

CHAPTER 10 – PERMIT PROCEDURES AND BONDING REQUIREMENTS FOR CONTRACTORS

10.1 APPLICATION REQUIREMENTS AND PROCEDURES

- 10.1.1 The requirements of this Chapter shall apply to any person, corporation, municipality, quasi-municipality agencies, mutual companies, electric, gas, or communication utility, who for any reason cuts, disturbs or otherwise defaces any Town road for the purpose of installing or repairing, or for any reason pertaining to the presence of, an underground utility or structure.

A permit shall be required for any construction or installation within the public right-of-way (ROW) or for any substantial modification of existing construction or use in ROW. Applications for such permits shall be made at the Public Works Department or the Town Hall during normal working hours.

- 10.1.2 No permit shall be issued to any person or corporation except as set forth herein.
- 10.1.3 The operational permit to perform such works can be applied for by filling out the *Right of Way, Construction or Access Use Application*, available at the Town Hall.
- 10.1.4 Permit Fees
- 10.1.4.1 Fees shall be assessed for permits and inspection at the time of permit issuance in accordance with the schedule in force. A copy of this fee schedule may be obtained from the Town Clerk.
- 10.1.4.2 Any person or corporation commencing any work without prior valid authorization, shall be required to pay a penalty fee. The penalty fee shall be 3 times the permit fee which would have otherwise been collected. The penalty fee includes the normal inspection fee.
- 10.1.5 The work of installing range boxes, surveying monuments, adjusting manhole rings and service boxes, or any similar work undertaken solely for the convenience of and at the order of the Town of Bennett shall require a permit; however, the permit will be issued on a "no-fee" basis.
- 10.1.6 These permits shall apply to Emergency Repairs. An Emergency Repairs shall be defined as a roadway excavation required to restore an essential service which has been disrupted or failed, or where delay of repair would cause further damage to the public ROW.
- 10.1.7 All utility providers and associated contractors shall obtain a street cut permit or construction permit (as applicable) prior to beginning work in a Town ROW, except as allowed under Section 10.1.5. The practice of utilities using their own work order or job order to proceed with work in the ROW, in lieu of obtaining a Town permit, is prohibited.

After obtaining a permit, the utility provider or associated contractor shall notify the Bennett Public Works Department at least forty-eight (48), but not more than ninety-six (96), hours in advance of commencing work or else penalties of the stop work order may apply - see Section 10.7.

- 10.1.8 Any permit issued shall pertain only to excavating or constructing within the Town ROW or Town drainage easement and is no way to be considered a permit to enter on any private property adjacent to such ROW or easement or to alter or disturb any facilities or installations existing within the ROW and which may have been installed and are owned by others.
- 10.1.9 Unless otherwise provided in the Special Provisions, the ROW Use Permit shall be in effect for the term set forth by the issued permit (however, a 60 day extension may be granted upon request), unless sooner revoked by the Town Engineer or his designated representative for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the utility for which the permit is issued ceases operation.
- 10.1.10 Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of utilities, approaches, or other facilities by the Town at applicant's expense.
- 10.1.11 The permit, the privileges granted herein, and the obligations of the applicant created thereby shall be binding upon the successors and assigns of the applicant.
- 10.1.12 If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, said permit shall be deemed null and void and all privileges and fees thereunder forfeited, unless a written extension of time is obtained from the Town Engineer or his designated representative.
- 10.1.13 Permits shall be issued only to a person (or his authorized representative) who is licensed to perform work on public property. See Section 10.9 for licensing information.

10.2 PERMIT STANDARDS AND CONDITIONS

- 10.2.1 This section describes the requirements for plans and other information necessary for approval of a permit application.
- 10.2.2 Permits are issued subject to the approval of the Town, State or other governmental agencies having either joint supervision over the section of road, or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to determine the necessity of and to obtain any such easements and approvals which may be required.

- 10.2.3** Granting of a permit is conditioned upon replacement or restoration of the road and ROW to a satisfactory condition by the applicant. Satisfactory condition shall be deemed a repair made in conformance to Sections 8.2.1 and 9.2.6 of these Standards.
- 10.2.4** The applicant shall be responsible for relocating or adjusting any utility facilities located on the road ROW as required to accommodate the road approach or other facility applied for. Construction of the utility, road approach or other facility by the applicant, his agent or contractor, will be permitted only after the applicant has furnished the Town Engineer evidence that satisfactory arrangements for said relocation or adjustments have been made with the owner of the affected utility facility.
- 10.2.5** When construction plans and specification are required, they shall be submitted in accordance with the requirements of Chapter 2 of these Standards prior to issuance any of permit. For maintenance projects involving street cuts, the applicant shall submit his request in the form of a ROW Use Permit. This permit shall be accompanied by a sketch plan showing type, size and location of the proposed installation or repair.
- 10.2.6** Applicant shall pay required fees and provide insurance and bonding if required, prior to approval of permits.
- 10.2.7** Repairs of damages caused to existing facilities as a result of work carried out under a valid permit shall be the responsibilities of the permittee.

10.3 REFUNDS

No refunds shall be made on a permit fee.

10.4 BONDS AND INSURANCE REQUIRED FOR CONTRACTORS

These bonding and insurance requirements are for a contractor obtaining permits. These provisions do not apply to owners/developers, who must provide security and insurance information according to the Subdivision Improvement Agreement (SIA).

10.4.1 Bonds

A non-cancelable permit bond in the amount of the public improvement cost associated with the proposed construction within the Town ROW payable to the Town of Bennett, shall be required in the name of the permittee prior to the issuance of any permit. Said bond shall assure that the permittee will comply with all Town standards and specifications and shall assure recovery by the Town of any expense incurred due to failure of the permittee to comply with the provisions of these Standards, or to otherwise cause expense to the Town as a result of the work performed, within a period of 365 days following the expiration date of the permit, to the amount of the said bond.

