

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

SIDEWALK USE PERMIT

PERMITTEE: _____ PHONE NO.: _____

MAILING ADDRESS: _____ EMAIL: _____

PROPOSED USE OF SIDEWALK (* **Note:** All commercial uses are prohibited):

DESCRIPTION OF ITEM(S) THAT WILL BE PLACED IN THE COUNTY RIGHT-OF-WAY:

LOCATION OF ITEM(S) – ATTACH LOCATION MAP:

_____ TAX MAP KEY: _____
Name of County Road/Street

DURATION(Dates): From: _____ to _____ (Not to exceed 1 year)

(Times): From: _____ (am/ pm) to _____ (am/pm)

DIMENSIONS OF ITEM AND SIDEWALK (OR ATTACH SKETCH SHOWING DIMENSIONS):

1. WIDTH OF SIDEWALK (curb face to back edge of sidewalk): _____ feet
2. WIDTH OF WIDEST ITEM (at widest point): _____ feet
3. CLEAR WIDTH OF SIDEWALK (width of sidewalk – width of widest item): _____ feet (3 feet minimum)
4. HEIGHT OF ITEM: _____ feet (4 feet maximum)

REQUIRED ATTACHMENTS:

1. Location map showing the item(s), the sidewalk and all other objects in the area including utility pole signs, etc. [Hawai'i County Code section 22-3.7(2)]
2. Statements of consent from all property owners and lessees directly fronting the item(s). [Hawai'i County Code section 22-3.7(7)]
3. Provide a certificate of insurance and proof of a public liability insurance policy naming as an additional insured, the county, its officers, representatives, employees, and agents covering any claim or liability for damages, injuries or death resulting from any of the uses permitted hereunder. The minimum amount of coverage under such policy shall be \$1,000,000 per occurrence. The policy and coverage shall be kept in force until the proposed use is terminated and the permitted items are removed from the County Street. [Hawai'i County Code section 22-3.7(9)]

IN CONSIDERATION OF GRANTING THIS PERMIT, THE PERMITTEE UNDERSTANDS AND AGREES TO:

Hold harmless, indemnify and defend the County of Hawai'i; its officers, employees and agents thereof from all claims, demands, suits, actions, or proceedings of every name, character, and description which may be brought against the County of Hawai'i for or on account of any injuries or damages to any person or property received or sustained by any person by or in consequence of any act or acts of the holder of this permit for actions done under this permit. [Hawai'i County Code section 22-3.7(8)]; and

Comply with all conditions as printed on the back of this permit. [Hawai'i County Code section 22-3.9].

By signing below, the Permittee certifies that the Permittee has legal authority to sign in the capacity stated, and the Permittee understands and agrees that the terms and conditions of this permit are a legally binding contract.

By: _____
Permittee's Signature Date

Its: _____

APPROVED: _____
Director, Department of Public Works Date

<u>AGENCY USE ONLY</u>	
PERMIT NO: _____	FEE: \$25

**SIDEWALK USE PERMIT
CONDITIONS OF APPROVAL**
(Hawai'i County Code section 22-3.9)

In addition to any other conditions imposed by Chapter 22 of the Hawai'i County Code, all permits issued pursuant to this article shall be subject to the following conditions:

1. All permitted items shall be removed from the county street during all periods outside of the permitted times and days.
2. Permittees shall comply with all laws, ordinances and regulations of the federal, state and county governments relating to the installation, operation and maintenance of their permitted items or uses.
3. Permittees shall be wholly responsible for the repair and maintenance of all permitted items, including any associated utility improvements.
4. Only the use described on the permit shall be deemed to be authorized by the Director of the Department of Public Works ("director"). Any additional uses shall require additional authorization from the director.
5. Should the permitted use, activity or improvement interfere with or obstruct any county facility or other authorized improvements, the permittee shall, at their own expense;
 - (A) Terminate the use and remove the activity or improvement; or
 - (B) Move the use to a location acceptable to the director.
6. Should the permitted use, activity or improvement impede or obstruct any emergency repairs to a county facility or public utility, the permittee authorizes the county to use of all necessary action to immediately relocate permitted activity use or improvement and shall make no claim for any damages that may result from the relocation action.
7. Any construction work associated with the permits of this article shall also be subject to the construction requirements of this chapter.
8. Upon termination of all permits, the permittee shall be responsible for the restoration of the county street used or occupied by the permittee to a condition equal to or better than its original condition.

* Additional Information:

If the permitted items include tables and chairs, the permittee shall remember that no commercial use of these tables and chairs is permitted. Commercial uses include, but are not limited to, providing direct food service or other forms of vending to persons using these tables and chairs. The permittee shall not restrict or limit in any way use of these tables and chairs to the permittee's patrons. The permittee shall be required to post a sign measuring a minimum of 8.5 inches by 11 inches in plain view and in close proximity to the tables and chairs. The sign shall inform the public that the tables and chairs are for use by the public and that use of the tables and chairs is in no way restricted. Prior to posting this sign, the permittee shall seek and receive written approval of the sign from the director or his designated representative.