

CHAPTER 10

PERMIT PROCEDURES AND BONDING  
REQUIREMENTS FOR CONTRACTORS

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## CHAPTER 10-PERMIT PROCEDURES AND BONDING REQUIREMENTS

### 10.1 Application Requirements and Procedures

10.1.1 A permit shall be required for any construction or installation within the public right-of-way or for any substantial modification of existing construction or use in right-of-way. Application for such permits shall be made at the Department of Public Works or the Town Hall during normal working hours.

10.1.2 No permit shall be issued to any person or corporation except as set forth herein.

10.1.3 The two (2) operational permits are:

10.1.3.1 Right-of-way use permit, which governs the construction, removal, repair, or maintenance of utilities, cable TV, signs, and other facilities in the public right-of-way.

This permit also governs the installation or replacement of Town maintained public improvements, including sidewalk, curb and gutters; roadway subbase, base and wearing surface, drainage and flood control structures, piping or channels, signs and traffic signals, and the construction of new utility mains or extension of existing mains (non maintenance items).

10.1.3.2 The Access Permits which governs new access points from private property to Town streets and roads.

Samples of the two (2) permits are included in these Standards in Chapter 16

10.1.4 The work of installing range boxes, surveying monuments, adjusting manhole rings and service boxes, or any similar work undertaken solely for the convenience of and at the order of the Town of Bennett shall require a permit; however, the permit

will be issued on a "no-fee" basis.

- 10.1.5 These permits shall apply to Emergency Repair. An Emergency Cut shall be defined as a roadway excavation required to restore an essential service which has been disrupted or failed, or where delay of repair would cause further damage to the public right-of-way.
- 10.1.6 All utilities shall obtain a street cut permit or construction permit (as applicable) prior to beginning work in a Town R.O.W., except as allowed under Section 10.1.4. The practice of utilities using their own work order or job order to proceed with work in the ROW, in lieu of obtaining a Town permit, is prohibited. After obtaining a permit, the utility shall notify the Bennett Inspection section at least 48 hours, but not more than 96 hours, in advance of commencing work, or penalties of the stop work order may apply, see Section 10.7.
- 10.1.7 Any permit issued shall pertain only to excavating or constructing within the Town right-of-way or Town drainage easement and is no way to be considered a permit to enter on any private property adjacent to such right-of-way or easement or to alter or disturb any facilities or installations existing within the right-of-way and which may have been installed and are owned by others.
- 10.1.8 Unless otherwise provided in the Special Provisions, the Street Cut or R.O.W. Use Permit shall be in effect for sixty (60) days from and after the date issued (however, a sixty (60) day extension may be granted upon request), unless sooner revoked by the Town Engineer or his designated representative for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law, or at the time the utility for which the permit is issued ceases operation.
- 10.1.9 Failure of the applicant to comply with any of the terms and conditions of the permit shall be

sufficient cause for cancellation of the permit and may result in removal of utilities, approaches, or other facilities by the Town at applicants expense.

10.1.10 The permit, the privileges granted herein, and the obligations of the applicant created thereby shall be binding upon the successors and assigns of the applicant.

10.1.11 If the applicant fails to complete installation of the facility covered by the permit within the period specified in the permit, said permit shall be deemed null and void and all privileges and fees thereunder forfeited, unless a written extension of time is obtained from the Town Engineer or his designated representative.

10.1.12 Permits shall be issued only to a person (or his authorized representative) who is licensed to perform work on public property. See Section 10.12 for licensing information.

## 10.2 Permit Standards and Conditions

10.2.1 This section describes the requirements for plans and other information necessary for approval of a permit application.

10.2.2 Permits are issued subject to the approval of the city, State or other governmental agencies having either joint supervision over the section of road, or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to determine the necessity of and to obtain any such easements and approvals which may be required.

10.2.3 Granting of a permit is conditioned upon replacement or restoration of the road and right-of-way to a satisfactory condition by the applicant. Satisfactory condition shall be deemed a repair made in conformance to Sections 8.2.1 and 9.2.6. of these Standards.

10.2.4 The Owner/Developer of the site adjacent to the area where the permitted work is being done agrees to be responsible for maintenance of landscaped areas between the property line and adjacent public roadway(s).

10.2.5 The applicant shall be responsible for relocating or adjusting any utility facilities located on the road right-of-way as required to accommodate the road approach or other facility applied for. Construction of the utility, road approach or other facility by the applicant, his agent or contractor, will be permitted only after the applicant has furnished the Town Engineer evidence that satisfactory arrangements for said relocation or adjustments have been made with the owner of the affected utility facility.

10.2.6 When construction plans and specification are required, they shall be submitted in accordance with the requirements of Chapter 2 of these Standards prior to issuance any of permit. For maintenance projects involving street cuts, the applicant shall submit his request in the form of the Street Cut or R.O.W. Use Permit. This permit shall be accompanied by a sketch plan showing type, size and location of the proposed installation or repair.

10.2.7 Applicant shall pay required fees and provide insurance and bonding if required, prior to approval of permits.

10.2.8 Repairs of damaged caused to existing facilities as a result of work carried out under a valid permit shall be the responsibilities of the permittee.

