

# APPLICATION FOR DRIVEWAY PERMIT

To Construct, Operate, Maintain, Use/Remove within a Village Street Right-of-Way

PLEASE CONTACT VILLAGE DPW BEFORE CONSTRUCTION

Permit fee \$30.00

If an applicant hires a contractor to perform the work, the contractor information below must be filled out. BOTH applicant and contractor assume responsibility for the provision of this application and permit. Applicant must contact Miss Dig at (800) 482-7171 at least three (3) full working days, but not more than twenty-one (21) calendar days before you start work. The Village utilities are not part of Miss Dig, therefore, Village DPW must be contacted before any driveway construction in the same timeframe mentioned above.

## APPLICANT

NAME: \_\_\_\_\_ PHONE \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

## CONTRACTOR

NAME: \_\_\_\_\_ PHONE \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

## PERMIT LOCATION

NAME OF STREET: \_\_\_\_\_ Which side of street? N \_\_\_ S \_\_\_ E \_\_\_ W \_\_\_

Between (closest streets) \_\_\_\_\_ and \_\_\_\_\_

Approximately how far from nearest street? \_\_\_\_\_

Permit Type (circle one): Residential Farm Field Commercial Other: \_\_\_\_\_

Driveway Size & Drainage Description: \_\_\_\_\_

Driveway Surface Type (circle one): Gravel Bituminous Concrete

Planned Start Date: \_\_\_\_\_ Planned Completion Date: \_\_\_\_\_

(PLEASE SEE REVERSE SIDE TO COMPLETE APPLICATION)

Permits will be issued within seven (7) working days from the day the flag/marker is in place. Permit may be picked up, mailed, emailed or faxed to the applicant. By signing below, the applicant and/or their contractor acknowledge receipt of the General and Supplemental Permit Specifications and agree to abide by them and any requirements shown on the approved permit. Work cannot begin until an approved permit has been issued.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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FOR PEWAMO DPW OFFICE USE ONLY

Inspected and approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Payment in the amount of \_\_\_\_\_ received by: \_\_\_\_\_ Date: \_\_\_\_\_

## GENERAL CONDITIONS

This permit is issued subject to the following conditions:

1. This permit grants to the permittee only those rights specifically stated and no other. Maintenance work within the street right of way may require a separate permit unless authorized within the scope of the annual permit.
2. Issuance of this permit does not relieve permittee from meeting any and all requirements of law, or of other public bodies or agencies. The permittee shall be responsible for securing and shall secure any other permits or permission necessary or required by law for the activities hereby permitted.
3. The permittee agrees as a condition of this permit to:
  - a. Have in the permittee or the permittee's representative's possession on the job site at all times the approved permit or a copy thereof, with necessary plans or sketches.
  - b. Give advance notice of permitted activity to the Department of Public Works or designated representative at least five (5) days prior to commencement of any operations covered by this permit.
  - c. Perform no work, except emergency work, unless authorized by the Department of Public Works on Saturdays, Sundays, or from 3:00 pm on the day preceding until the normal starting time the day after the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
  - d. Provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit.
  - e. Furnish, install, and maintain all necessary traffic controls and protection during permittee's operations in accordance with the Michigan Manual of Uniform Traffic Control Devices and any supplemental specifications set forth herein.
  - f. Advise the Department of Public Works or designated representative within seven (7) days of completion of work authorized by this permit, so that final inspection may be made and surety deposit released (where applicable). Surety deposit will not be released until the work authorized by the permit has been completed and inspected, and all inspection charges billable to the permittee are paid.
4. Nothing in this permit shall be construed to grant any rights whatsoever to any public utilities, except as to the consent herein specifically given, nor to impair any existing rights granted in accordance with the constitution or laws of this state.

