

## **Chapter 28**

### **REGULATION OF OPERATION IN PUBLIC RIGHT OF WAY**

#### **28.01.00 Permits Required**

**28.01.01** No person, firm or corporation shall conduct any operations in the public right of way or easements of the City of Sandusky without first obtaining a permit and filing with the City Clerk the necessary proof of insurance and bonds as hereinafter required.

**28.01.02** All permits shall be authorized by the City Council or their designated representative and issued by the City Clerk.

#### **28.02.00 Application for Permits**

##### **28.02.01 Fees**

All applications shall be filed in duplicate and shall be accompanied by a nonrefundable filing fee [set by the City Council]. When deemed necessary by the City Council, an additional fee to cover review of plans by the City Engineer in an amount equal to 1-1/4% of the estimated cost of the project may be required. Any unused portion of the fee shall be refunded to the applicant. If the fee is insufficient to cover the cost of plan review the additional cost required shall be paid by the applicant within 10 days following notification and before any permit may be issued.

##### **28.02.02 Inspection costs and deposit**

In cases where inspection of the installation is deemed necessary by the City council an additional deposit equal to 5% of the estimated cost of the project may be required. Any unused portion of the deposit shall be refunded to the applicant upon satisfactory completion of the project. If the deposit is insufficient to cover the cost of inspection the additional cost shall be paid by the applicant within 10 days following notification.

**28.02.03** All applications shall include the following information and when deemed necessary by the City Council or their appointed representative, supplemental plans, specifications and information may be required:

- A) Date
- B) Name of Applicant
- C) Address, Phone
- D) Name of contractor who will perform the work
- E) Exact location where work is to be done
- F) Description of work to be done
- G) Length of time to complete work and starting and completion date
- H) Such other information as may be required by the City Council or their appointed representative.

#### **28.03.00 Insurance**

**28.03.01** Prior to issuance of any permits the contractor and/or the applicant shall file with the City Clerk, proof of insurance for general liability in an amount equal to that presently carried by the City, and proof of coverage for workmens' compensation insurance complying with State of Michigan regulations.

**28.03.02** Proof of insurance shall provide for non-cancellation without thirty (30) day advance notice in writing to the City of Sandusky.

**28.03.03** Proof of Insurance shall further provide when deemed necessary by the City Council that the City of Sandusky will be held harmless from all damages or action at law that may arise or may be brought on account of injury to persons or property resulting from the work being performed in the public right of way or easements.

**28.04.00 Bonds**

**28.04.01** Prior to the issuance of any permit a bond either in cash or other form of surety acceptable to the City Council shall be filed with the City Clerk in accordance with the following schedule and in the amount determined by the City Council or their appointed representative.

<b>Excavation in streets for utility installation or repairs:</b>		
	<u>Minimum</u>	<u>Maximum</u>
<b>Paved street:</b> .....	<b>\$1,000,000</b> .....	<b>\$3,000,000</b>
<b>Gravel street:</b> .....	<b>\$1,000,000</b> .....	<b>\$3,000,000</b>

**28.04.02** Upon satisfactory completion of all repairs to streets, walks, or other public property, the full amount of the bond will be refunded within 120 days. In the event of failure of the applicant to promptly repair damages caused by his/her/its operations, the City shall appropriate from the bond deposits sufficient money to have the repairs made, in any case where the bond deposit does not cover all cost and expense of repairs the deficit shall be paid by the applicant within thirty (30) days following notification.

**28.05.00 Annual Permits – Public Utilities Only**

**28.05.01** Annual permits for emergency use only, may be issued to public utility companies provided that satisfactory proof of insurance has been filed, and a bond or letter of surety from an authorized agent of the utility company guaranteeing repairs and or replacement of damaged public property and requesting approval of the annual emergency permit has been filed with the City Clerk and approved by the City Council.

**28.05.02** As a condition of approval notification must be provided to the City Manager or City Police Department as soon as possible when proceeding with emergency repair.

**28.05.03** Emergency repairs shall be deemed to be repairs and or replacement of service lines or mains to restore service, prevent loss of service or conditions that constitute a safety hazard.

**28.06.00 Penalties**

Any person, firm or corporation violating any provision of this chapter, shall upon conviction be guilty of a misdemeanor.