

# REQUIREMENTS FOR RIGHT-OF-WAY/EXCAVATION PERMIT

## IMPORTANT INFORMATION

Work may **not** begin until you **receive** a Permit Notification that your application has been approved. This notification will include your Permit Number and will be sent to you via regular U.S. Mail.

Additionally, all work must have a **Forms and Final inspection**. All inspections must be scheduled at least 48 hours in advance by calling Johnny McCluskey at 937/837-1702. Please note our office hours indicated below.

The following items must be submitted with your Right-of-Way Permit Application (samples included in packet):

1. **Contractors:**

- a) Right-of-Way Opening Bond (\$1,000.00 **PER OPENING**; minimum amount of \$1,000.00); must equal total value of project.
- b) Certificate of Liability Insurance indicating the City of Trotwood as a certificate holder.

2. **Owners/Private Citizens:** Liability Waiver must be signed and accompanied with a refundable deposit in the amount of \$50.00 payable to "City of Trotwood". (The \$50.00 fee can be included on the same check as the remaining permit fees.) Refunds will be processed after your **Final Inspection**.

3. Sketch or drawing of work to be performed.

4. Fees:

1. Right-of-Way Permit (base fee **PER OPENING** for any work done in ROW) \$ 40.00 **PER OPENING**
2. ROW Opening/Excavation, per lineal foot – **ALL CONSTRUCTION** \$ 2.50 per lineal foot
3. Water and/or Sewer Excavation, per lineal foot, **EACH, ALL CONSTRUCTION** \$ 1.00 per lineal foot, **each**
4. Re-Inspection (must be paid prior to re-inspection) \$ 10.00

Checks may be made payable to the "City of Trotwood". If paying by cash, we must have the exact amount as we do not have petty cash to make change. These fees do not include any water or sewer tap-in (connection) fees. A separate permit application is available for Water/Sewer Tap-Ins.

### **During construction:**

1. Approved barricades shall be in place for the duration of all projects.
2. Debris or materials shall not be stored within the public right-of-way.
3. All cuts shall be neat, straight sawcuts in the pavement of connecting concrete areas.
4. Asphalt replacement to be made with hot mix of the required ODOT specification. Patching done with cold-mix shall be replaced prior to final inspection.
5. All granular fill to be compacted with ODOT Item 304. NO PEA GRAVEL, PIT RUN OR SAND will be approved as base materials. Excavation shall not be covered until granular fill is approved by the Public Works Director or his authorized agent. All trenches or holes under or within the zone of influence of paved surfaces shall be backfilled with flowable fill or unshrinkable fill.
6. All forms to be staked and oiled prior to requesting first inspection.
7. Drive approaches shall be replaced in two (2) pours if curb and gutter are also being replaced. The first pour shall consist of the curb and gutter along with the 6" thick sidewalk section. The second pour will be the drive approach between the side walk and curb. Expansion material shall be placed as directed in accordance with City standards.
8. All work shall be performed in an acceptable workmanlike manner. No shoddy, rough, uneven, or flawed work will be approved on second and final inspection. Restoration must be completed before final inspection is scheduled.
9. All cold weather work (32 deg. F or lower) shall be performed with approval of the Engineer.
10. Road or lane closure is not permitted unless specifically authorized. Those authorized must conform to the Ohio Manual of Uniform Traffic Control Devices.

## PLEASE KEEP THESE INSTRUCTIONS

Permits may be obtained during these hours:  
Monday-Friday, 8:00 AM to 3:30 PM

# RIGHT-OF-WAY/EXCAVATION PERMIT APPLICATION



Application Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Permit No.: \_\_\_\_ EX \_\_\_\_

Permit Expires: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**INITIALS INDICATE APPLICANT HAS RECEIVED /READ PERMIT REQUIREMENTS PAGE**

*Permit must include sketch of work being done, a Certificate of Liability Insurance and Opening Bond (contractors) or Liability Waiver (homeowners), and the appropriate fees. All Forms & Final Inspections must be scheduled with Inspector at least 48 hours in advance.*