5. Any operations in the street right-of-way not covered by permit and the appropriate Department of Public Works specifications are in violation of the jurisdictional authority of the Department of Public Works, with respect to the control of the street right-of-way, unless approved by the Village Council. Any change or alteration in the permit activities requires prior approval of the Department of Public Works and may require a new permit.
6. Performance of the requirements of this permit is the responsibility of the permittee. The permittee shall complete all operations for which this permit is issued in accordance with the conditions of this permit, by the specified completion date. The permittee shall meet all requirements of the current Department of Public Works Standard Specifications for Construction and the Supplemental Specifications set forth on/or incorporated as a part of this permit.
7. The construction, operation, and maintenance of the facility covered by this permit shall be performed without cost to the Village of Pewamo unless specified herein. The permittee shall be responsible for the cost of restoration of the street and right-of-way determined by the Department of Public Works to be damaged as a result of the activities of the permittee.
8. Facilities allowed on street right-of-way shall be placed and maintained in a manner which will not impair the street or interfere with the reasonable safe and free flow of traffic. Failure of the permittee to maintain the facilities located within the street right-of-way so as not to interfere with the operation, maintenance, or use of the street by the traveling public may result in revocation of the permit.
9. The permittee is solely and fully responsible for all activities undertaken pursuant to the permit. Any and all actions by the Department of Public Works and those governmental bodies performing permit activities for the Department of Public Works pursuant to a maintenance contract including, but not limited to, any approved reviews and inspections of any nature, permit issuing, and final acceptance or rejection of the work or activity authorized by the permit shall not be construed as a warranty or assumption of liability on the part of the Department of Public Works, the Village of Pewamo, or those governmental bodies. It is expressly understood and agreed that any such actions are for the sole and exclusive purposes of the Department of Public Works, the Village of Pewamo, and the governmental bodies acting in a governmental capacity. Any such actions by the Department of Public Works, the Village of Pewamo, and governmental bodies will not relieve the permittee of its obligations hereunder, nor are such actions by the Department of Public Works, the Village of Pewamo, and the governmental bodies to be construed as a warranty as to the propriety of the permittee's performance. The permittee shall indemnify and save harmless the Village of Pewamo, the Department of Public Works, and all officers, agents, and employees thereof, and those governmental bodies performing permit activities for the Department of Public Works and all officers, agents, and employees thereof, pursuant to a maintenance contract, against any and all claims for damages arising from operations covered by this permit except claims resulting from the sole negligence or unwillful acts or omissions

of said indemnities, their agents, or employees. In addition, permittee upon request shall furnish proof of insurance coverage for the term of this permit in an amount prespecified.

10. This permit is not assignable and not transferrable unless specifically agreed to by the Department of Public Works.
11. The permittee, upon request of the Department of Public Works, shall immediately remove, cease operations, and surrender this permit, or alter or relocate, at the permittee's own expense, the facility for which this permit is granted. Upon failure to do so, the Department of Public Works may take any necessary action to protect the street interest and the permittee shall reimburse the Department of Public Works and the Village of Pewamo for its costs in doing same. The permittee expressly waives any right to claim damages or compensation in the event this permit is revoked.
12. The permittee shall, upon request by the Department of Public Works, furnish a performance surety deposit in the form of a bond, cash, certified check, or (when authorized by the Department of Public Works) an irrevocable letter of credit in such amount as deemed necessary by the Department of Public Works to guarantee restoration of the street or performance under the conditions of the permit.
13. The permittee hereby acknowledges and agrees that the Department of Public Works has the right to demand completion by the permittee, or the performance surety, or to complete any uncompleted activity authorized by this permit which adversely affects the operation and/or maintenance of the street or which is not completed by the expiration date of the permit, including:
  - a. Completion of construction of driveway and/or approach (not authorized by annual permit).
  - b. Removal of materials.
  - c. Restoration of the street and right-of-way as necessary for the reasonably safe and efficient operations of the street.

The permittee further agrees to immediately reimburse the Department of Public Works and the Village of Pewamo in full for all such costs incurred by the Department of Public Works and the Village of Pewamo upon receipt of billing, and that upon failure to pay, the Department of Public Works and the Village of Pewamo may effect payment with the performance surety deposit. Should the surety deposit be insufficient to cover expenses incurred by the Department of Public Works and the Village of Pewamo, the permittee shall pay such deficiency upon billing by the Department of Public Works and the Village of Pewamo. If the surety deposit exceeds the expense incurred by the Department of Public Works and the Village of Pewamo, any excess will be returned or released to the depositor

upon completion of the work to the satisfaction of the Department of Public Works and the Village of Pewamo.

