

# CITY OF NEW BUFFALO RIGHT-OF-WAY PERMIT

Fee: \$300.00 ROW Permit



PERMIT ADDRESS: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

Permit # \_\_\_\_\_

## Application Information

Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

**24 Hr Emergency Contact:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

Date Activity will begin: \_\_\_\_\_

Date Activity will be Complete: \_\_\_\_\_

## Contractor Information

Business: \_\_\_\_\_

Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

## Description of Work

Proposed Activity: \_\_\_\_\_

Are any street lane closures anticipated? Yes:  No:

If **yes**, a traffic control plan must be attached.

Please provide soil erosion and sediment control plan. Permit# \_\_\_\_\_ (if more than 5 acres).

Please describe plan if less than 5 acres: \_\_\_\_\_

## Restoration

Applicant/Contractor is responsible for restoration of right-of-way

Sq ft of Sidewalk: \_\_\_\_\_ Ln ft of Curb: \_\_\_\_\_

Sq ft of Asphalt: \_\_\_\_\_ Sq ft of Lawn: \_\_\_\_\_

Bond Submitted:

Franchise Agreement on File:

Insurance Certification on File: Contractor:  Sub-Contractor:

**I hereby certify that the above information is accurate, that I have read the "permit requirements" on Pg. 2, that the public liability insurance is carried by me, and that worker's compensation is in effect where applicable.**

### Office use only

Reviewed by: \_\_\_\_\_

Public Safety: \_\_\_\_\_ Date: \_\_\_\_\_

Water Dept.: \_\_\_\_\_ Date: \_\_\_\_\_

Streets Crew Leader: \_\_\_\_\_ Date: \_\_\_\_\_

City Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

City Manager

Signed: \_\_\_\_\_

Name of Applicant/ Contractor: \_\_\_\_\_

Date: \_\_\_\_\_

### Office use only

Excavation (if applicable) properly backfilled and restored and street left in good condition.

Reviewed by: \_\_\_\_\_

Streets Crew Leader: \_\_\_\_\_ Date: \_\_\_\_\_

**Sub-Contractor**

Business: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

**Sub-Contractor**

Business: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

**24 Hr Emergency Contact:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Detailed Plans**



## PERMIT REQUIREMENTS

1. No Street, sidewalk, apron or any public property shall be disturbed in any way without first obtaining a permit signed by the Department of Public Works.
2. All permit applications must include detailed plans and specifications in a form acceptable to the Department of Public Works.
3. Above ground, permanent installations to be located in the public right-of-way or on any public property shall be subject to the following additional requirements:
  - a. All plans, including photographs of proposed installations, to be submitted to the City Manager and Department of Public Works for review and comment,
  - b. Plans shall be accompanied by specific explanation of need for above ground installation, options considered and supported finding of fact that below ground or private property installation is not feasible.
4. Applicant shall submit or have on file at the Department of Public Works office current Certificate of Insurance providing minimum insurance requirements for proposed work in an amount not less than \$1,000,000 per occurrence with a \$1,000,000 aggregate.
5. Bond or cash deposit with DPW is required in an amount not less than \$5,000.00 to totally restore right of way plus any amount deemed reasonable by the Department of Public Works, exceeding the \$5,000.00 bond, to cover any exposure to the use and function of all public installations within or adjacent to work area.
6. Contractor/subcontractor to include complete traffic safety plan which shall include a complete explanation of all activities that may cause interruption of pedestrian, bicycle, vehicular or other traffic flow and their expected duration. Plans to include detour signing, barricade installation and all other necessary precautions to ensure the protection of the public safety. **Traffic plan must be submitted and approved by Department of Public Works** and be compliant with the MMUTCD. Also, the traffic control plan shall outline street and/or sidewalk closure time frames. Sidewalks shall be restored prior to noon on Fridays unless prior approval by the Department of Public Works.
7. Plans to include complete explanation of any potential for conflict with any existing use of the right-of-way.
8. Contractor and/or subcontractor to **notify Department of Public Works seven (7) days in advance of mobilization**, unless it is deemed an emergency. In the case of an emergency approval, the contractor and/or subcontractor, along with the Crew Leader, will meet on site to determine if emergency approval is necessary.
9. The Department of Public Works is to be notified **24 hours in advance of proposed final pouring of concrete, placing of asphalt or placement of any permanent installation** and preparations must be inspected and approved by the Department or the designated representative before final application of materials.
10. Violations of permit conditions subject to citation and fines imposed pursuant to Section 32-1 of the New Buffalo Code of Ordinances, and each day the violation of the permit continues, is a separate violation for purposes of this penalty provision.
11. Unless otherwise specified or shown on the plans, all areas disturbed by construction operations shall be restored to the original condition thereof as determined by the City of New Buffalo.
12. Applicant **must provide** a soil erosion and sediment control plan or a Berrien County permit number.