## PROJECT INFORMATION

Street Address/Location of Project/Parcel Number: \_\_\_\_\_

New Construction

Rehabilitation

Reconstruction

Estimated Start Date: \_\_\_\_\_

Estimated Finish Date: \_\_\_\_\_

### RIGHT OF WAY PERMIT FEE - \$40.00 (per address)

**APPLIES**

Street Opening/Excavation:

Total Lineal Feet \_\_\_\_\_ x \$2.50 = \$ \_\_\_\_\_

**TO ALL**

Water Excavation:

Total Lineal Feet \_\_\_\_\_ x \$1.00 = \$ \_\_\_\_\_

**CONSTRUCTION**

Sewer Excavation:

Total Lineal Feet \_\_\_\_\_ x \$1.00 = \$ \_\_\_\_\_

**PROJECTS**

Description of Work (Attach a sketch/drawing): \_\_\_\_\_

## APPLICANT/CONTRACTOR INFORMATION

Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Company Name: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Company Street Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

## OWNER INFORMATION

Owner's Name (Printed): \_\_\_\_\_

Owner's Signature: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip code: \_\_\_\_\_

## FOR CITY OF TROTWOOD/PUBLIC WORKS DEPARTMENT USE ONLY

Total Fee: \$ \_\_\_\_\_  \$50.00 Refundable Deposit  Cash  Check, Check No. \_\_\_\_\_

Certificate of Insurance Expires: \_\_\_\_\_  Bond Amount: \$ \_\_\_\_\_  Liability Waiver