14. The Department of Public Works and the Village of Pewamo reserves the right during the time any or all of the work is being performed to assign an inspector or protect the street interest, and to charge the permittee all such costs incurred. In addition, the permittee may be billed any engineering and review fees incurred by the Department of Public Works, the Village of Pewamo, or its agent in connection with the work covered by this permit.
15. Emergency Operations. In time of disaster or emergency, or when utility lines or facilities are so damaged as to constitute a danger to life and property of the public access to the same may be had by the most expeditious route. Work is to be done in a manner which will provide the traveling public with maximum possible safety. Notice of such situations shall be given to the nearest police authority and the Department of Public Works Supervisor as soon as can reasonably be done under the circumstances. During normal Department of Public Works working hours, the permittee shall advise the Department of Public Works of any operations within right-of-way which affect traffic operations or the street structure or facilities prior to performance of the work. After normal Department of Public Works working hours, the permittee, at the beginning of the first working day after the emergency operation, shall advise the Department of Public Works Supervisor of any operations which affect traffic operations or the street structures and facilities. If determined necessary by the Department of Public Works Supervisor, the permittee shall secure an individual permit for such work after notification.
16. Upon the Department of Public Works' request, as built drawings of work performed will be furnished to the Department of Public Works within 30 days after completion of the work.
17. The permittee shall give notice to public utilities in accordance with Act 53, PA of 1974, as amended, and comply with all applicable requirements of this Act. The permittee shall also comply with requirements of Act 347, PA of 1972, as amended, controlling soil erosion and sedimentation.
18. The permittee acknowledges that the Department of Public Works and the Village of Pewamo is without liability for the presence of the permittee's facility which is located within the street right-of-way. Acceptance by the Department of Public Works and the Village of Pewamo of work performed, and/or notice of termination of performance obligations for the surety and/or the permittee do not relieve the permittee of full responsibility for the permittee's work or for the presence of the permittee's facility in the street right-of-way.
19. Where the Department of Public Works and the Village of Pewamo has accepted an Indemnification Commitment in lieu of bond and/or insurance policies, such commitment is incorporated into this permit by reference.

20. It is illegal to discharge substances other than storm water into the Department of Public Works' and the Village of Pewamo's storm sewer system unless permission has been obtained in writing for other discharges.

### SUPPLEMENTAL SPECIFICATIONS

1. Restoration - Restoration of the street and right-of-way will be such that it will provide a condition equal to or better than the original condition, in accordance with Michigan Department of Transportation Standard Specifications.
2. Excavation and Disposal of Excavated Material - The permittee shall provide and place the necessary sheeting, shoring, and bracing required to prevent caving, loss, or settlement of foundation material supporting the pavement, or any other street installation such as sewers, culverts, etc. The permittee shall assume the full responsibility for this protection and shall not proceed in these areas before approval of methods by the Department of Public Works.

Construction equipment and excavating material shall not be stocked in such locations that it creates a traffic hazard or interferes with the flow of traffic. Sod and topsoil shall be stacked separately from other excavated material. The permittee shall dispose of all surplus and unsuitable material outside of the limits of the street, unless the permit provides for disposal at approved locations within the right-of-way. In the latter case, the material shall be leveled and trimmed in an approved manner.

3. Backfilling and Compacting Backfill - Unless otherwise specified, all trenches, holes, and pits shall be filled with sound earth or with sand-gravel, if so provided, placed in successive layers not more than 233 mm (9 inches) in depth, loose measure, and each layer shall be thoroughly compacted by tamping. All backfill compaction will be subject to check by the controlled density method.
4. Aerial Wire Crossings - Vertical clearance of wires, conductors, and cables over streets shall not be less than required by Section 232 of the National Electrical Safety Code, except in no case shall the under-clearance below any wire, conductor, or cable, under any temperature or loading condition, be less than eighteen (18) feet.
5. The Department of Public Works and the Village of Pewamo do not, by issuance of this permit, assume any liability claims or maintenance costs resulting from the driveway and related facilities placed by this permit. The Department of Public Works and the Village of Pewamo reserve the right to require removal of all or any portion of these driveway facilities as needed for street maintenance or construction purposes without replacement or reimbursement of any costs incurred by the permittee or other party. The permittee will defend, indemnify, and hold harmless the Department of Public Works and the Village of Pewamo for any claims whatsoever resulting from the construction or the removal of the driveway and related facilities authorized by this permit.

6. All disturbed areas within the right-of-way shall be top soiled, seeded, and mulched to match existing areas per current MDOT standards and specifications.
7. Upon completion of the work, the permitted shall furnish the Department of Public Works and the Village of Pewamo with a set of as-built construction plans covered by this permit.