To that purpose, the Owner/Developer must submit a construction cost estimate to the Town Engineer or Director of Public Works for review and approval. Said cost estimate shall be based either on actual construction bid or on the unit-cost figures recommended within a recent publication of an acceptable Colorado construction cost estimate guide. The above permit bond is not required in the following cases:

1. The proposed work is included in the scope of an updated SIA.
2. The proposed work is to be performed for a Local Improvement District, etc. where an Intergovernmental Agreement has been executed.
3. The proposed work is to be performed for the Town of Bennett and the contractor has provided the Town with a Performance/Payment Bond.

Note: Owners/Developers may not use the permit bond method in lieu of a subdivision improvements agreement as collateral for their developments.

- 10.4.2** Any permit determined to be without adequate bond as required, shall be subject to immediate revocation by the Town.
- 10.4.3** Municipalities, quasi-governmental agencies, special districts, mutual companies, electric, gas, and communication utilities should refer to the Town's Applicant Guidelines for additional information regarding bonding requirements.
- 10.4.4** It shall not be acceptable to the Town to receive cash deposits, certified checks, or similar security in lieu of bond. Bonds, Letters of Credit and Letters of Responsibility shall be filed at the Town Hall.
- 10.4.5** Any modifications to bonding requirements shall be approved by the Town Engineer, Town Administrator, and Director of Public Works.
- 10.4.6 Insurance**

The applicant shall obtain and carry a liability and property damage insurance policy or policies, for the period of time required for complete installation of facilities authorized by the permit, including the repair and restoration of the road facilities, and also, during such future periods of time when operations are performed involving the repair, relocation or removal of said facilities authorized by the permit. Coverage shall be provided against any claim, demand, suit or action for property damage, personal injury, or death resulting from any activities of the applicant, his officers, employees, agents or contractors in connection with the construction installation, repair or removal of the said facilities authorized by the permit.

The said policy or policies shall include as named insureds: The Town of Bennett, its Board of Trustees, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Board or its officers, agents and employees or damage to any of its or their property. The said insurance shall provide general liability insurance with minimum combined single limits of one million dollars (\$1,000,000) each occurrence and one million dollars (\$1,000,000) aggregate, or in such lesser amounts if approved by the Town Administrator, or such other maximum amount as may be specified in the Colorado Governmental Immunity Act, and protecting the Town against any and all claims for damages to persons or property resulting from construction and/or installation of any required improvements pursuant to this Agreement. The policy will provide that the Town shall be notified at least 30 days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent to the Director of Public Works by certified mail, return receipt requested. Contractor agrees that any subcontractors engaged by or for Contractor to construct the required improvements shall maintain public liability coverage in limits not less than those mentioned above.

10.5 SPECIFICATIONS, GENERAL

- 10.5.1 Work done under a permit shall result in a repair being made to the street or other Town property involved. Said repair shall cause the street or other property to be returned to a condition equal to or better than its original, within the limits of careful, diligent, workmanship, good planning, and quality materials. Said repair shall be accomplished in the least possible time and with the least disturbance to the normal functioning of the street or other property.
- 10.5.2 All backfill material, compaction, and resurfacing of any excavation in the Town ROW will be done in accordance with these Standards and Specifications.

10.6 ROAD CLOSINGS

- 10.6.1 Normally, only one side of the street may be blocked at any given time. Traffic must be provided a minimum lane width of 10 feet in the construction area. Any plan for traffic control during construction that indicates a complete closure must show detour routes and must be approved by the Director of Public Works at least 1 week prior to issuance of permit.
- 10.6.2 The Contractor shall notify the appropriate fire protection district, the County Sheriff's Office, and the Colorado State Patrol concerning the exact location of street barricades and dates traffic will be impeded. If not properly notified, a Stop Work Order shall be issued.
- 10.6.3 Due to higher traffic activity between the hours of 9AM and 3PM, the Public Works Department may choose to restrict the road closure within those hours.

10.6.4 Barricades shall be maintained by the responsible contractor.

10.7 STOP WORK ORDERS

Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation, who without first having obtained a permit and/or who having made a cut in a public ROW which has settled, has failed, or which has not been repaired in conformance with established Town standards, shall be subject to a Stop Work Order issued by the Town whereupon that person, corporation, or utility shall, except for emergency repair work, discontinue all work within the public ROW within the Town of Bennett until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made, or the Town reimbursed for the expenses. The Town of Bennett may, on its' own initiative, make required repairs and bill the responsible contractor.

Stop Work Order fines and issuance shall be in accord with the most recent version of the Town's Municipal Code.

10.8 UTILITY INSTALLATIONS

10.8.1 Underground

All utility lines shall be installed to a minimum as outlined in Figure 12.3. This requirement is applicable throughout the Town ROW, including ditch lines and/or borrow pits. Exceptions may be granted by the Town Engineer where warranted and upon prior written request and approval.

10.8.2 Overhead

A minimum ground clearance of 18 feet, 6 inches shall be provided where overhead utility lines cross public roads and streets. The clearance shall be measured at the lowest point where the line crosses the traveled portion of roadway.

10.8.3 Exploratory test holes made to determine location of existing utilities in an intersection shall be charged the fee as set forth in the fee schedule. A maximum of 5 test holes, not to exceed 8 square feet (i.e., 2 foot by 4 foot hole) each per intersection shall be permitted by a single fee.

10.9 LICENSING

Licensing requirements can be found in the Bennett Municipal Code, Chapter 6, Article 5.