



**APPLICATION FOR RIGHT-OF-WAY PERMIT
(UTILITY PROVIDER – CONSTRUCTION OR MINOR MAINTENANCE)
(Ord. 901.19 et seq.)**

Permit No. _____

Application Date: _____

Permit Expires: _____
C.O. 901.19 (120 days from approval date)

APPLICANT INFORMATION

Applicant Name (printed): _____ Signature: _____

Company Name: _____ Phone: _____

Company Street Address: _____

City/State/Zip: _____

If Applicant is a contractor, Utility Provider for whom work will be performed:

PROJECT INFORMATION

Project location: Paved ROW Unpaved ROW Permit type: Construction Minor Maintenance

Street Address/Location of Project/Parcel No.: _____

Estimated start date: _____ Estimated completion date: _____

Description of work: _____

Required attachments (SEE INSTRUCTIONS):

FOR CONSTRUCTION PERMITS:

- Permit fee made payable to the City of Clayton (to be submitted upon permit approval and prior to performing any work);
- Written authority to apply for permit on behalf of a registered Utility Provider (contractors only);
- Scale drawing of proposed work, number and location of pavement cuts, location of all existing and proposed Facilities, and certification that the proposed project complies with applicable codes, rules, and regulations;
- Traffic control plan;
- Facility-specific information (existing and proposed, including excess capacity documentation);
- Preliminary construction schedule and completion date;
- Payment of any prior unpaid amounts due to the city;
- Construction Bond and Removal Bond, if applicable; and
- Certificate(s) of comprehensive liability insurance, automobile liability insurance, and umbrella insurance coverage (contractors only)

FOR MINOR MAINTENANCE PERMITS:

- There is NO permit fee;
- Written authority to apply for permit on behalf of a registered Utility Provider (contractors only); and
- Traffic control statement.

FOR OFFICIAL USE ONLY

Complete application Fee paid (\$ _____) Certificate of Insurance Bond (Amount \$ _____)

Permit Approved by: _____ Date: ___/___/_____

Comments/Conditions: _____



RIGHT-OF-WAY PERMIT APPLICATION INSTRUCTIONS (Ord. 901.19 et seq.)

The following information is provided to assist you in completing an application for a Right-of-Way Permit. It is intended to summarize certain provisions of Clayton Ord. Chapter 901 ("Chap. 901"), but all utility providers should familiarize themselves with the specific requirements under Chap. 901.

Permit applications may be submitted in person at the Clayton Government Building, 6996 Taywood Road, Englewood OH 45322, or electronically by emailing the application and all required attachments to dsanders@clayton.oh.us. Work may NOT begin until you receive notification that your application has been approved AND your permit fee has been paid.

Additionally, all work is subject to incremental inspections and a Final Inspection. All inspections must be scheduled during regular business hours, at least 48 hours in advance, by calling Service Director, at 937-836-3500.

DO YOU NEED A CONSTRUCTION PERMIT OR A MINOR MAINTENANCE PERMIT?

There are two types of permits issued for utility in the Right-Of-Way (ROW). These are **Construction Permits** and **Minor Maintenance Permits**. All ROW work requires a permit.

A **Construction Permit** is required if the project includes "construction."

- Under Chapter 901, construction includes, but is not limited to, digging, boring, tunneling, trenching, excavating, obstructing, installing wires, installing conduit, installing pipes, installing transmission lines, installing poles, installing signs, or installing Facilities, other than landscaping or ornamental plantings in, on, above, within, over, below, under, or through any part of the ROW. This includes opening and/or cutting into any paved or improved ROW surface that is part of the ROW. (If there is any question about whether a project constitutes "construction," the Service Director should be consulted.)

A **Minor Maintenance Permit** is required for any ROW work that fits in one of the following categories:

- A routine repair/replacement that does not involve "construction" (see definition, above) and does not require more than 30 minutes of traffic control.
- Construction that does not require street lane or sidewalk closures, and does not involve cutting any street, pavement, curb, or sidewalk. For thoroughfares and arterial streets, the work must be done in one (1) day between the hours of 9:00am and 3:00pm. In other locations, the work must take less than 8 contiguous hours to complete.

There is a fee for **Construction Permits**. There is NO fee for **Minor Maintenance Permits**.

APPLICATION INFORMATION AND ATTACHMENTS

For all permit types –

Applicant Information: Each applicant must provide their correct legal name, company name, and all requested contact information. If you are a contractor doing work for a registered utility provider, please indicate the name of that provider.

Project Information: Please designate whether the proposed work will take place in PAVED or UNPAVED Right-Of-Way (ROW) area, as well as the street address, location, parcel ID, or other information sufficient to identify where the work will be performed. Please also designate whether you are requesting a CONSTRUCTION permit or a MINOR MAINTENANCE permit. (See above if you are unsure which permit type applies.) Estimated start and completion dates should be indicated, as well as a brief narrative description of the work to be performed.

For Construction Permit applications –

1. Permit Fee: Permit fees are calculated on a per-job basis at an hourly inspection rate not to exceed \$250. All work under one permit must be completed in 120-days.
2. Authority to Apply for Permit: If you are a utility provider holding a current Certificate of Registration with the City of Clayton, no additional authority needs to be attached. If you are a contractor, you must provide written authorization from a current Certificate-holder authorizing you to apply for a permit to perform work for that Certificate-holder.
3. Scale Drawings and Other Project-Specific Information: Please attach detailed information about your proposed project, including scale drawing(s), number and location of pavement cuts, location of all existing and proposed utility facilities, all tree(s), shrub(s) and the like where work will be in close proximity, and certification that the proposed project complies with applicable codes, rules, and regulations. An applicant must demonstrate adequate

levels of insurance coverage. The certification must be signed by a Professional Engineer or other technical professional satisfactory to the City of Clayton.