## **SPECIFICATIONS FOR STREET RESTORATION**

### **HMA**

When an aggregate surface is disturbed by the Contractor's operations, the edges of the existing aggregate surface shall be trimmed and shall be free of all foreign material before the new aggregate is placed. The sub grade shall be graded and compacted to the proper lines and grades to match the adjacent surface. The aggregate shall be placed in layers not to exceed six (6) inches and shall be compacted to 98% of its maximum unit weight in accordance with MDOT procedures. When a HMA surface is disturbed by the Contractor's operations, that surface shall be replaced at a thickness equal to the thickness of the existing pavement adjacent to the trench but not less than one and one-half (1-1/2) inches thick. If existing pavement is greater than two (2) inches in thickness, the replacement pavement shall be placed in two or more layers. Aggregate base shall be replaced at a thickness equal to the adjacent aggregate base (minimum six inches) as specified for aggregate patches above. After placement of the aggregate base but prior to its final shaping and compaction, the edges of the existing pavement shall be trimmed to straight lines a minimum of one (1) foot from the edge of the trench to permit a straight and uniform surface between the existing and new aggregate base. Trimming of the existing pavement shall be by sawing or other suitable means approved by the Owner's Engineer. The Contractor shall replace all valley gutters in patching areas and shall be considered part of the HMA replacement.

### **HMA Base**

Aggregate base for HMA streets shall meet the requirements of 22A in Section 902 of the current MDOT Standard Specifications for Construction. HMA for base, leveling, and surface courses shall be as specified, and shall conform to the requirements of Section 501 of the current MDOT Standard Specifications for Construction. Aggregate base for HMA streets shall be placed in accordance with Section 302 of the current MDOT Standard Specifications for Construction.

### **Underground Sprinkling Equipment**

Underground sprinkling lines, valves & heads, and water system curb stops and boxes are specifically excluded from the pay items. The Contractor shall take the necessary precautions to preserve this equipment during construction. Any underground sprinkling equipment disturbed by the Contractor shall be replaced at the Contractor's expense. All underground sprinkling equipment shall be replaced in a timely fashion so as to minimize damage to the lawn areas. The Contractor will be responsible for any lawn damage caused by delayed replacement of the sprinkling equipment.

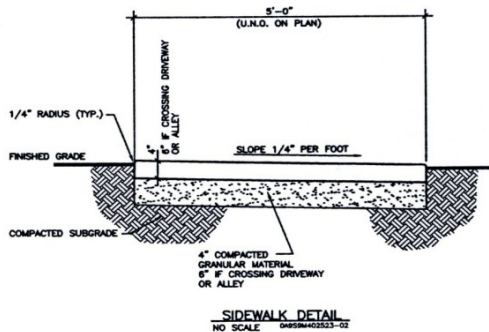
### **Turf Restoration**

All areas of established turf shall be replaced as nearly as possible to their original condition. Topsoil shall be placed at a minimum depth of four (4) inches over all areas disturbed by the Contractor's operations. The sub grade shall be graded to conform to the adjacent contours and shall be approved by the Owner's Engineer before placing topsoil. The topsoil shall then be placed in accordance with Section 816 of the current MDOT Standard Specifications for Construction. The soil shall be dark, organic natural surface soil, exclusive of muck or peat, suitable for the establishment of grass or other vegetable growth. All lawn areas shall be seeded with Class A seed. Seed mixtures, application rates, and methods shall be in accordance with Section 816 of the current MDOT Standard Specifications for Construction. Seasonal limitations on seeding in Section 816 of the current MDOT Standard Specifications for Construction are waived. The Contractor shall repeat the seeding procedure as often as necessary to produce a close stand of weed-free grass.

