

**CITY OF MIDDLETOWN
ENGINEERING DIVISION
One Donham Plaza, Middletown, OH 45042
(513) 425-7710**

PERMIT FOR WORK WITHIN PUBLIC RIGHT-OF-WAY

APPLICANT INFORMATION

COMPANY NAME: _____
LEGAL STATUS (Partnership, Corp, etc): _____
STREET ADDRESS: _____
CITY: _____ STATE: Ohio ZIP: 45044
PHONE: _____ FAX: _____
CONTACT PERSON: _____ PHONE: _____
FACILITY / UTILITY OWNER: _____

BOND

PROVIDED BY (Check one): FACILITY OWNER: ☐ CONTRACTOR: ☐
FORM OF BOND (Check one): CASH DEPOSIT: ☐ ANNUAL BOND (\$50,000): ☐
MAINTENANCE BOND: ☐ ESCROW ACCOUNT: ☐ LETTER OF CREDIT: ☐

WORK TO BE PERFORMED:

EXACT LOCATION OF WORK: (Address, Location of cut in relation to curb, intersection, etc.)

DESCRIPTION OF WORK: (Check all that apply)

CONCRETE (SW, C&G, ETC.) ☐ SEWER TAP ☒ UTILITY (GAS, ELECTRIC, ETC.) ☐
STREET CUT ☐ CULVERT ☐ OTHER ☐

Provide a brief description of work to be performed. Plans to be attached.

ANTICIPATED WORK DATES: START: _____ FINISH: _____

NOTIFY ENGINEERING DIVISION AT 513-425-7710 TWO DAYS PRIOR TO COMMENCING WORK

The undersigned agrees to perform the above work in accordance with all ordinances, rules, and regulations of the City of Middletown, Ohio, relating thereto. The undersigned further agrees to be fully responsible for his operations, and to hold the City of Middletown harmless from any and all claims, damages, and causes for action whatsoever which may arise from work performed under this permit.

SIGNATURE OF APPLICANT: _____ DATE: _____
PRINT: _____

FOR CITY USE ONLY-DO NOT WRITE BELOW THIS LINE		
PERMIT #:	APPROVAL DATE:	EXPIRATION DATE:
PERMIT FEE:	RECEIPT #:	REF. DWG. #:
APPROVED BY: _____		
COMMENTS: _____		
FINAL INSPECTION BY: _____		DATE: _____

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EMERGENCY WORK (1034.19 (a))

In the event of unexpected repair or emergency work, a person required to obtain a permit under this section may commence such repair and emergency work as required, provided that person notify the City as promptly as possible before commencing or within twenty-four (24) hours after commencing such repair or emergency work if advance notice is not practicable. Any person performing repair or emergency work under this section shall apply for a right of way permit within five (5) days of commencing such work.

DRAWINGS, PLANS, SPECIFICATIONS (1034.19 (b))

Applications for permits under this Chapter shall be submitted in a format to be determined by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate the following:

The facilities will be constructed in accordance with all applicable codes, rules and regulations.

The location and route of all facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public ways. Included with the installation shall be tracer wire or another method acceptable to the City for the purpose of locating the facility during future construction activities.

The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public ways along the underground route proposed by the applicant.

The construction methods to be employed for protection of existing structures, fixtures and facilities within or adjacent to the public ways.

The location and dimension of all trees within or adjacent to the public ways along the route proposed by the applicant.

PERMIT EXPIRATION (1034.19 (c) 2)

The permit shall expire one hundred and twenty (120) days from the date of issuance unless otherwise specified on the permit. An additional permit fee equal to the original permit fee will be assessed for any work not completed within one hundred and twenty (120) days of the date of issuance of the permit or as required under sections I or K(3) of this chapter.

NOTICE OF CONSTRUCTION (1034.19 (d))

Any person performing work in the right-of-way and subject to the provisions of this chapter must provide the City forty-eight (48) hours notice prior to beginning such work, except as otherwise permitted under §1034.19(a).

Upon the issuance of a right of way permit under this Chapter, the City reserves the right to require a pre-construction meeting, the submission of a construction schedule, and/or the submission of a traffic control plan demonstrating the protective measures and devices that will be employed are consistent with the Ohio Manual on Uniform Traffic Control Devices, latest edition, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic.

NON COMPLIANCE (1034.19 (h))

Upon order of the City Engineer, all work which does not comply with the right of way permit, the approved plans and specifications for the work, or the requirements of this Chapter, shall be removed.

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COMPLETION OF WORK (1034.19 (i. thru k.))

The permit holder shall promptly complete all construction activities so as to minimize disruption of the public ways and other public and private property. All construction work authorized by a permit within the public ways, including restoration, must be completed in a time period established by the City Engineer not to exceed one hundred and twenty (120) days from the date of issuance of the construction permit, unless specified otherwise on the permit.

Within sixty (60) days after completion of construction, the permit holder shall furnish the City with one (1) complete set of plans certified to the City as accurately depicting the location of all facilities constructed pursuant to the permit.