### 10.3 Refunds

No refunds shall be made on a permit fee.

### 10.4 Bonds and Insurance Required for Contractors

These Bonding and Insurance requirements are for the Contractor obtaining permits. This Owner/Developer must

provide security and insurance according to the Subdivision Improvement Agreement (S.I.A.).

#### 10.4.1 Bonds

A non cancelable permit bond in the amount of the Public Improvement cost associated with the proposed construction within the Town right-of-way payable to the Town of Bennett, shall be required in the name of the permittee prior to the issuance of any permit. Said bond shall assure that the permittee will comply with all Town standards and specifications and shall assure recovery by the Town of any expense incurred, within a period of 365 days, following the expiration date of the permit, to the amount of the said bond, due to failure of the permittee to comply with the provisions of these Standards or to otherwise cause expense to the Town as a result of the work performed. To that purpose Owner/Developer must submit a construction cost estimate to the Town Engineer or Director of Public Works for review and approval. Said cost estimate shall be based either on actual construction bid or on the unit-cost figures recommended within a recent publication of an acceptable Colorado construction cost estimate guide. The above permit bond is not required in the following cases:

1. The proposed work is included in the scope of an updated Subdivision Improvements Agreements (S.I.A.).
2. The proposed work is to be performed for a Local Improvement District, etc. where an Intergovernmental Agreement has been executed,
3. The proposed work is to be performed for the Town of Bennett and the contractor has provided the Town with a Performance/Payment Bond.

Note: Owners/Developers may not use the permit bond method in lieu of a subdivision improvements agreement as collateral for their developments.

- 10.4.2 Any permit determined to be without adequate bond as required, shall be subject to immediate revocation by the Town.
- 10.4.3 Municipalities, quasi-governmental agencies, special districts, mutual companies, electric, gas, and communication utilities, may provide a Letter of Responsibility in lieu of posting the required bond. Subject Letter of Responsibility shall be in the format of Figure 10.1
- 10.4.4 It shall not be acceptable to the Town to receive cash deposits, certified checks or similar security in lieu of bond. Bonds, Letters of Credit and Letters of Responsibility shall be filed with Town Hall.
- 10.4.5 **Insurance**  
The applicant shall obtain and carry a liability and property damage insurance policy or policies, for the period of time required for complete installation of facilities authorized by the permit, including the repair and restoration of the road facilities, and also, during such future periods of time when operations are performed involving the repair, relocation or removal of said facilities authorized by the permit. Coverage shall be provided against any claim, demand, suit or action for property damage, personal injury, or death resulting from any activities of the applicant, his officers, employees, agents or contractors in connection with the construction installation, repair or removal of the said facilities authorized by the permit. The said policy or policies shall include as named insureds: the Town of Bennett, its Board of Trustees, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Board or its officers, agents and employees or damage to any of its or their property. The said insurance shall provide coverage of property damage insurance, public liability insurance, and bodily injury insurance in an amount of not less than Four Hundred Thousand Dollars (400,000.) each, or such

other maximum amount as may be specified in the Colorado Governmental Immunity Act, and protecting the Town against any and all claims for damages to persons or property resulting from construction and/or installation of any required improvements pursuant to this Agreement. The policy will provide that the Town shall be notified at least thirty (30) days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent to the Director of Public Works by certified mail, return receipt requested. Contractor agrees that any subcontractors engaged by or for Contractor to construct the required improvements shall maintain public liability coverage in limits not less than those mentioned above.

The Bennett Town Board of Trustees  
355 Fourth Street  
Bennett, CO. 80102-0097

LETTER OF RESPONSIBILITY

This is to certify that \_\_\_\_\_

Agrees that, in lieu of posting the required performance bonds, the following practices will be adhered to:

1. That no road cuts, in any Town of Bennett road, street, highway or other right-of-way, for any purposes, except for emergency repairs, will be made without having secured the proper Street Cut Permit or Construction Permit.
2. That any road cut made by the above will be backfilled and compacted in accordance with the current requirements of the Town and the surface restored to a condition equal to or better than that condition which existed prior to the making of the cut.
3. The responsibility for the maintenance of the restored cuts shall rest with the above for a period of two years after the cut has been filled and resurfaced.
4. That, in the event repairs are not made or maintained, to the satisfaction of the Town Engineer, The Town of Bennett Engineer shall first notify the permittee in writing of the deficiency, and secondly; and fifteen (15) working days thereafter the necessary repairs may be made by the Town at the expense of the above named organization.

Subscribed to this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Attest:

\_\_\_\_\_  
By: \_\_\_\_\_  
Signature of Authorized Agent

Note: This document is to be filed in the office of the Town Clerk.  
Figure 10.1

## 10.5 Specifications, General

10.5.1 Work done under a permit shall result in a repair being made to the street or other Town property involved. Said repair shall cause the street or other property to be returned to a condition equal to or better than original, within the limits of careful, diligent workmanship, good planning, and quality materials. Said repair shall be accomplished in the least possible time and with the least disturbance to the normal functioning of the street or other property.