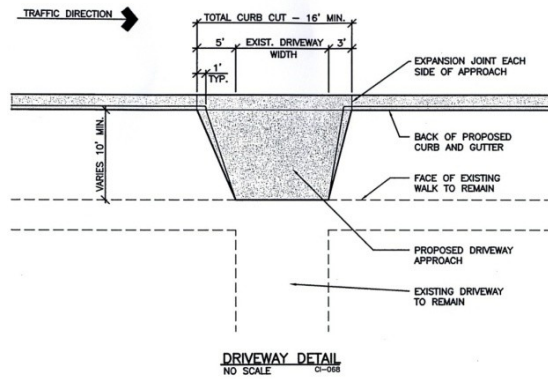
### **Concrete Restoration**

The Contractor shall replace all concrete sidewalk, drives, curb and gutter, and pavement removed during the installation of the utility or broken by the Contractor. Concrete shall meet the requirements for Grade S2 Concrete as specified in Section 701 of the current MDOT Standard Specifications for Construction. Other materials shall meet the requirements of the applicable portions of the current MDOT Standard Specifications for Construction. The thickness of the concrete shall be the same as the concrete adjacent to the trench but shall not be less than four (4) inches. The alignment and grade and the contour and finish of the surface shall be the same as the concrete adjacent to the trench unless otherwise directed by the Owner's Engineer. Pavements, walks, and drives shall be saw cut at the edges of the trench or removed to existing joints. The depth of the saw cut shall not be less than the full depth of the concrete. The forms and joints and the methods of placing, curing, and protection shall be consistent with standard practice and shall meet all the requirements of the current MDOT Standard Specifications for Construction for the various items.

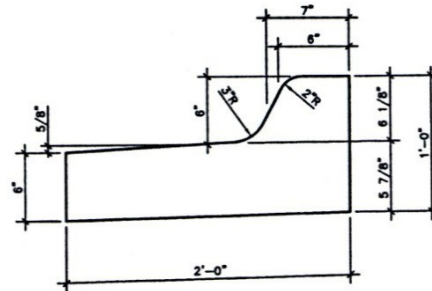
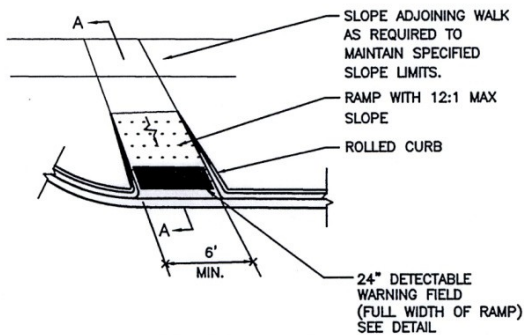
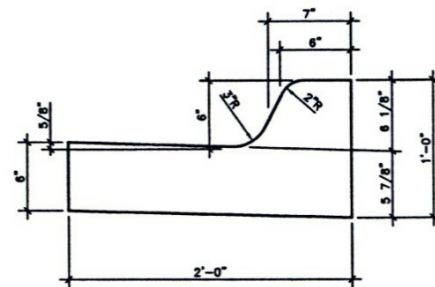
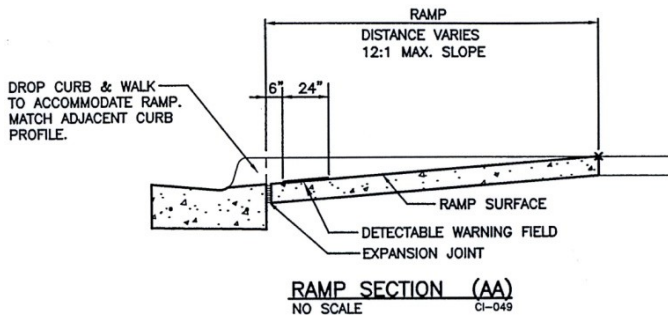
## SIDEWALK DETAIL



