



City Engineer
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City Hall
2032 Hanley Road
Dardenne Prairie, MO 63368
Phone 636.561.1718
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PERMIT / APPLICATION TO CONDUCT FACILITIES WORK WITHIN PUBLIC RIGHTS-OF-WAY

APPLICANT:

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (Day) Telephone Number (Night)

Email Address Facsimile

FACILITIES OWNER:

CONTRACTOR:

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (day)

Telephone Number (night)

Facsimile

Email Address

Company Name

Printed Name, Title

Street Address

City/State/Zip Code

Telephone Number (day)

Telephone Number (night)

Facsimile

Email Address

STREET ADDRESS OF PROPERTY: _____

LEGAL DESCRIPTION OF PROPERTY (Subdivision/Lot Number, etc. – attach additional if necessary):

We request permission to perform the following work: _____

This work is (check all that apply):

- Filling Grading Excavation Routine Maintenance
 Minor Improvement Installation Substantial Improvement

Cost of Work: _____

Description (specify if sod, grass, or pavement or other item in the right-of-way will be disturbed): _____

All backfill, compaction, restoration, repair, and replacement will be done in accordance with the ordinances of the City of Dardenne Prairie and St. Charles County, and the laws of the State of Missouri. The location of this proposed construction is indicated on the attached sheet(s). The City Engineer shall be notified at (636) 978-6008 a minimum of 48 hours prior to the commencement of work to allow the scheduling of inspections, and upon job completion for final inspection.

Existing drainage directions and patterns shall be maintained. All necessary siltation control measures shall be installed to prevent material from disturbed areas being deposited into storm sewers and/or onto adjacent properties.

- Three (3) copies of a site plan showing the proposed location of the facilities work including manholes or overhead poles; the length, size, type and proposed depth of any conduit or any other enclosures; and the relationship of the facilities to all existing streets; length of public rights-of-way; the number of road crossings; the number of entrance drive crossings; the locations of City-owned facilities in the proximity, if known, and the dimensions and character of any cut or excavation, and the number of square feet to be resurfaced are attached. Note: All plans, drawings or other materials submitted to the City shall become the property of the City and part of the permanent record of any approval.

Projected commencement date: _____

Projected termination date: _____

- Commencement date is unknown. Permit to be issued with condition that the permit holder shall provide the City Engineer with reasonable advance notice of such date once it is determined.
- Termination date is unknown. Permit to be issued with condition that the permit holder shall provide the City Engineer with reasonable advance notice of such date once it is determined.

A certificate of insurance for the contractor(s) and any subcontractor(s) performing work in the public rights-of-way is attached. Said insurance shall be carried with a firm or corporation that has been duly licensed or permitted to carry on such business in the State of Missouri. Should any such policy be cancelled, the City shall be notified of such cancellation in writing not less than forty-five (45) days prior to the effective date of such cancellation. The City of Dardenne Prairie shall be included as an Additional Insured as respects to General Liability If/when this permit is issued, it shall be considered a written contract in regard to this insurance requirement. The contractor(s) performing work in the public rights-of-way shall comply with the requirements of all Federal and State Laws and Regulations relating to Social Security, Unemployment Insurance and Workers Compensation so the City will not be liable in any way for any claim evolving from said work. Minimum limits area as follows:

1. Commercial General Liability Insurance combined single limit: \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate.
2. Auto and Truck Liability Insurance covering all owned, hired, and non-owned vehicles: \$500,000.00 each occurrence.

The contractor(s) and any subcontractor(s) performing work in the public rights-of-way shall obtain and maintain during the term of the permit, Liability Insurance. Subcontractor(s) covered by the protection afforded by the contractor(s) performing work in the public rights-of-way need not provide the City a certificate of insurance.

A performance bond acceptable to the City has been established in the City's favor in the following amount:

- Cash Deposit in the amount of \$_____ (Receipt from City attached)
- Bond in the amount of \$_____ (attached)
- Letter of Credit in the amount of \$_____ (attached) .

