



INSURANCE AND BOND REQUIREMENTS FOR OPENINGS AND EXCAVATION PERMITS

Bond:

Before any permit is issued under this article, the applicant for the permit shall deposit with the City cash or a performance bond executed by the applicant and a surety company authorized to do business in this state, in the penal sum of not less than Five Thousand Dollars (\$5,000.00). The condition of the performance agreement and warranty shall be that the person bound there under shall make such excavations in a workmanlike manner and that he will comply with the terms of this article and the general laws, and save harmless the City from any and all liability caused by or arising from his work, or by any unfaithful or inadequate work done by virtue of his permit; and that he will fill or cause to be filled all openings which he may make in streets, alleys or public places in accordance with the requirements of this article and the dictates of good workmanship; and he will warranty work for a period of one (1) year to the satisfaction of the City.

The cash deposit or bond shall be held for one (1) year from date of completion as accepted by the City so as to enforce the warranty on the work.

Insurance:

Before any permit is issued under this division and in addition to the required cash or bond, the applicant for a permit shall place on file with City a properly executed certificate of insurance indicating that the applicant is insured for public liability in the sum of not less than One Million Dollars (\$1,000,000.00) for each occurrence, and a certificate of insurance for property damage in the sum of not less than One Million Dollars (\$1,000,000.00) for each occurrence. Each certificate shall state that the applicant is insured for underground hazard.

Any person acting as a subcontractor for the holder of the permit shall be required to file a certificate of insurance with the City as provided in the above section.

The holder of a permit shall not employ as a subcontractor any person who has not filed a proper certificate of insurance with the City.

Please review the attached ordinance carefully.

**CITY HALL • 224 WEST BUFFALO • NEW BUFFALO, MICHIGAN 49117 • 269/469-1500
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ORDINANCE NO. 198

OPENINGS AND EXCAVATIONS

Sec. 18-9.00. Permit Required.

- A. Any person desiring to construct a street, avenue, or other public thoroughfare across any platted but unopened right-of-way within the City shall first obtain a written permit therefore from the City Manager. Such a permit may only be granted if approved by the City Council after first receiving a recommendation from the Planning Commission. The construction of any street, avenue, or other public thoroughfare by any person across any platted but unopened right-of-way shall also meet with the requirements of Section 10, Structures to Have Access, of Title XI, Special Provisions, of Appendix A of this Code, that being the Zoning Ordinance of the City. Such permits, when granted, shall be forwarded to the Public Works Superintendent upon approval.
- B. It shall be unlawful for any gasfitter, plumber, sewer digger, mason, or other person, except the Street Superintendent or Water Superintendent and employees of the City under the direction of the Street Superintendent or Water Superintendent, to dig any trench or make any other excavation in or under, or to remove any earth from any street, alley, sidewalk or public place in the City, or to contract for such work to be undertaken or direct any person to perform such work for the purpose of laying, moving or repairing any gas or water pipes, or for the construction, laying, repairing or attaching any private drain to any public storm sewer, or for the purpose of laying any underground fixture for conducting fluids for drainage, or for the purpose of attaching or detaching any such sanitary or storm sewer, gas or water pipe, or for any other purpose what so ever, without first obtaining a permit therefore or being in the employ of the City or of such person having such permit.

Sec. 18-9.01. Application.

Any person desiring to dig, excavate or trench in any street, alley, sidewalk or public place in the City shall make an application to the City Manager for a permit to do so. The permit shall show the location of the excavation and state the purpose of the excavation.

Sec. 18-9.02. Permit Fees

Permit fees for street opening permits shall be as set by resolution of the City Council from time to time.

Sec. 18-9.03. Bond and Warranty.

