

12.32.050 City permit required.

A. No person shall do work affecting the right-of-way without first obtaining a permit from the Public Works Department. The permit requirement does not apply to City utilities or to the construction of improvements performed under City contract unless such contract expressly requires City permits.

B. No person shall perform any work on utility facilities within the rights-of-way without first obtaining all required permits, including, but not limited to, a permit from the Public Works Director. The City shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the utility operator of the facilities has applied for and received the license required by this chapter, or has a current franchise with the City, and all applicable fees have been paid. Utility operators shall not be required to obtain a permit for service drops to customer premises or routine maintenance or repairs where such drops, repairs or maintenance do not require cutting, digging, or breaking of, or damage to, the right-of-way and do not result in closing or blocking any portion of the travel lane.

C. The permit shall be issued only to a duly licensed bonded contractor holding a current City of Warrenton business license with proof of current liability and workers compensation insurance, except that a property owner who is not a licensed contractor may receive a permit under the following conditions:

1. The total value of the work is not to exceed \$1,000.00.
2. No excavation shall exceed one foot in depth.
3. Excavations shall be in the area between the back of the curb and right-of-way/property line boundary.
4. No existing improvements other than sidewalks and/or driveway approaches are to be disturbed.
5. A security deposit of \$1,200.00 in the form of cash or certified check shall be required under the restoration of the work area at the discretion of the Public Works Director. In the event that restoration is not satisfactory, the deposit shall be retained by the City to defray the cost of restoration by the Public Works Department.

D. In the event of an emergency, a utility operator with a license pursuant to this chapter or its contractor may perform work on its utility facilities without first obtaining a permit from the City, provided that, to the extent reasonably feasible, it attempts to notify the City prior to commencing the emergency work and in any event applies for a permit from the City as soon as reasonably practicable, but not more than 48 hours after commencing the emergency work. As used in this subsection, "emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

E. Applications for permits to work in the right-of-way shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate that the facilities will be constructed in accordance with all applicable codes, rules and regulations, including, but not limited to, the most current revision of the City of Warrenton Public Works specifications. The drawings, plans and specifications accompanying applications for permits to construct or work on utility facilities shall also demonstrate:

1. The location and route of all utility facilities to be installed aboveground or on existing utility poles.
2. The location and route of all utility facilities on or in the rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route that are within the rights-of-way. Applicant's existing utility facilities shall be differentiated on the plans from new construction. A cross-section shall be provided showing new or existing utility facilities in relation to the street, curb, sidewalk or right-of-way.
3. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.

F. A permit applicant shall provide the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

G. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the Public Works Director.

H. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount to be determined by resolution of the Commission.

I. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the Public Works Director shall issue a permit authorizing the work, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate.

J. Except in the case of an emergency, the permittee shall notify the Public Works Director not less than two working days in advance of any excavation or construction in the rights-of-way.

K. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications. The Public Works Director shall be provided access to the work site and such further information as the Public Works Director may require to ensure compliance with such requirements.

L. All work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The City is authorized to stop work in order to assure compliance with the provision of this chapter.

M. The permittee shall promptly complete all construction activities so as to minimize disruption of the City rights-of-way and other public and private property. All work within the rights-of-way, including restoration, must be completed within 120 days of the date of issuance of the permit unless an extension or an alternate schedule has been approved by the Public Works Director.

N. Performance Surety.

1. Unless otherwise provided in a franchise agreement or agreed to in writing by the City, a performance bond or other form of surety acceptable to the City equal to at least 100 percent of the estimated cost of the work within the rights-of-way of the City shall be provided before construction is commenced.

2. The performance bond or other form of surety acceptable to the City shall remain in force until 60 days after substantial completion of the work, as determined in writing by the Public Works Director, including restoration of rights-of-way and other property affected by the construction.

3. The performance bond or other form of surety acceptable to the City shall guarantee, to the satisfaction of the City:

- a. Timely completion of the work;
- b. That the work is performed in compliance with applicable plans, permits, technical codes and standards;
- c. Proper location of the work and/or utility facilities as specified by the City;
- d. Restoration of the rights-of-way and other property affected by the work; and
- e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

O. Injury to Persons or Property. The permittee shall preserve and protect from injury or damage all facilities in the rights-of-way, the public using the rights-of-way and any adjoining property, and take other necessary measures to protect life and property, including, but not limited to, buildings, walls, fences, trees or facilities that may be subject to damage from the permitted work. The permittee shall be responsible for all injury to persons or damage to public or private property resulting from its failure to properly protect people and property and to carry out the work.

P. Restoration.

1. The permittee shall, at its own expense, promptly restore such ways or property to the same or better condition as existed before the work was undertaken, in accordance with applicable Federal, State and local laws, codes, ordinances, rules and regulations, unless otherwise directed by the City and as determined by the Public Works Director.

2. If weather or other conditions beyond the permittee's control do not permit the complete restoration required by the City, the permittee shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required

permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the City.

3. If the permittee fails to restore rights-of-way or property as required in this chapter, the City shall give the permittee written notice and provide the permittee a reasonable period of time not less than 10 days, unless an emergency or threat to public safety is deemed to exist, and not exceeding 30 days to restore the rights-of-way or property. If, after said notice, the permittee fails to restore the rights-of-way or property as required in this chapter, the City shall cause such restoration to be made at the expense of the permittee. (Ord. 1168-A § 1, 2012)

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