Application fee of _____ \$225.00 _____ provided.

I hereby certify, under penalty of law, that I have reviewed this document and understand the requirements relative to this application. I agree to implement and follow the provisions of the permit issued in conjunction with plans for the construction site and that the information provided on this form and on any additional data attached hereto is true, complete, and accurate. I understand that these requirements will be inspected and enforced by the City of Dardenne Prairie and failure to comply may result in the issuance of a "stop work order" and/or other penalties until compliance is achieved. The undersigned will be responsible for complying with this permit and all applicable provisions of the City of Dardenne Prairie Municipal Code. I assume full responsibility as to the performance of the construction operation, and I assure that all private properties and City, State and County streets and roads will be adequately protected from unnecessary damage and any damage to such shall to repaired to pre-existing or better condition as determined by the City of Dardenne Prairie. I consent to the City of Dardenne Prairie inspecting the proposed development site and all work in progress and agree to make payment of additional administration and inspection fees based on the City of Dardenne Prairie's actual costs for administration and field inspections associated with this permit application.

APPLICANT:

Applicant's Signature	Date
Printed Name	Title

*** Before signing this application, familiarize yourself with all City procedures and requirements related to construction of facilities in, across, under and over public rights-of-way and make sure all items above are completed and you have reviewed this entire Permit / Application and attached Information Sheets ***

Pursuant to the above application, permission is granted under the following conditions:

1. Inspection fees shall be paid to the City of Dardenne Prairie from time to time as the work progresses.
2. Failure to notify the City 48 hours prior to construction can result in a stop-work order and revocation of this permit.
3. A protective lane for traffic shall be provided at all times.
4. All evacuated areas beneath and within two feet of the pavement shall be backfilled with Granular Material and compacted to 90% maximum density as determined by the "Modified ASSHTO T-180 Compaction Test" (ASTM D-1557-70). All other areas may be backfilled with excavated material placed in the 8" maximum thickness lifts, free of frozen particles, and compacted to 90% of maximum density as determined by ASTM D-1557-70.
5. The City Engineer shall be notified of any connections to the existing public storm sewer system.
6. If more than one (1) acre of grading is involved, a NPDES permit must be obtained from the Missouri Department of Natural Resources (MDNR).
7. Contact Missouri One-Call System, Inc. before any excavation begin; however, just contacting Missouri One-Call System does not relieve the contractor from their responsibility of checking with the Recorder of Deeds for owners/operators of all underground utilities in the area.
8. Street construction requires notification when street is within two feet of subgrade. Inspection and approval of subgrade of all streets shall be accomplished before placement of sub-base.
9. The applicant shall promptly notify the City Engineer of any changes in the information submitted in this application.
10. If the permit is revoked, the permit holder shall also reimburse the City for the City's reasonable costs, including restoration costs and costs of collection incurred in connection with such revocation.
11. By January fifteenth (15th) of each year, each permit holder shall provide the City Engineer with a schedule of its proposed construction activities, which may affect the public rights-of-way for the ensuing twelve (12) months. Failure to provide a schedule on a timely basis may be considered in denial of a permit for the ensuing twelve (12) months.
12. Each permit holder shall meet with the City Engineer and other permit holders, either quarterly or as determined by the City Engineer, to schedule and coordinate facilities work.
13. Permit holders shall comply with all City Codes and ordinances.
14. The permit holder shall give all emergency service providers as well as the City Engineer three (3) working days' notice to arrange for routing of emergency vehicles before streets are closed to traffic. Access to fire hydrants shall not be obstructed without approval of the City Engineer and local Fire Chief.
15. Unless for an emergency, no person shall make paving cuts or curb cuts except after receiving approval of a permit therefor.
16. Facilities work shall be subject to periodic inspection by the City. All excavation, alignment, depth, compaction and backfill materials shall be subject to inspection by the City. Such inspection, however, shall not relieve the permit holder from any obligation to perform all of the facilities work strictly in accordance with requirements of the plans and technical specifications submitted with the application.
17. Approval of the facilities work, as provided for herein, shall not relieve the permit holder of any financial liabilities imposed on the permit holder, nor shall it constitute final acceptance for maintenance by the City of the facilities work. Final acceptance of the facilities work will not be made until one (1) calendar year after completion of the facilities work and its re-inspection to confirm its continued compliance with the plans and technical specifications submitted with the application.
18. Within twenty (20) days following notification from the permit holder that all facilities work has been completed, the City Engineer will make an inspection of the entire facilities work site. If any work is found to be unsatisfactory or incomplete, instructions for correction will be issued and another inspection will be made after the City Engineer receives notice that the corrections have been carried out. Before final acceptance of the completed facilities work, the permit holder shall remove all surplus and discarded materials, equipment, rubbish and temporary structures.
19. Any and all public rights-of-way or facilities disturbed or damaged during the facilities work shall be promptly repaired or replaced, or caused to be promptly repaired or replaced, to its previous condition by the permit holder or, at the City Engineer's discretion, by the City, at the permit holder's expense.

