

WORK WITHIN CITY R.O.W. AND EASEMENTS PERMIT APPLICATION

City of Swisher, Iowa

Permit# _____

Job Address _____

or Nearest Address _____

Applicant's Name _____

Address _____ Phone _____

Owner (if not the Applicant) _____

Address _____ Phone _____

Type of Work Utility Cut Excavation Driveway/Sidewalk Grading Other

Purpose of Work: _____

Primary Contact's Name (regarding the Work) _____

Address _____ Phone _____

Estimated Start Date _____ Estimated Completion Date _____

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of the City's Code of Ordinances, Design Standards, and all other laws and regulations of Local, State and Federal agencies governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other law regulating the construction or the performance of construction.

Applicant's Signature _____

CITY OF SWISHER USE ONLY

Work Started _____

Restoration Complete _____

Notes: _____

Date Approved _____ Approved By _____

Permit Fee \$ _____

CHAPTER 169

WORK WITHIN CITY RIGHT-OF-WAY AND EASEMENTS

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169.01 SHORT TITLE AND PURPOSE. This chapter shall be known as the “Work within City Right-of-Way and Easements Ordinance” of the City of Swisher, Iowa. The purpose of this chapter is the regulation of the use of City right-of-way and easements in the interest of public safety and convenience, and the operation and protection of public infrastructure.

169.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Applicant” means any owner or duly authorized agent of such owner, who has submitted an application for a permit.
2. “Facility(ies)” means, but is not limited to, any and all cables, cabinets, ducts, conduits, converters, equipment, drains, handholes, manholes, pipes, pipelines, splice boxes, surface location markers, poles, transformers, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things owned, leased, operated, or licensed by an owner or person.
3. “Owner” means the person owning the fee title to the property abutting any work and includes any contract purchaser for the purposes of notification herein. For all other purposes, “Owner” includes the lessee, if any.
4. “Permit” means a permit to perform work within City right-of-way and easements.
5. “Permittee” means the applicant to whom a permit has been granted in accordance with this chapter.
6. “Right-of-Way and Easements” means the area across, along, beneath, in, on, over, under, upon, and within the dedicated public alleys, boulevards, courts, highways, lanes, parkways, roads, sidewalks, spaces, streets, other public thoroughfare or ways, and easements within the City, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the City.

169.03 PERMIT REQUIRED. It is unlawful for any person to engage in work within City right-of-way or easements without first obtaining a written permit from the City. Work within City right-of-way and easements includes, but is not limited to, the following:

1. Uncover, make connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof.

2. Install, uncover, make connection with, use, alter or disturb any water main or appurtenance thereof.
3. Install, service, repair or modify any private utility facility(ies).
4. Dig, excavate or in any manner disturb any street, parking or alley.
5. Remove, reconstruct or install a sidewalk, trail or path.
6. Remove, reconstruct or install a driveway.
7. Remove or plant trees.

169.04 APPLICATION. Application for a work within City right-of-way and easements permit shall be made in writing to the Clerk on a form furnished by the City. The application shall include:

1. Name, Address and Telephone Number. The applicant's full name, address and telephone number, and if the applicant is not the owner, the application shall also include the full name, address and telephone number of the owner.
2. Location. An exact description of the property by lot and/or street addresses, in front of or along which the work is to occur.
3. Purpose. A statement of purpose, for whom and by whom the work is to occur.
4. Primary Contact. The full name, address and telephone number of the person designated as the primary contact for purposes of notification regarding the work.
5. Commencement of Work. The proposed start date of the work.
6. Completion of Work. The estimated completion date of the work.
7. Terms and Conditions. A written acknowledgement that the applicant and owner are required to comply with all terms and conditions of this chapter, the City Codes of Ordinances, the City Design Standards, and all other laws and regulations of local, State and federal agencies.