## DRIVEWAY DETAIL

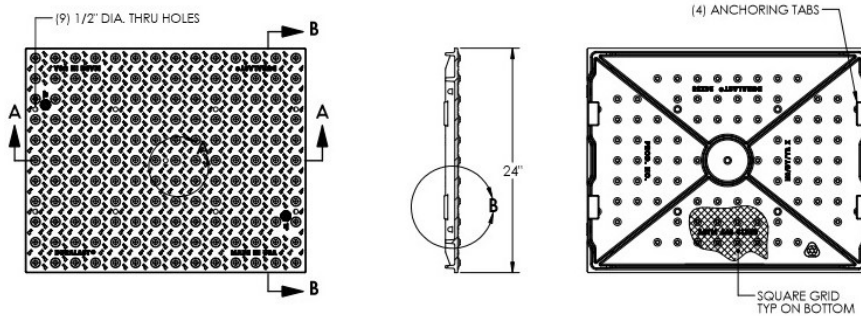


## HANDCAP RAMP & CURB DETAIL



## DURALAST Detectable Warning Plate

EJ PN - 00700722



ARTICLE II  
**Openings and Excavations**  
**[Adopted 12-19-2012 by Ord. No. 198]**

**Section 18-9. Permit required. [Amended 9-18-2018 Editor's Note: by Ord. No. 232]**

- A. Any person desiring to construct a street, avenue, or other public thoroughfare across any platted but unopened right-of-way within the City shall first obtain a written permit therefor from the City Manager. Such a permit may only be granted if approved by the City Council after first receiving a recommendation from the Planning Commission. The construction of any street, avenue, or other public thoroughfare by any person across any platted but unopened right-of-way shall also meet with the requirements of Section 10, Structures to Have Access, of Title XI, Special Provisions, of Appendix A of this Code, that being the Zoning Ordinance of the City. Such permits, when granted, shall be forwarded to the Department of Public Works Director upon approval.
- B. It shall be unlawful for any gasfitter, plumber, sewer digger, mason, or other person, except the Department of Public Works Director or Water Department Superintendent and employees of the City under the direction of the Department of Public Works Director or Water Department Superintendent, to dig any trench or make any other excavation in or under, or to remove any earth from any street, alley, sidewalk or public place in the City, or to contract for such work to be undertaken or direct any person to perform such work for the purpose of laying, moving or repairing any gas or water pipes, or for the construction, laying, repairing or attaching any private drain to any public storm sewer, or for the purpose of laying any underground fixture for conducting fluids for drainage, or for the purpose of attaching or detaching any such sanitary or storm sewer, gas or water pipe, or for any other purpose whatsoever, without first obtaining a permit therefor or being in the employ of the City or of such person having such permit.

**Section 18-9.1. Application.**

Any person desiring to dig, excavate or trench in any street, alley, sidewalk or public place in the City shall make an application to the City Manager for a permit to do so. The permit shall show the location of the excavation and state the purpose of the excavation.

**Section 18-9.2. Permit fees.**

Permit fees for street opening permits shall be as set by resolution of the City Council from time to time.

**Section 18-9.3. Bond and warranty.**

- A. Before any permit is issued under this article, the applicant for the permit shall deposit with the City cash or a performance bond executed by the applicant and a surety company authorized to do business in this state, in the penal sum of not less than \$5,000. The condition of the performance agreement and warranty shall be that the person bound thereunder shall make such excavations in a workmanlike manner and that he will comply with the terms of this article and the general laws, and save harmless the City from any and all liability caused by or arising from his work, or by any unfaithful or inadequate work done by virtue of his permit; and that he will fill or cause to be filled all openings which he may make in streets, alleys or public places in accordance with the requirements of this article and the dictates of good workmanship; and he will warranty work for a period of one year to the satisfaction of the City.
- B. The cash deposit or bond shall be held for one year from date of completion as accepted by the City so as to enforce the warranty on the work.