This permit is valid for _____ days. Permit holders may request an extension on the permit time restriction in writing to the City Engineer. If the time limit on the permit expires without approval of an extension, the permit shall be considered terminated.

_____ Approved _____ Denied _____
City Engineer's Signature Date

<u>City Use Only</u>	
Permit Received By: _____	Date: _____
Permit Application Review Fee: _____	Date: _____
Performance Ensured by: ___ cash deposit ___ performance bond ___ letter of credit. Amount: _____	

Mandatory denial. Except in the case of an emergency, the City Engineer shall deny an application for permit in the following events:

- (a) Facilities work is sought which requires excavation of any portion of the paved public right-of-way which was constructed or reconstructed in the preceding five (5) years, or such longer period as determined by the City Engineer.
- (b) The applicant, contractor or facilities owner owes undisputed past due fees from prior permits.
- (c) The applicant, contractor or facilities owner has failed to return the public right-of-way to its previous and acceptable condition under previous permits.
- (d) The facilities work will cause undue disruption to existing or planned utilities, transportation, public or City use.*
- (e) The facilities work area is environmentally sensitive as defined by State or Federal Statute.*
- (f) Applicant's failure to provide required information.
- (g) Applicant's failure to provide City with required schedule, provided however, that the failure of an applicant to include in the schedule construction activities which were not anticipated at the time of submitting the schedule will not constitute grounds for denial of permit.
- (h) Failure of applicant to list the project in the schedule, provided however, that the failure of an applicant to include in the schedule construction activities which were not anticipated at the time of submitting the schedule will not constitute grounds for denial of permit.
- (i) The applicant is in violation of the provisions of this Chapter.
- (j) Location of proposed facilities work would impede maintenance of existing facilities.*
- (k) Failure to pay for damages caused to any City facilities from prior facilities work by the applicant or facilities owner.

*If a permit is denied under Subsections (d), (e), (j), the City Engineer will cooperate with the applicant to identify alternative routes which most nearly match the routes requested by applicant for the placement of facilities.

Permissive denial. The City Engineer may deny a permit in order to protect the public health, safety and welfare, and to prevent interference with the convenience of ordinary travel over the public right-of-way and to its users. The City Engineer in his/her discretion may consider one (1) or more of the following factors:

- (a) The extent to which public right-of-way where the permit is sought is available;*
- (b) The competing demands for the particular location in the right-of-way;*
- (c) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the applicant;
- (d) The degree of current compliance of the applicant with the terms and conditions of its franchise and other applicable ordinances and regulations;
- (e) The condition and age of the public right-of-way, and whether and when it is scheduled for total or partial reconstruction;
- (f) The balancing of the costs of disruption to the traveling public and damage to the public right-of-way against the benefits to that part of the public served by the expansion into additional parts of the public right-of-way; and
- (g) Destruction of public or private plant material.*

*If a permit is denied under above-item (a), (b) or (g), the City Engineer will cooperate with the applicant to identify alternative routes which most nearly match the routes requested by applicant for the placement of facilities.

