



CITY OF CHARLESTON
Public Right-of-Way Beautification Permit
Hold Harmless Agreement

THIS AGREEMENT is made this ___ day of _____, 20___,

by _____ (the "Permit Holder"), in favor of THE CITY OF CHARLESTON, WEST VIRGINIA (the "City"), a municipal corporation;

WHEREAS, Permit Holder has applied for, and has been awarded a Public Right-of-Way Beautification Permit (the "Permit") allowing landscaping or other beautification activities as set forth in the Permit on public spaces as defined in the Permit; and

WHEREAS, the Permit Holder is performing landscaping or other beautification activities as set forth in the Permit on public property owned by the City;

NOW, THEREFORE: in consideration of the City's conditional grant of permission to perform landscaping or other beautification activities on the City's property, Permit Holder herein agrees as follows:

1. Permit Holder agrees that it shall indemnify, defend and save harmless the City, its officers, agents, and employees, from and against all liability, claims, suits, damages, losses, costs, attorneys' fees and expenses of any and all types arising out of the negligence, acts or omissions of Permit Holder related to landscaping or other beautification activities performed by Permit Holder or otherwise related to the Public Right-of-Way Beautification Permit;

2. Permit Holder acknowledges that this agreement does not exempt it from any applicable laws of the City of Charleston or the State of West Virginia. Permit Holder shall perform landscaping or other beautification activities in accordance with applicable provisions of Federal, State and local laws, rules and regulations. If Permit Holder fails to comply with the aforementioned laws, the City may, at its discretion, take appropriate action, including, but not limited to, terminating the Public Right-of-Way Beautification Permit immediately.

3. Notwithstanding the City's conditional grant of permission, Permit Holder herein acknowledges and accepts the City's undisputed, inherent right, upon notice to Permit Holder, to revoke its permission, with or without cause, for any reason, at any time, and to remove or replace any landscaping or other beautification improvements without reimbursement to the Permit Holder.

By: _____ (Signature)

Printed Name: _____

Public Right-Of-Way Beautification Permit

Thank you for volunteering to landscape and maintain a public right-of-way. Any landscaping performed on property owned by the City of Charleston ("City") requires a Public Right-Of-Way Beautification Permit ("permit"). Prior to issuance of a permit, an application, including a sketch of your landscaping plan, shall be submitted to the Public Grounds Department for review and approval by the Municipal Beautification Commission.

If approved, the permit holder must comply with the following standards:

1. All state invasive plant restrictions;
2. All existing City field of vision ordinances;
3. Non-organic items are prohibited. These include, but are not limited to:
 - o Signs, playground equipment, bollards, barricades, fencing, gnomes, lighting, garbage receptacles, benches, bird baths, irrigation systems, fountains, or any other ornamentation, decoration, or non-organic item;
4. The proposed removal or alteration of any existing organic or non-organic items must be described in the project narrative;
5. It is the permit holder and other volunteers' responsibility to be aware of safety issues when working in, on, or around the City's property;
6. If City resumes maintenance of the location, all improvements installed on City property become City property and can be removed or otherwise altered without compensation to the entity that installed them;
7. It is the permit holder's responsibility to maintain the location. If the City is forced to resume maintenance of the location, landscaping shall default to the original low maintenance plan of the City's preference;
8. Free mulch and compost for use only on City property may be picked up from the Public Grounds Department free of charge; and
9. The City will not reimburse for any materials or labor used pursuant to permit.

Note: A variance may be requested during the application process for proposed non-organic items (include photographic examples and a detailed description of any proposed non-organic items).

A planter strip is a publicly owned, but privately maintained, strip of land between the sidewalk and street directly in front of a private building or residence. Planter strips do not require a permit to be landscaped, but are subject to the same standards and requirements set forth herein.

Public Right-Of-Way Beautification Permit Application

1. Project Information

Project Location: _____
Contact Person: _____
Organization (if any): _____
Email Address: _____
Telephone Number(s): _____
Brief Project Description: _____

2. Requirements

- a. **Project Narrative:** provide a detailed written description of the proposed project and the proposed compliance measures for the following:
 - i. State invasive plant restrictions;
 - ii. City field of vision ordinances (if applicable);
 - iii. Method of water supply;
 - iv. Plan for ongoing maintenance;
 - v. Timetable: proposed start and completion dates; and
 - vi. Variance request (if applicable).
- b. **Project Sketch:** Provide supporting sketch of proposed project (photos may also be provided if applicable).
- c. **References:** Provide at least two independent references from neighbors living within 1500 feet of the project, demonstrating community support for the project.
- d. Consistency with the general aesthetics of surrounding neighborhood.

3. Signature

I have read and understand the information regarding my application, as well as the attached "Public Right-of-Way Beautification Permit Hold Harmless Agreement."

Print Name: _____ Date: _____

Signature: _____