Received By (Signature) \_\_\_\_\_

Date \_\_\_\_\_

Approved By (Signature) \_\_\_\_\_

Date \_\_\_\_\_

### Inspections:

**Forms**

Approved

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

Inspector: \_\_\_\_\_

Comments: \_\_\_\_\_

Rejected

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

Inspector: \_\_\_\_\_

**Final**

Approved

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

Inspector: \_\_\_\_\_

Comments: \_\_\_\_\_

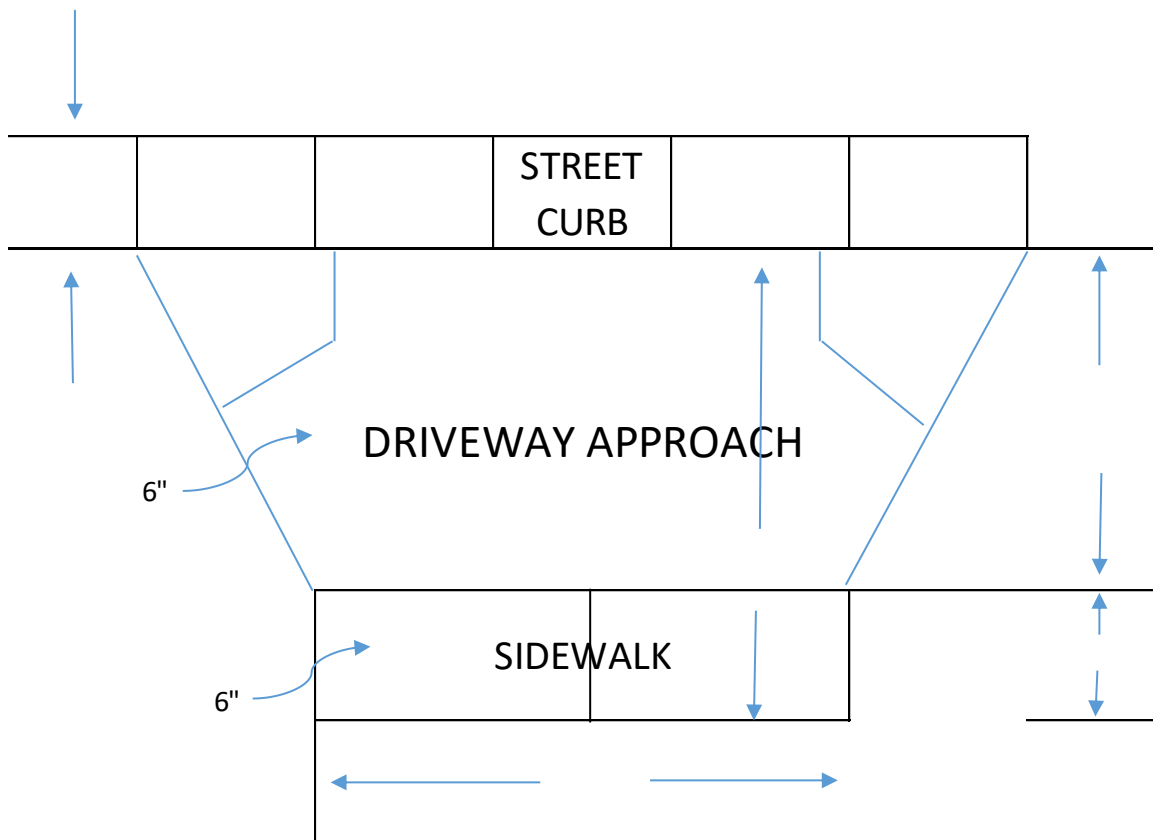
Rejected

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

Inspector: \_\_\_\_\_

**Additional Permits:**  Water/Sewer Tap-In  Building Permit  Water/Sewer Abandonment \_\_\_\_\_

USE THIS SKETCH OR PROVIDE YOUR OWN







**RIGHT-OF-WAY OPENING BOND**

KNOW ALL MEN BY THESE PRESENTS that we, \_\_\_\_\_ as Principal, and \_\_\_\_\_, as Surety, are held and firmly bound unto the City of Trotwood, as Obligee, in the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_) for the payment of which sum, well and truly to be made, we bind ourselves, our personal representatives, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas Principal is desirous of obtaining a license from the City of Trotwood as it may be necessary from time-to-time and after \_\_\_\_\_ (date) for \_\_\_\_\_ (period of time), through its agents and employees, to enter into the surface of any street, alley, or public way in said City of Trotwood, Ohio, for the purpose of installing or repairing its facilities and for other purposes.

NOW THEREFORE, if Principal shall, in the entering into the surface of the streets, alleys, or public way, confirm strictly to all requirements of law; shall cut open and restore such pavement according to established grade; shall remove all debris after the completion of any project or portion thereof; shall repair or replace any restored pavement; repair all damage to the alleys, streets, and public ways, including any facility, equipment of pipe lines contained therein, which within one (1) year becomes defective because of inferior workmanship or materials, then these presents shall be void, otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, we have hereunto subscribed our names and affixed our seals this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRINCIPAL

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
By (Signature)

\_\_\_\_\_  
SURETY

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
By (Signature, Attorney-in-Fact)

**CHAPTER 901**  
**Excavations**

901.01	<b>Permit Required</b>
901.02	<b>Application: fee and cash deposit</b>
901.03	<b>Restoration of pavement</b>
901.04	<b>Barriers and warning lights</b>
901.99	<b>Penalty</b>

**CROSS REFERENCES**

Liability for damage – see Ohio R.C. 723.49

Depth of excavation allowable – see Ohio R.C. 723.50

Digging, excavating and piling earth on street – see R.C. 5589.10

**901.01 PERMIT REQUIRED**

No person, other than the Director of Public Service or his authorized employees or agents, shall make any openings in any street, alley, sidewalk or other public way unless a permit to make such opening has been obtained prior to the commencement of the work, as herein provided.

(1987 Code 53.15)

**901.02 APPLICATION: FEE AND CASH DEPOSIT**

(a) Each permit for making an opening shall be confined to a single project and shall be issued by the Director of Public Services or his authorized agent only.

(1987 Code 53.16)

(b) Application shall be made on the form prescribed by the Director of Public Services, giving the exact location of the excavation, name, address and telephone number of the contractor, date of work, nature of work, anticipated starting time and anticipated completing time and date. The permit fee shall be as established by Resolution of Council, this fee to accompany the application and to be paid prior to commencing any excavation work.