169.05 EXEMPTION. No permit is required to begin work in cases of emergencies, such as the breakage of water, gas or sewer lines, or electrical cables. However, a permit shall be obtained on the first working day after the emergency.

169.06 BOND REQUIRED. The applicant, if not the owner, shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) or the estimated total cost of the work covered by the permit as determined by the City, whichever is greater. The bond shall be issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. The bond shall provide coverage on a calendar year basis except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

169.07 INSURANCE REQUIRED. Each applicant, if not the owner, shall also file a certificate of public liability insurance with the Clerk. The policy shall indemnify the City from all liability for damages arising from negligence in doing, protecting or completing the work. Said insurance policy shall include the City as an additional named insured and provide

coverage on a calendar year basis. The liability insurance policy shall have the following minimum requirements:

- | | |
|--|--|
| A. Public Liability, Bodily Injury, or Death | \$1,000,000 each occurrence
\$1,000,000 aggregate |
| B. Property Damage | \$1,000,000 each occurrence
\$1,000,000 aggregate |

169.08 PERMIT FEE. The permit fee shall be in an amount established by resolution of the City Council. Permit fees will be waived for work associated with projects for the City, or work associated with a new house or business for which a building permit has been obtained. A permit fee shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each instance of work within City right-of-way or easements.

169.09 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

169.10 INSPECTION. All work shall be subject to inspection by the City. Collections may be ordered if the work does not meet requirements. When the work does meet the requirements, the City shall indicate this on the permit.

169.11 TIME LIMIT. Should any work be discontinued or unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work was improperly done, the City has the right to finish or correct the work and charge any expenses therefor to the permittee. Should the permittee make sufficient showing that due to conditions beyond their control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any permit may be revoked at any time for a violation of this chapter.

169.12 PUBLIC CONVENIENCE. Streets, alleys and sidewalk shall be opened in a manner which will cause the least inconvenience to the public.

169.13 TRAFFIC CONTROL. Traffic control shall be in accordance with the Manual on Uniform Traffic Control Devices for Street and Highways (MUTCD). The City may require the applicant to submit a separate traffic control plan for approval.

169.14 RESTORATION OF PUBLIC PROPERTY. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permittee.

169.15 RESPONSIBILITY FOR COSTS. All costs and expenses incident to the work shall be borne by the permittee. The permittee shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such work.

CITY OF SWISHER
RESOLUTION NO. 2015-42

**A RESOLUTION SETTING FEE FOR WORK WITHIN CITY R.O.W. AND
EASEMENTS
FOR THE CITY OF SWISHER**

WHEREAS, pursuant to the provisions of Chapter 169.08—Permit Fee of Regulations of Code of Ordinances, Swisher, Iowa, the Swisher City Council shall determine the fee for work within the city right-of-way and easements;

WHEREAS, the Swisher City Council desires to set the aforementioned fee;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Swisher, Iowa, as follows:

- Section 1. That the Swisher City Council does hereby establish a fee of \$ 25.00 for each work within city r.o.w. and easement unless otherwise stated in Chapter 169.08; paid by the applicant or their representative for inspection costs, etc.


On the 12 day of October 2015, at a regular meeting of the Swisher City Council, Swisher, Iowa, Councilperson Gudenauf introduced RESOLUTION NO. 2015-42, and made a motion for approval. The motion was seconded by Councilperson Fulfs.

Roll Call Vote	Absent	Aye	Nay	Abstain
Sandra Fulfs		✓		
Mary Gudenauf		✓		
Angie Hinrichs		✓		
Mike Stagg		✓		
Larry Svec	✓			

Motion Carried.

WHEREUPON, the mayor declared that RESOLUTION NO. 2015-42, be adopted and signified his approval of the same by affixing his signature thereto.

PASSED, by the Council on the 12 day of October 2015, and approved by the Mayor on the 12 day of October 2015.


Christopher Taylor, Mayor

ATTEST:

Tawnia Kakacek, City Clerk MMC, IaCMC