10.5.2 All backfill material, compaction, and resurfacing of any excavation in the Town R.O.W. will be done in accordance with specifications and standards in this manual.

## 10.6 Road Closings

10.6.1 Normally, only one side of the street may be blocked at any given time. Traffic must be provided a minimum lane width of 10 feet in the construction area. Any plan for traffic control during construction that indicates a complete closure must show detour routes, and must be approved by the Town Board of Trustees at least one week prior to issuance of permit.

10.6.2 The Public Works Department will notify the appropriate fire protection district, the County Sheriff's Office, and the Colorado State Patrol concerning exact location of street barricades and dates traffic will be impeded.

10.6.3 Barricades shall be maintained by the responsible contractor.

## 10.7 Stop Work Orders

Any person, corporation, quasi-governmental agency, special district, mutual company, electric, gas or communication utility corporation, who without first having obtained a permit and/or who having made a cut in a public right-of-way which has settled, has failed, or which has not been

repaired in conformance with established Town standards, shall be subject to a "Stop Work Order" issued by the Town whereupon that person, corporation, or utility shall, except for emergency repair work, discontinue all work within the public right-of-way within the Town of Bennett until such time as the required repair has been satisfactorily completed. No further permits will be issued until the repair has been made, or the Town reimbursed for the expenses. The Town of Bennett may, on its' own initiative, make required repairs and bill the responsible contractor. Minimum charge shall be a \$300.00 administrative charge, plus costs for labor, materials and equipment on a portal to portal basis.

## 10.8 Utility Installations

### 10.8.1 Underground

All utility lines and Cable TV, shall be installed to a minimum as outlined in Figure 12.3. This requirement is applicable throughout the Town right-of-way, including ditch lines and/or borrow pits. Exceptions may be granted by the Town Engineer where warranted and upon prior written request and approval.

### 10.8.2 Overhead

A minimum ground clearance of 18 feet 6 inches shall be provided where overhead utility lines cross public roads and streets. The clearance shall be measured at the lowest point where the line crosses the traveled portion of roadway.

10.8.3 Exploratory test holes made to determine location of existing utilities in an intersection shall be charged the fee as set forth in the fee schedule. A maximum of five (5) test holes, not to exceed eight (8) square feet (i.e., 2'x4' hole) each per intersection shall be permitted by a single fee.

## 10.9 Applicability

The requirements of this Chapter shall apply to any person, corporation, municipality, quasi-municipality agencies, mutual companies, electric, gas, or communication utility, who for any reason cuts, disturbs or otherwise defaces any

Town road for the purpose of installing or repairing, or for any reason pertaining to the presence of, an underground utility or structure.

#### 10.10 Forms

The various application forms required to perform work in the Town right-of-ways, can be found in Chapter 16, Forms.

#### 10.11 Fees

10.11.1 Fees shall be assessed for permits and inspection at the time of issuance of the permit in accordance with the schedule in force. A copy of this fee schedule may be obtained from the Town Clerk.

10.11.2 Any person or corporation commencing any work without prior valid authorization, shall be required to pay a penalty fee. The penalty fee shall be three (3) times the permit fee which would have otherwise been collected. The penalty fee includes the normal inspection fee.

#### 10.12 Licensing

Licensing Section (10.12.1 to 10.12.4) to be adopted at a later date subject to public input and Town Board Trustees approval.

##### 10.12.1 Certification

Any person or persons representing a corporation, governmental or quasi-governmental agency, special district, mutual company, utility or communication company, who must obtain a permit for work on or under property owned by the Town of Bennett must be certified by the Town to be knowledgeable on the specifications, testing, inspection and procedures required by the Town of Bennett. To become certified, a person must take, and pass, a written test given by the Public Works Department.

##### 10.12.2 Testing

A written test will be conducted by the Public Works Department to ensure that every person responsible for work performed on Town property is knowledgeable

of the requirements of the Town of Bennett for that work. The person being certified may pick one or all of the three following areas of testing

1. Earthwork
2. Concrete Work
3. Asphalt Work

The test will be timed, and a minimum grade will be required before a license is issued.

#### 10.12.3 The License

Each person who is issued a license may designate six (6) other persons who are authorized to obtain permits on behalf of the license holder. The license holder is still responsible for the permitted work even though the permit is obtained by his representative. The license holder or one of his six (6) representatives, must be on the site of the permitted work at all times during construction. If a license holder or one of his authorized representatives is not present at the construction site, a Stop Work Order for all work on the site may be issued until a responsible person arrives on site.

This license is good for a period of two (2) years. At the end of two (2) years a license holder must take, and pass, another test to be issued a new license.

#### 10.12.4 Revocation of License

If it is found that work performed under the permit obtained by a licensed person is repeatedly substandard according to the requirements and specifications of the Town of Bennett, the Town may call a hearing to determine if the license holder should:

- a. Retain his license
- b. Be given a probationary period or
- c. Have his license revoked

A person's license cannot be revoked unless the Director of the Public Works Department determines that allowing the licensed person to continue to obtain permits and perform work on public property would be detrimental to the health, safety and welfare of the general public.

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