Appeal Procedure. Applicant may, within fifteen (15) days of the date of the written decision of the City Engineer, appeal any final decision of the City Engineer to the City Administrator, which appeal shall be acted upon by the City Administrator within ten (10) business days; and if denied by the City Administrator, the applicant may then, within thirty (30) days of the date of the written decision of the City Administrator, appeal any final decision of the City Administrator to the Board of Aldermen, who shall consider the appeal within thirty (30) days or at the next regular scheduled Board of Aldermen meeting.

Revocation Of Permits. Permits issued pursuant to this Application are a privilege and not a right. The City reserves its right, as provided by City Code, to revoke any permit, without fee refund, in the event of a violation of the terms and provisions of any applicable Statute, ordinance, rule or regulation, or any condition of the permit. A violation of a permit holder shall include, but shall not be limited to, the following:

1. The violation of any material provision of the permit;
2. An evasion or attempt to evade any material provision of the permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City with respect to the permit;
3. Any material misrepresentation of fact in the application for a permit;
4. The failure to maintain the required bonds and/or insurance;
5. The failure to complete the facilities work in a timely manner; or
6. The failure to correct or comply with a condition indicated on an order issued pursuant to facilities work done in the public rights-of-way without a permit.

If the City Engineer determines that the permit holder has committed a violation of any term or condition of any Statute, ordinance, rule, regulation or any condition of the permit, the City Engineer shall make a written demand upon the permit holder to remedy such violation. The demand shall state that continued violation may be cause for revocation of the permit and for the imposition of other penalties as provided for by law. Further, a violation shall allow the City Engineer, at his/her discretion, to place additional or revised conditions in the permit.

Performance Bond.

1. Prior to any facilities work in the public rights-of-way, a permit holder shall establish in the City's favor a performance bond or letter of credit in an amount determined by the City Engineer as necessary to ensure the permit holder's faithful performance of the facilities work. Differences in bond requirements, including provisions for self-insurance or provisions for a single continuing bond where facilities work is conducted by the same applicant under numerous permits, may be established by regulation based on the extent or nature of the facilities work and the past performance of the applicant. In lieu of a performance bond, permit holder may provide an acceptable letter of credit with the approval of the City Engineer.
 - a. Five hundred dollars (\$500.00) cash shall be deposited with the City for each permitted instance of facilities work occurring behind the curb.
 - b. One thousand five hundred dollars (\$1,500.00) cash deposit or performance bond shall be established for each permitted instance of facilities work occurring in or under street pavement.
2. In the event an applicant fails to complete the facilities work in a safe, timely and competent manner, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damage or loss suffered by the City as a result, plus a reasonable allowance for attorney's fees, up to the full amount of the bond or letter of credit.
3. Upon completion of the facilities work to the satisfaction of the City Engineer, the City Engineer shall eliminate the bond or reduce its amount after a time appropriate to determine whether the work performance was satisfactory, which time shall be established by the City Engineer considering the nature of the work performed.
4. A performance bond shall be issued by a surety acceptable to the City and shall contain the following endorsement:

"This bond may not be canceled or allowed to lapse until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."
5. In the event that an excavation is not refilled within a reasonable time after it is ready for refilling, the City Engineer shall notify the permit holder making the excavation that if such excavation is not filled within four (4) days, it shall be filled by the City. The charge for the cost of such work shall be paid by the permit holder within ten (10) days after completed and no additional permit shall be issued to that person after that time, unless such charge has been paid.
6. In the event that the applicant fails to backfill, repair or repave any excavations made within the public rights-of-way, the City Engineer, at his/her discretion, shall repair said cut with City employees or contract the repair to be made and charge the applicant for the full contract cost of repair. If the City makes the repair with City employees, the charges shall be based on the unit price paid on the most recent street improvement or pavement repair contract entered into by the City.