

**MIDWAY CITY
Municipal Code**

TITLE 14 INFRASTRUCTURE STANDARDS

**CHAPTER 14.01 EXCAVATION PERMIT REQUIREMENTS FOR WORK IN THE
PUBLIC RIGHT-OF-WAY**

CHAPTER 14.02 PROCEDURES

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PUBLIC RIGHT-OF-WAY**

Section 14.01.010 Purpose

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Section 14.01.010 Purpose

The purpose of this section is to describe Midway City's Department of Public Work's policies for issuing permits and to control any excavation and construction operations in the public right-of-way in Midway City. All contractors and utility companies proposing to construct, repair or replace any facility within the public right-of-way, shall contact the Midway City Department of Public Works and complete all permit requirements prior to commencing proposed work as outlined in this section.

Section 14.01.020 Policies

A. Permittee must be licensed with the State of Utah. It is the Policy of Midway City that contractors desiring to perform work in the City's public right-of-way shall be properly licensed in the State of Utah.

B. Policy for determining when "permit waivers" can be granted. Working within the public right-of-way without a permit violates Midway City Code unless the permit is waived by the Public Works Department. Waivers can be granted by the Public Works Department when any of the following conditions occur:

1. When routine maintenance work which is being done by the City, State and utility personnel does not involve excavations in the City's public right-of-way, i.e., crack sealing, street resurfacing and repair, snow plowing, sanding, sweeping, garbage collection, storm drain cleaning, leaves pickup, above grade work, etc.
2. When a permittee allows other contractors or utility companies to perform work in the permitted trench limits.
3. When utilities must be relocated or adjusted in conjunction with a City Public Works Department sponsored project provided the utility work is being accomplished within one week of the time the City or its Contractor is scheduled to begin construction at that location and provided the work is coordinated and approved by the City's Public Works Department.

C. Policy for issuing no fee permits. The Public Works Department reserves the right to issue “no fee permits” for work in the public right-of-way when the following conditions are met:

1. When abutting property owners are repairing or replacing in kind any existing public facilities such as drive approaches, curb, gutter or sidewalk, construction of new facilities or any combination thereof.
2. When utility companies are doing excavation work, and such work is required in conjunction with a City Public Works Department project, and the work is required to be accomplished prior to the execution of the Public Works Department contract.
3. When the City Public Works Department is repairing or maintaining public right-of-way facilities such as curbs, gutters, cross drains, storm drains, traffic facilities, driveway, sidewalk, etc., and such work requires excavation.
4. When frames and lids in paved surfaces are raised or lowered providing the work does not disturb the underlying road base material.

D. Policy for revoking “Permit Waivers” and “No Fee Permits.” “Permits Waivers” and “No Fee Permits” will be revoked by the Public Works Department if the work is defective or requires action or supplemental inspection by the Public Works Department. In the revocation proceedings, the Public Works Department shall serve written notice which defines the problems encountered and the time (at least one day) the Permittee has to correct the problem. If the work is not satisfactorily completed within the time specified, the “Permit Waiver” or the “No Fee Permit” shall be revoked. The Permittee will be required to secure a Fee Permit before proceeding to complete the work.

E. Policy for extending permit construction time limits. Subject to the Public Works Department’s approval, permits which expire may be extended by paying a permit extension fee as set by City Council from time to time. The length of the extension determined by the Permittee shall be subject to the approval of the Public Works Department.

Section 14.01.030 General Conditions

A. Permit. When the work is in progress, the Permittee shall have at the work site a copy of the permit and the Contractor’s License Number under which the work is being performed.

B. Emergency work. Maintenance of pipelines or facilities in the public right-of-way may proceed without a permit when emergency circumstances demand the work be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand. In the event that emergency work is commenced on or within any public right-of-way of the City, the Public Works Department shall be notified within one-half hour when the work commences or as soon as possible from the time the work is commenced. If emergency work is commenced during off business hours, the Public Works Department will be notified within one (1) hour of the start of work on the first regular business day on which City offices are open after such work commences, and, at the discretion of the Public Works Department, a permit may be issued which shall be retroactive to the date when the work was begun. Before commencing and while conducting emergency work, all necessary safety precautions for the protection of the public and the direction and control of traffic shall be taken. None of the

provisions of these regulations are waived for emergency situations except the prior permit requirements.

C. Private access. Temporary, all weather roadways, driveway, walks, and right-of-ways for vehicles and pedestrians shall be constructed and continuously maintained where required.

D. Existing utilities. The contractor shall use extreme caution to avoid a conflict, contact or damage to existing utilities, such as power lines, sewer lines, storm drains, street lights, telephone lines, television lines, water lines, gas lines, poles or other appurtenances during the course of construction of this project. Any such conflict, contact or damage shall be immediately communicated to the Public Works Department.