Upon completion of any construction work the permit holder shall, at its own expense, promptly repair any and all public ways and restore property improvements, fixtures, structures and facilities, which were damaged during the course of construction, as nearly as practicable to their condition before the start of construction.

If weather or other conditions do not permit the complete restoration required by this section, the permit holder shall temporarily restore the affected public ways or property in accordance with standards established by the City. Such temporary restoration shall be at the permit holder's sole expense and the permit holder shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

A permit holder or other person acting on its behalf shall use suitable barricades, flags, flagmen, lights, flares and other measures as necessary and in accordance with applicable state and local requirements for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such ways or property.

If the permit holder fails to restore public property as required by this provision within thirty (30) days of completion of the construction work or as otherwise specified on the permit, the City may have such work performed at the sole expense of the Permit Holder.

If the City Engineer approves the permit holder's restoration of the project, such restoration shall be deemed reasonable and complete and the City shall not require further restoration work related to the project at a later date. The City shall reserve the right to provide conditional approval on restoration work where, in the opinion of the City Engineer, the adequacy of such restoration may not be fully known at the time of completion.

LANDSCAPE RESTORATION (1034.19 (l))

Landscape Restoration: All trees, landscaping and grounds removed, damaged or disturbed as a result of the construction, installation, maintenance, repair or replacement of facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work.

PAVEMENT CUTS (1034.22)

All pavement cuts made by any person shall be repaired by such person in accordance with the pavement cut restoration standards established by the City Engineer and on file in his/her office.

Any person making a pavement cut within the Right of Way exceeding 50 square feet or 25 linear feet measured in the direction of travel within (5) years of the completion of a contract for the resurfacing of such pavement shall provide for the resurfacing of the entire width of the travel lane within which the pavement cut was made. The resurfacing of the lane shall be accomplished within 6 months of the completion of the associated work within the right of way. The resurfacing shall consist of planing and paving of the surface course of asphalt for a minimum length of 25 feet measured in the direction of traffic. The person making the pavement cut shall be responsible for the resurfaced lane for a period of two (2) years from the date of final inspection. A sufficient maintenance bond in an amount determined by the City Engineer shall be kept during this period.

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RESPONSIBILITY (1034.26)

The owner of the facilities to be constructed, installed or maintained pursuant to this chapter and, if different, the Permit Holder, are responsible for the performance of and compliance with all provisions of this Chapter. Any person who performs work in the right-of-way without obtaining the permits required in this Chapter shall be required to obtain the appropriate permit at two times the cost provided in this Chapter, and provide a bond as specified in Section 1034.04.

PERMIT FEES:

1. *Sod Cuts*: The base permit fee for sod cuts is One-Hundred Thirty Dollars (\$130) for a maximum cut of fifty (50) square feet of opening. Each additional open cut within five hundred (500) feet shall cost an additional Twenty Cents (\$.20) per square foot.
2. *Pole permits*: The permit fee for setting a new pole is Ninety Dollars (\$90.00). Additional poles set within a five hundred (500) foot linear distance or within a continuous run may be placed under the same construction permit at an additional cost of Five Dollars (\$5.00) per pole. Installation of screw anchors or down guy wires shall be considered part of the pole installation.
3. *Pavement cuts*: The base permit fee for pavement cuts is One Hundred Thirty Dollars (\$130) for a maximum cut of fifty (50) square feet. All additional area of open cut within five hundred (500) feet shall cost Fifty Cents (\$.50) per square foot. The removal and replacement of concrete requires a separate permit in accordance with chapter 1022 of the codified ordinances. The permit fee for bar holes (holes not exceeding 1" in diameter) shall be Sixty Dollars (\$60). All bar holes within an area not exceeding five hundred (500) feet in diameter, may be performed under one construction permit.
4. *Horizontal Directional Drilling (HDD)*: The permit fee for HDD or other similar trenchless technology methods shall be the cost of the appropriate sod or pavement cuts specified in 1 and 3 above.
5. *More Than One Method*: If a construction permit is issued which involves more than one method of construction described in 1 through 4, the fees set forth in this section shall be calculated by applying the highest base permit fee applicable and adding the additional fees from each subsection according to the method of construction used.
6. *Multiple Inspections*: For projects which may require more than one hundred and twenty (120) days to complete or may require multiple inspections for similar work activities, the City may choose not to charge the fees outlined in 1 through 4 and alternately charge the permit holder for reimbursement of the City's inspection and administrative costs. Such costs shall be calculated by multiplying the inspector's hourly rate by the number of hours spent in conjunction with the project and adding 10% to account for Engineering oversight, vehicle costs, and administrative costs.
7. *Other Work*: The permit fee for other work not specifically listed in 1 through 4 above but affecting the safety of the traveling public shall be \$100.
8. *Overhead Work*: A right of way permit is not required for overhead work provided there will be no ground disturbance nor any vehicles parked or operating within the traveled lanes of the roadway; however, traffic control in accordance with the OMUTCD will still be required. For overhead work that involves vehicles occupying space within the traveled lanes or will be performed over a period exceeding (1) day, a permit shall be obtained per item (7) above.