**Section 18-9.4. Insurance.**

- A. Before any permit is issued under this article and in addition to the required cash or bond, the applicant for a permit shall place on file with City a properly executed certificate of insurance indicating that the applicant is insured for public liability in the sum of not less than \$1,000,000 for each occurrence, and a certificate of insurance for property damage in the sum of not less than \$1,000,000 for each occurrence. Each certificate shall state that the applicant is insured for underground hazard.
- B. Any person acting as a subcontractor for the holder of the permit shall be required to file a certificate of insurance with the City as provided in Subsection A of this section.
- C. The holder of a permit shall not employ as a subcontractor any person who has not filed a proper certificate of insurance with the City.

**Section 18-9.5. Issuance of permit.**



- A. The City Manager, upon application being made and upon receipt of the cash or bond, permit fee, certificate of insurance as required in this article and approval by the Street and Water Department Superintendents, shall issue a permit to the person making application therefor.
- B. Whenever the contemplated work involves connection with the public sewer system of the City, the permit shall be issued only to a contractor having necessary licenses.
- C. Whenever the work involves installations or construction work other than service connections and repair thereto, detailed plans shall be submitted to the City for review before the permit is issued.

**Section 18-9.6. Completion of work.**

- A. Upon the completion of any major work, the person holding the permit under this division shall file with the City Manager a copy of the completed work, showing in detail the location of all pipes, manholes and other appurtenances in all public streets and alleys in the City.
- B. Upon completion of the work, the permit shall be immediately returned to the City Manager, properly signed and showing date of completion.

**Section 18-10. Performance of work; restoration.**

Any person to whom an excavation permit has been issued under this article shall promptly complete the work and restore the street, alley, sidewalk or other public place in a good and workmanlike manner safe and convenient for public use.

**Section 18-10.1. Separation of top dressing in unpaved streets.**

Where an excavation or a trench is made, in an unpaved street or alley, the top dressing shall be kept separate from the rest of the excavation and shall be used on the top of the backfilling to provide a firm and solid surface level with the surrounding surface of the street in a manner approved and acceptable to the department of public works director. Additional top dressing, if needed, must be similar in type.

**Section 18-10.2. Surface for paved or concrete streets or sidewalks.**

Where an excavation is made in a paved or concrete street or alley or where it is necessary to remove sidewalks or driveways, the person holding the permit shall provide for placing a satisfactory surface of gravel or other suitable material and maintaining the surface at the level of the adjacent street, sidewalk or ground until such time as permanent pavement or concrete is placed.

**Section 18-10.3. Backfilling material.**

When suitable material for backfilling is not secured from an excavation, other satisfactory excavated material shall be used for backfilling the excavation. Care shall be exercised in compacting the backfill in order to avoid settlement. The surface of a trench shall be maintained in a satisfactory condition at the by the person to whom the permit was issued for 30 days after completion of the backfilling.

**Section 18-10.4. Barricades.**

Any person to whom a permit has been issued under this article shall provide for the erection and maintenance of strong and substantial barriers around such excavation. Barricades provided for in this section shall be protected by necessary signal lights conforming to the Michigan Manual of Uniform Traffic Control Devices from one-half hour before sunset until one-half hour after sunrise, and during such other times as may be necessary to protect the public. Such barricades shall be maintained from the time the work is started until the excavation has been entirely completed and made safe for public use.

**Section 18-10.5. Cost of restoration.**

The person holding the permit under this article shall restore the pavement, concrete or ground to the satisfaction of the City. The person holding the permit under this article shall bear all costs related to such.

**Section 18-11. (Reserved)**