act. Examples of illicit discharges included: concrete wash water, stucco wash water, paint wash water, chemicals, and runoff from stockpiled materials such as dirt aggregate, soil products, and other construction materials.

II. RESPONSIBILITY FOR DAMAGE TO PUBLIC TREES AND/OR ILLICIT DISCHARGES TO WATERWAYS

Public Trees: Pursuant to Albany Municipal Code Section 14-1.2, it is unlawful to cause damage to public property. When a public tree is damaged, the cost of the damage and the value of the tree will be calculated by a certified arborist in accordance with International Society of Arboriculture Standards. Because valuable resources, such as time, energy, and money are invested in trees over many years, the calculated value of a tree can be high. The party damaging the tree is liable for all costs associated with the loss of the tree and the repair or replacement of the tree.

Waterways: Pursuant to Albany Municipal Code Section 15.4, it is unlawful to discharge materials (liquid or solid) to a sidewalk, street, gutter, storm drain, or creek. An illicit discharge is defined as, "Any discharge to the City storm drain system that is not composed entirely of storm water..." The contractor and/or property owner is responsible for all fines and costs associated with the illicit discharge.

III. CERTIFICATION OF COMPLIANCE

I understand that as the applicant, I am responsible for any damage to public trees and/or all illicit discharges resulting from this project, and that I am responsible for all fees and fines resulting from non-compliance.

APPLICANT'S SIGNATURE: _____

DATE: _____

4/12/10

ADDRESS OR TITLE OF EVENT: _____

Bike to School Day

