

**PERMIT APPLICATION AND WAIVER FOR USE OF
ALTERNATE MATERIALS IN SIDEWALK BUFFER**

This application was developed for Borough of Chambersburg property owners who desire to utilize materials other than grass in the area between their property’s curb and sidewalk. Please complete the application and return to Borough Hall at 100 South Second Street, Chambersburg, PA 17201. If you have questions, please contact Phil Wolgemuth, Assistant to the Borough Manager at 717-261-3232 or pwolgemuth@chambersburgpa.gov.

Property Owner(s) Name and Phone Number:

Property Address: _____

Policy Overview – The Borough of Chambersburg prohibits any material except grass and trees, as approved by the Shade Tree Commission, between curbs and sidewalks. Property owners must have a grass strip, typically two feet wide, between their curb and sidewalk unless the sidewalk is constructed against the curb or there is an existing concrete strip between the curb and sidewalk. Property Owners may seek a modification of this requirement by requesting a permit from the Borough Engineering Department. The Property Owner must accept maintenance responsibility and indemnify and hold harmless the Borough from any claims, injuries or damages suffered by any person by reason of or related to materials other than grass being placed between the Property Owner’s curb and sidewalk.

Definitions – As used in the herein Permit Application and Waiver, the following terms shall have the following meaning:

Pervious – of a substance allowing water to flow through.

Herbaceous plant – a plant with a non-woody stem.

Sidewalk Buffer – the area located on a property owner’s parcel of land located between the curb and sidewalk and within the public right-of-way.

Stormwater runoff infiltration – process by which rainfall and stormwater runoff flows into and through the subsurface soil.

Permit Terms and Conditions

Property Owner agrees to abide by the following terms and conditions:

1. **Permitted Materials.** Property Owner may place, plant or cover the area between the curb and sidewalk with the following materials:

- a. Grass (does not require issuance of permit)
 - b. Herbaceous plant/material as approved from time to time by the Curb and Sidewalk compliance committee.
 - c. Landscape gravel not less than three eighths (3/8) of an inch and not exceeding two (2) inches in diameter.
 - d. Wood or rubber mulch.
 - e. Non-concrete or non-asphalt pervious material.
 - f. Pervious pavers.
2. **Additional Requirements for Permitted Materials.** Any permitted material located in the Sidewalk Buffer must be pervious and allow stormwater runoff infiltration.
 3. **Height Requirements.** Herbaceous material must not exceed ten (10) inches, including bloom. Any material other than herbaceous material must not exceed the height of the top of the curb and sidewalk and be no lower than one inch below the top of the curb and sidewalk. Notwithstanding the foregoing, permitted materials located in the Sidewalk Buffer must not interfere with driver visibility, as determined by the Borough Engineer.
 4. **Utility Valves.** Borough utility valves located in the Sidewalk Buffer must be free from obstruction.
 5. **Location of Permitted Materials.** Any permitted material, other than grass, must be contained within the area between the curb and sidewalk.
 6. **Pedestrian Right-of-Way.** The area between the curb and sidewalk is located within the public street right-of-way and Property owner understands pedestrians are permitted to travel in said right-of-way.
 7. **Property Owner Solely Responsible for Maintenance.** Property Owner is responsible for maintenance of the sidewalk buffer and any damage caused to materials in this area by the Borough of Chambersburg or Commonwealth of Pennsylvania in the course of maintaining public streets, right-of-ways or for any other reason will be the responsibility of Property Owner.
 8. **Permit and Waiver Non-Transferable.** Any permit issued by the Borough of Chambersburg for the allowance of non-grass materials in the sidewalk buffer expires upon transfer of deed to a new property owner. Any indemnification and waiver signed by the Property Owner is non-transferable.

Acknowledgement of Terms and Conditions and Indemnification

I state that I am _____ (Print Full Name) and that:

1. I/we am the record Property Owner(s) for the subject property located in the Borough of Chambersburg.
2. I am requesting a Permit for Use of Alternate Materials in the Sidewalk Buffer.
3. I have read and fully understand and agree to abide by the Permit Terms and Conditions set forth herein.
4. I understand that I/we, as the Property Owner(s), am/are responsible for the proper maintenance of all materials located in the Sidewalk Buffer of my/our property.

5. By signing herein, I/we agree to indemnify and hold harmless the Borough of Chambersburg, its elected officials, employees, agents, successors and/or assigns against any and all claims, injuries, expenses, costs (including reasonable attorney's fees), causes of actions, suits, and/or demands arising from and/or related to, directly and/or indirectly, the use of materials, other than grass, in the sidewalk buffer that is the subject of my/our herein Permit Application. Further, I agree to indemnify the Borough of Chambersburg and Commonwealth of Pennsylvania from any damage caused by either political subdivision to the materials located in the sidewalk buffer that is the subject of my herein Permit Application.
6. I/we understand that any permit issued by the Borough of Chambersburg pursuant to the herein Permit Application is non-transferable and will expire at such time as I/we no longer am/are the record owner(s) of the Property.
7. I/we understand that it is my obligation to obtain a determination from my insurance carrier with respect to the impact, if any, my use of materials other than grass in the sidewalk buffer, and/or the indemnification provisions of this application, may have on my homeowner's insurance coverage.

Name of Applicant: _____

Signature of Applicant: _____

Date: _____