(Ord. 09-09. Passed 3-2-09.)

(c) Each excavation application shall be submitted at least twenty-four hours in advance of the excavation work except in an emergency wherein, the emergency shall first be reported immediately to the Police Department and secondly, a permit shall be obtained not later than forty-eight hours after the work has been completed.

(d) In addition to the permit fee the contractor shall deposit with the City an insurance bond in the face amount of one thousand dollars (\$1,000). Each excavation shall be inspected by the director of Public Service or his designated representative. The bond shall be released thirty days subsequent to the expiration of a one-year period of time in the event all excavations by

the contractor under the performance bond have been satisfactorily completed. Completion means a prompt and satisfactory refilling of the excavation and restoration of all services disturbed, including restoration of grasses.

(e) If the applicant is a resident of the City and the work is confined to a location abutting property owned by the applicant, the bond requirement of subsection (d) hereof may be waived at the discretion of the Director of Public Services, and a cash sum of fifty dollars (\$50.00) shall be deposited in lieu of that bond.  
(1987 Code 53.16)

#### **901.03 RESTORATION OF PAVEMENT**

(a) The opening and restoration of a pavement or other surface shall be performed under the direction and to the satisfaction of the Director of Public Service and in accordance with the rules, regulations and specifications of the City.

(b) Upon failure or refusal of the permittee satisfactorily to fill the excavation, restore the surface and remove all excess materials within the time specified in the permit or, where not specified therein, within a reasonable time after commencement of the work, the City may proceed without notice to make the fill and restoration and the deposit referred to in the Section 901.02 shall be deemed forfeited. Thereupon, the deposit shall be paid into the Street Repair Fund of the City, except that part demanded and paid to the permittee as the difference between the deposit and the charges of the City for restoration services performed by it. If the amount of the services performed by the City should exceed the amount of the deposit, the Municipal Clerk shall proceed to collect the remainder due from the permittee.

(c) All material removed from an excavation in a street shall be immediately removed and the excavation shall be filled with gravel and the pavement restored to the satisfaction of the Director of Public Service. The pavement shall not be restored until the fill is approved by the Director of Public Service.  
(1987 Code 53.17)

#### **901.04 BARRIERS AND WARNING LIGHTS**

(a) Any person engaged in or employing others in excavating or opening any street, sidewalk, alley or other public way, shall have that excavation or opening fully barricaded at all times to prevent injury to persons and animals.

(b) The permittee, in the course of doing the work, shall place and maintain standard signs and barricades whenever necessary to protect the public against accidents and shall place and maintain during the time of darkness, sufficient non-extinguishable lights as will effectively warn and safeguard the public against accidents. Traffic control devices shall conform to the Ohio Manual of Uniform Traffic Control Devices. All such devices shall be furnished by the permittee.

(1) All protection and control devices within the areas of work shall be for the protection of the public. The area of work shall be considered any area in which work is in such a stage that safe travel of the public is affected.

(2) The occurrence of any accident involving public use of the streets or sidewalks while the permittee has work under progress, where the person involved was operating a vehicle in a prudent manner shall be considered evidence of insufficient protection as herein prescribed.

(3) The permittee, as far as practical, shall keep the streets and grounds free of equipment, new material, rubbish, evacuated material and debris during the progress of any work required.

(4) Temporary crossings shall be provided and maintained by the permittee for vehicular and pedestrian traffic during the construction of an improvement, including temporary roadways for the use of the public, fire, schools and hospitals, and including temporary roadways for the use of police, fire, schools, hospitals and driveways in use and alley returns. Such crossings and temporary roadways shall be provided at locations to such widths and lengths as directed by the City Engineer.

(1987 Code 53.18)

#### 901.99 **PENALTY**

Whoever violates any of the provisions of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. Each opening made in violation of such provisions shall constitute a separate offense. Each day of a continuing violation shall be considered and constitute a separate offense.

(1987 Code 53.99 (B))