4. Traffic control plan: Each applicant is required to submit a traffic control plan, consistent with the Ohio Manual of Uniform Traffic Control Devices.
5. Facility-specific information. Depending on the type of work being performed, the City of Clayton requires the following information concerning existing and proposed facilities and excess capacity:

For above-ground installation on existing poles, information showing:

- Size and height of existing poles;
- Excess capacity currently available on existing poles; and
- Excess capacity that will exist after installation.

For new pole installation, information showing:

- Lack of excess capacity on existing poles or underground systems;
- Lack of financial or technical feasibility to locate Facilities on existing poles or to make a new underground installation;
- Location, size, height, color, and material of proposed pole(s); and
- That the applicant will comply with all laws concerning installation of new poles;

For underground installation in existing underground systems, information showing:

- Excess capacity currently available in the existing system; and
- Excess capacity that will exist after installation;

For underground installation in a new underground system, information showing:

- Location, depth, size, and quantity of proposed new ducts or conduits; and
- Excess capacity that will exist after installation;

6. Preliminary Construction Schedule and Completion Date: Please be as specific as possible.
7. Payment of any unpaid prior amounts due to the City of Clayton: Please be advised that we cannot approve your permit if you have outstanding financial obligations to the city.
8. Construction Bond: A bond (or substantially equivalent letter of credit and/or blanket bond) is required for all construction unless you are a registered utility provider that has been approved for self-bonding. The amount is determined by the City Manager or his/her representative and is based on the value of your project and other factors allowable by law. Please consult with the Service Director to determine the appropriate amount for your bond, if applicable.
9. Insurance Attachment(s): An applicant must demonstrate adequate levels of insurance coverage. This may be accomplished by providing certificate(s) of insurance as described below, or in certain circumstances, an applicant may be approved for self-insurance.
 - a. Certificates of Insurance: Certificate(s) of insurance must verify that current policy(ies) providing for comprehensive general liability, automobile liability, and excess umbrella coverage has/have been issued to the applicant by an insurance company licensed to do business in the State of Ohio. The certificate(s) must also verify that the applicant's coverage conforms to the following requirements:
 - i. The applicant must be insured on an occurrence basis against claims for personal injury (including death), as well as claims for property damage arising out of: the use and occupancy of city rights-of-way by the applicant, its officers, agents, employees and contractors; the placement and use of facilities in city rights-of-way by the applicant, its officers, agents, employees and contractors, including, but not limited to, protection against liability arising from any and all operations, damage of underground facilities, explosion, environmental release, and collapse of property.
 - ii. The applicant's insurance must name the City of Clayton, its elected officials, officers, employees, agents and volunteers as additional insureds for whom defense will be provided as to all such coverages.
 - iii. The applicant's insurance must require that the City of Clayton be notified thirty (30) days in advance of cancellation of, or coverage changes in, the policy(ies).
 - iv. The policy(ies) must contain the following endorsement: "It is hereby understood and agreed that this policy may not be diminished in value, be canceled, nor the intention not to renew be stated, until thirty (30) days after receipt by the City, by registered mail, return receipt requested, of a written notice addressed to the City Manager or her/his designee of such intent to cancel, diminish, or not to renew."
 - v. The applicant's insurance must provide the following minimum limits of liability:

Comprehensive general liability insurance

Bodily injury

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Three Million Dollars (\$3,000,000)

Property damage

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Two Million Dollars (\$2,000,000)

Personal Injury

Annual aggregate: Two Million Dollars (\$2,000,000)

Property damage

Must include E (explosion), C (collapse), and U (underground) coverage

Comprehensive auto liability insurance

Must cover owned, hired, and non-owned vehicles

Bodily injury

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Two Million Dollars (\$2,000,000)

Property damage

Each occurrence: One Million Dollars (\$1,000,000)

Annual aggregate: Two Million Dollars (\$2,000,000)

- b. Self-Insurance: Applicants who maintain, at all times, a book value in excess of Twenty Million Dollars (\$20,000,000) may submit a statement requesting to self-insure. The purpose of the statement is to assure the city that self-insurance will provide the city with no less protection than would have been afforded by a third party insurer providing the types and amounts of coverage described above. A statement requesting to self-insure should include the following:
- i. Audited financial statements for the previous year (if requested by the city);
 - ii. A description of the Applicant's self-insurance program; and
 - iii. A listing of all actions against, or claims made against, the applicant for amounts over One Million Dollars (\$1,000,000) or proof of available excess umbrella liability coverage to satisfy all total current claim amounts above Twenty Million Dollars (\$20,000,000).

Submitting a request to self-insure does not guarantee approval.

For Minor Maintenance Permit applications –

1. Authority to Apply for Permit: If you are a utility provider holding a current Certificate of Registration with the City of Clayton, no additional authority needs to be attached. If you are a contractor, you must provide written authorization from a current Certificate-holder authorizing you to apply for a permit to perform work for that Certificate-holder.
2. A Completed Application Form
3. Traffic Control Statement. Please submit a statement regarding the protective measures and devices that will be used for traffic control in compliance with the Ohio Manual of Uniform Traffic Control Devices.

For any questions concerning this application, please contact:

**Clayton Service Department
6996 Taywood Road
Englewood, OH 45322
Tel: (937) 836-3500
Email: dsanders@clayton.oh.us**