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## Sec. 28-20. Registration of users; construction permit required.

- (a) *Registration.* In order to protect the public health, safety and welfare, all users of the right-of-way will register with the city. Registration and permits will be issued in the name of the person who will own the facilities. Registration must be renewed every five years. For utilities with a current franchise or license, the franchise or license will be evidence of renewal. If a registration is not renewed and subject to 60-day notification to the owner, the facilities of the user will be deemed to have been abandoned. When any information provided for the registration changes, the user will inform the city of the change no more than 30 days after the date the change is made. Registration shall include:
- (1) The name of the user of the right-of-way;
  - (2) The name, street address, mailing address and telephone number of people who will be the contact persons for the user;
  - (3) The name, address and telephone number of any contractor or subcontractor, if known, who will be working in the right-of-way on behalf of the user;
  - (4) The names and telephone number of an emergency contact who shall be available 24 hours a day;
  - (5) Proof of insurance and bonds.
    - a. An applicant must provide acceptable proof of liability insurance in the total amount of \$6,000,000.00 (\$1,000,000.00 primary plus \$5,000,000.00 umbrella) to the city or other levels as acceptable to the city. The applicant's contractors must maintain \$2,000,000.00 of liability insurance.
    - b. The coverage must be on an occurrence basis and must include coverage for personal injury, contractual liability, premises liability, medical damages, and underground, explosion and collapse hazards.
    - c. Each policy must include a cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before canceling, failing to renew, or reducing policy limits.
    - d. The applicant must file the required original certificate of insurance before commencing work. The certificate must state the policy number; name of the insurance company; name and address of the agent or authorized representative of the insurance company; name, address and telephone number of insured; policy expiration date; and specific coverage amounts.
    - e. The applicant must file an annual surety bond that will be valid each year construction will occur through one full year after the completion of the construction from a surety company authorized to do business in the state in the amount of the estimated amount of the cost to restore the right-of-way in accordance with this Code for the work anticipated to be done in that year in the event the applicant leaves a job site in the right-of-way unfinished, incomplete or unsafe.
    - f. The above requirements may be met by utilities with a current franchise or license if their current franchise or license adequately provides for insurance or bonds or provides an indemnity in favor of the city.
- (b) *Construction permit.*
- (1) No person may perform any construction, installation or maintenance of facilities in the right-of-way without first obtaining a construction permit, except as provided herein. The permit will be in the name of the person who will own the facilities to be constructed. The permit must be completed and signed by a representative of the owner of the facilities to be constructed.

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- a. Emergency responses related to existing facilities may be undertaken without first obtaining a permit; however, the city must be notified orally within two hours and in writing within 24 hours of any construction related to an emergency response, including a reasonably detailed description of the work performed in the right-of-way and an updated map of any facilities that were relocated, if applicable. After regular business hours, the oral notification must be provided to the city police department.
  - b. The phrase "construction or installation of facilities" does not include:
    1. Installation of facilities on a customer's property that is necessary to initiate service to that customer's property; or
    2. Repair or maintenance of existing facilities, unless such repair or maintenance requires the breaking of pavement, the closure of a traffic lane, excavation, or boring.
- (2) The permit will state to whom it is issued, location of work, location of facilities, dates and times work is to take place and any other conditions set out by the city administrator or his designee.
- (3) The person requesting a permit must provide the city administrator or his designee with documentation in the format specified by the city describing:
- a. The proposed approximate location and route of all facilities to be constructed or installed and the applicant's plan for right-of-way construction.
  - b. Engineering plans on a scale of one inch equals 100 feet in both hard copy and computer format, unless otherwise approved by city.
  - c. Detail of the location of all right-of-way and utility easements which the applicant plans to use.
  - d. Detail of all existing city utilities, based upon information provided by the city (to the extent such information is available), in relationship to the applicant's proposed route.
  - e. Detail of what the applicant proposes to install, such as pipe size, number of interducts, valves, etc.
  - f. Detail of plans to remove and replace asphalt or concrete in streets (include city standard construction details or other standard construction details approved by the city's engineer).
  - g. Drawings of any bores, trenches, handholes, manholes, switch gear, transformers, pedestals, etc., including depth located in the public right-of-way at the time construction was completed.
  - h. Handhole or manhole typicals of type of manholes or handholes the applicant plans to use or access.
  - i. Complete legend of drawings submitted by the applicant.
  - j. Five sets of engineering plans must be submitted with the permit application.
  - k. The name, address and telephone numbers of the construction supervisor, contractor or subcontractor who will coordinate or perform the actual construction, including the name and telephone numbers, including office, cell phone and pager numbers, of an individual who will be available at all times during construction. Such information is required before any work commences.
  - l. The construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, etc.) are subject to approval of the city administrator or his designee.

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- m. A statement that the requirements of subsection (a)(5) of this section or the applicant's franchise, if applicable, are met.
  - n. Other information required by the city.
- (4) All construction and installation in the right-of-way must be in accordance with the permit for the facilities. The city administrator or his designee must be provided access to the work and to such further information as he may reasonably require to ensure compliance with the permit.
  - (5) A copy of the construction permit and approved engineering plans must be maintained at the construction site and made available for inspection by the city administrator or his designee at all times when construction or installation work is occurring.
  - (6) All construction or installation work authorized by permit must be completed in the time specified in the construction permit. If the work cannot be completed in the specified time periods, the permittee may request an extension from the city administrator or his designee. The city administrator or his designee will use his best efforts to approve or disapprove a request for permit as soon as possible.
  - (7) A copy of any permit or approval issued by federal or state authorities for work in federal or state right-of-way located in the city must be provided to the city.
  - (8) A request for a permit must be submitted at least five working days before the proposed commencement of work in the request, unless waived by the city administrator or his designee.
  - (9) Requests for permits will be approved or disapproved by the city administrator or his designee within five working days of receiving all the necessary information. The city administrator or his designee will use his best efforts to approve or disapprove a request for permit as soon as possible.
  - (10) The city or the applicant can request a pre-construction meeting with the permittee and their construction contractor.
  - (11) Permit applications are required for construction on new, replacement or upgrading of the company's facilities in the right-of-way, either aerial or underground.

(Code 1987, ch. 10, subch. G, § 2; Code 1995, § 3.08.032)