- A. Before any permit is issued under this article, the applicant for the permit shall deposit with the City cash or a performance bond executed by the applicant and a surety company authorized to do business in this state, in the penal sum of not less than Five Thousand Dollars (\$5,000.00). The condition of the performance agreement and warranty shall be that the person bound there under shall make such excavations in a workmanlike manner and that he will comply with the terms of this article and the general laws, and save harmless the City from any and all liability caused by or arising from his work, or by any unfaithful or inadequate work done by virtue of his permit; and that he will fill or cause to be filled all openings which he may make in streets, alleys or public places in accordance with the requirements of this article and the dictates of good workmanship; and he will warranty work for a period of one (1) year to the satisfaction of the City.
- B. The cash deposit or bond shall be held for one (1) year from date of completion as accepted by the City so as to enforce the warranty on the work.

Sec. 18-9.04. Insurance.

- A. Before any permit is issued under this division and in addition to the required cash or bond, the applicant for a permit shall place on file with City a properly executed certificate of insurance indicating that the applicant is insured for public liability in the sum of not less than One Million Dollars (\$1,000,000.00) for each occurrence, and a certificate of insurance for property damage in the sum of not less than One Million Dollars (\$1,000,000.00) for each occurrence. Each certificate

shall state that the applicant is insured for underground hazard.

- B. Any person acting as a subcontractor for the holder of the permit shall be required to file a certificate of insurance with the City as provided in subsection (A) of this section.
- C. The holder of a permit shall not employ as a subcontractor any person who has not filed a proper certificate of insurance with the City.

Sec. 18-9.05. Issuance.

- A. The City Manager upon application being made and upon receipt of the cash or bond, permit fee, certificate of insurance as required in this division and approval by the Street and Water Superintendents shall issue a permit to the person making application therefore.
- B. Whenever the contemplated work involves connection with the public sewer system of the City, the permit shall be issued only to a contractor having necessary licenses.
- C. Wherever the work involves installations or construction work other than service connections and repair thereto, detailed plans shall be submitted to the City for review before the permit is issued.

Sec. 18-9.06. Completion of work.

- A. Upon the completion of any major work, the person holding the permit under this division shall file with the City Manager a copy of the completed work, showing in detail the location of all pipes, manholes and other appurtenances in all public streets and alleys in the City.
- B. Upon completion of the work, the permit shall be immediately returned to the City Manager, properly signed and showing date of completion.

Sec. 18-10.00. Performance of work; restoration.

Any person to whom an excavation permit has been issued under this article shall promptly complete the work and restore the street, alley, sidewalk or other public place in a good and workmanlike manner safe and convenient for public use.

Sec. 18-10.01. Separation of top dressing in unpaved streets.

Where an excavation or a trench is made, in an unpaved street or alley, the top dressing shall be kept separate from the rest of the excavation and shall be used on the top of the backfilling to provide a firm and solid surface level with the surrounding surface of the street in a manner approved and acceptable to the department of public works director. Additional top dressing, if needed, must be similar in type.

Sec. 18-10.02. Surface for paved or concrete streets or sidewalks.

Where an excavation is made in a paved or concrete street or alley or where it is necessary to remove sidewalks or driveways, the person holding the permit shall provide for placing a satisfactory surface of gravel or other suitable material and maintaining the surface at the level of the adjacent street, sidewalk or ground until such time as permanent pavement or concrete is placed.

Sec. 18-10.03. Backfilling material.

When suitable material for backfilling is not secured from an excavation, other satisfactory excavated material shall be used for backfilling the excavation. Care shall be exercised in compacting the backfill in order to avoid settlement. The surface of a trench shall be maintained in a satisfactory condition at the by the person to whom the permit was issued for thirty (30) days after completion of the backfilling.

Sec. 18-10.04. Barricades.

Any person to whom a permit has been issued under this article shall provide for the erection and maintenance of strong and substantial barriers around such excavation. Barricades provided for in this section shall be protected by necessary signal lights conforming to the Michigan Manual of Uniform Traffic Control Devices from one-half hour before sunset until one-half hour after sunrise, and during such other times as may be necessary to protect the public. Such barricades shall be maintained from the time the work is started until the excavation has been entirely completed and made safe for public use.

Sec. 18-10.05. Cost of restoration.

The person holding the permit under this article shall restore the pavement, concrete or ground to the satisfaction of the City. The person holding the permit under this article shall bear all costs related to such.

Sec. 18-11.00. Reserved