E. Preconstruction pictures of existing public right-of-way improvements. The Permittee may secure pictures of the conditions of the existing public right-of-way improvements such as curbing, sidewalk, landscaping, asphalt surfaces, etc. In the event that public right-of-way improvements are damaged and no pictures are taken, the Public Works Department will assume the correction of the damage is the responsibility of the Permittee.

CHAPTER 14.02 PROCEDURES

Section 14.02.010 Compliance With City Standards

Section 14.02.020 Excavation Permit Requirements

Section 14.02.030 Excavation Operations

Section 14.02.040 Enforcement

Section 14.02.010 Compliance With City Standards

All work performed in Midway City shall be in accordance with the most recent version of the Midway City Standard Specifications and Drawings.

Section 14.02.020 Excavation Permit Requirements

A. No excavations or street cuts shall be performed within the public right-of-way without first obtaining a permit from the City. Cut permits shall be valid for a period of 60 days. Such permits shall be issued by the City upon the applicant meeting the conditions and making the commitments outlined below:

1. Show proof that a competent, responsible, and licensed contractor will do the work.
2. Present evidence of public liability insurance in an amount of not less than \$250,000.00.
3. Post a cash bond, an adequate performance bond, or a blanket license and permit bond. The cash bond or performance bond will be held by the City to guarantee that the required improvements, restoration work, surface and every part thereof, will remain in good condition for a period of two years after final acceptance.
4. Agree, at no cost to the City, to make all repairs and to maintain the improvements, the trench, the surface, and every part thereof in good condition during the two year warranty period.
5. Provide proper traffic signage in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and provide for and maintain through traffic in a form approved by the City Engineer at all times throughout the duration of the work.
6. Obtain approval from the Public Works Department for any required road closures and provide 48 hours notice to those responsible for emergency services; e.g. school authority, law enforcement and fire protection officials.
7. Properly backfill or plate all cuts and excavations at the end of each working day. All cuts will be back filled within 24 hours of cutting the asphalt.
8. Obtain City inspection of the work. Calls for inspection need to be made 24 hours in advance.
9. Repair roadway surfaces with temporary bituminous surfacing, two inches thick, if permanent paving cannot be completed within 72 hours of backfilling the trench. Temporary surfacing must be smooth and flush with the road surface and repaired as necessary by the contractor to maintain the condition until permanent paving is complete.
10. Backfill with untreated base course material, drain rock, or material as approved by the engineer and compacted to 95 percent of the maximum dry density, starting from the pipe bedding and continuing up to the bottom of the pavement. Excavated material is not to be placed back under paved surfaces unless approved by the City Engineer. Excavated material is not to be used for back fill unless contractor can provide density testing, and material is in compliance with section 02225-5 item 3.08 of the Midway City Standard Specifications and Drawings.

11. Permanent resurfacing shall be a minimum of 3 inches thick as per the Midway City Standard Specifications and Drawings. Paving width shall extend to 12 inches beyond each side of the re-compacted width of the trench. Existing pavement edges shall be saw-cut to form a clean line. Asphalt edges shall be tacked and rolled with a steel drum roller to achieve a smooth level surface.

12. Fees. The application for a permit authorizing excavation and street cuts shall be accompanied by the fee established by the most current Midway City fee schedule that has been approved and adopted by the Midway City Council.

13. Temperatures must be warm enough to avoid the risk of frost damage to existing utilities and assure proper compaction. Road cut permits will be allowed between April 1 and October 15. Written permission from the City Engineer must be obtained if a cut is to be made outside of these dates. A road cut will not be allowed once the temperature drops below 32 degrees night or day, ground is frozen, or compaction cannot be obtained. Restrictions apply to area 5 feet out of the edge of asphalt. This does not apply to borings, emergencies, and excavations beyond the 5 feet from edge of asphalt.

Section 14.02.030 Excavation Operations

A. Blue stakes. Before commencing excavation operations, the Permittee shall call “Blue Stakes” and Midway City Public Works Department.

B. Midway City requires that the contractor/or developer working in the City right-of-way, pot hole for any existing utilities that may be in the area before any other excavations begin.

C. Traffic control devices. Traffic control devices such as barricades, signs, and cones must be in place before excavation begins and in accordance with the MUTCD.

D. Protection of paved surfaces outside of excavation area. In order to avoid unnecessary damage to paved surfaces, backhoes, outriggers, track equipment or any other construction equipment that may prove damaging to asphalt shall use rubber cleats or paving pads when operating on or crossing said surfaces.

Section 14.02.040 Enforcement

Violators of these regulations of working within the public right-of-way shall be subject to the provisions of Midway City Ordinances.