

Naples City

Energy * Recreation * Family

1420 E 2850 S
Naples, UT 84078
435-789-9090

RIGHT-OF-WAY ENCROACHMENT PERMIT

Company Name: _____ Phone Number: _____

Name of Applicant: _____ Date of Application: _____

Email Address: _____

Applicant's Title: _____ Date Work Begins: _____

Estimated Date of Completion: _____ Location of Work: _____

Purpose of Work: _____

For Office Use Only

Permit # _____ **Approved By:** _____

Date: _____ **Fee Due:** _____

Fee Amount Paid _____ **Date Paid** _____ **Receipt #** _____

GENERAL REQUIREMENTS

When working in the public right-of-way the following conditions are to be met:

1. Shoulder work only - defined at four feet or more from the edge of asphalt
2. Whenever possible, BORE **UNDER ASPHALT**.
3. All excavation projects shall call and register with Blue Stakes at: **811**
4. Provide the City with the license number of the contractor that will be performing the work.
5. Provide the City with, but not limited to, a drawing illustrating the type of work to be performed, compaction tests, materials used, names of subcontractors that will be performing work in the designated area, and approximate date of completion.. material and the dimensions; thickness, length, depth, list type of square cutting, etc. The City will also need a list of suppliers of the material, compaction steps, who will be doing the two foot asphalt T Patch, who will be performing the testing of material and compaction (97%) testing and the approximated date of completion of the project.
6. Provide a performance bond for the restoration of the surface, \$2,500 per road cut. The performance bond will be for a minimum of 1 year and require a final inspection for release of bond. Contractor will restore the surface in such a manner that the surface cut restoration is sealed and blends in with the existing road surface. The transition from restored surface to un-excavated surface is negligible.
7. Provide a drawing of the traffic control plan with proper work zone signs in accordance with the Manual on Uniform Traffic Control Devices.
8. Saw cutting of pavement is the only acceptable method of cutting.
9. Protecting the paved surfaces outside the excavation area will also need to be adhered to. To avoid unnecessary damage to paved surfaces, backhoes and track equipment should use rubber cleats or paving pads.
10. Street excavation in winter (November 15 to April 1) permanent patching of the project may be delayed until April 1, provided the permittee maintains a temporary asphalt surface until the permanent surface is restored. All steel plates used on the road must have traffic control devices according to MUTCD to prevent snow plow damage.
11. Bituminous materials for resurfacing and restoration shall comply with UDOT standards. Temporary bituminous resurfacing is a minimum of two (2") inches thick. Permanent restoration of surface is a minimum of three (3") inches thick unless otherwise specified by the Engineer. Tack coats required. Tolerances of 3/16" deviations between old and new asphalt, the test measurements are in 1' foot straight edge.
12. Unpaved trench limits shall not exceed 40' feet and will not be left open, see MUTCD for proper signage and care.

13. Contractor is responsible for accidents and all claims, liabilities for damages caused by any of the work permitted or caused by permittee's failure to perform his or her obligations under this permit. In the event such claim or liability for damages is made against or imposed upon the City or any department, officer, or employee. Permittee shall by acceptance of the permit agree to defend, indemnify and hold harmless from such claims or liability. The permittee agrees to take out such public liability insurance that the total of such insurance shall not be less than:

<u>TYPE</u>	<u>Minimum Amount</u>
Public Liability Insurance	\$1,000,000
One Person/One Accident	\$500,000
Property Damage	\$300,000
License and Permit Bond	Cost of the Job

14. Environmental Control:

- a) Dust and debris is controlled at all times.
- b) Noise is kept down, so as not to become a nuisance.
- c) Clean up will require the removal of all equipment, material, barricades and similar items from the right-of-way. Areas used for storage of excavated material will be smoothed and returned to their proper contour. The street will need to be vacuumed and/or swept in order to restore the surfaces and surrounding surfaces to their clean condition.

15. Contractor shall execute a minimum bond, cash or insurance Surety performance bond of \$2,500, increased by multiples thereof as determined by public works, to ensure faithful performance of contractor's obligations.

16. Contractor must follow OSHA safety requirements.

17. Contractor shall call for inspection at least 24 hours before backfilling, paving or pouring concrete. Backfill shall be flowable fill (UDOT Standard).

18. Cuts shall be **paved within five (5) working days of backfill**. If hot mix is not available, pave with cold mix and replace with hot mix when available.

19. All pavement strips left between the excavation and road edge under three (3) feet wide shall be removed and repaved as part of the asphalt restoration.

20. The Contractor shall provide signs that clearly portray their company name and 24 hour phone number. The Sign shall consist of four inch tall reflective lettering and contrasting reflective background.

Applicant

This permits becomes null and void if the work authorized is not commenced within Thirty (30) days.

I HEREBY certify that I have read and examined this application and knowingly the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law regulating construction or performance of construction and that I make this statement under penalty of perjury.

Signature of Contractor or Authorized Agent: _____

Date: _____

Inspection Dates:

1st _____

2nd _____

Final _____

Bond Name and Date: _____

Date Bond Expires: _____

Traffic Control Plan

Indicate:

1. Area to be excavated or area to be bored

2. Location and type of signs

3. Location and type of delineator(s)

4. Address _____

Legend:

« Type 1 or 2 barricades

Cones ✕

□ (Name them)

© Flagger

= Type 3 barricades

Excavation _____ Boring

Drawing

Contractor's Release, Waiver and Agreement to Indemnify

For and in consideration of the issuance of permission to work within a public right-of-way, for myself, my heirs, executors and administrators, release and forever discharge the City of Naples from all manner of action, cause of action, suits, debts, sums of money, liability, lien, or equity which I now have or may have in the future arising out of work, services, or goods supplied to public improvements in regard to the project described for this permit.

I further state, and I understand and agree that the City of Naples is not liable in any manner for payment for the work that I perform on this project.

I HEREBY release the City of Naples from all claims of liability, including any claimed liability for tort, for failure to require or release bonds or liability, loss, costs, expenses, or damages arising out of any default, neglect, or misconduct of myself (the Contractor), my agents, servants, or employees in performing the work under the contract, and will indemnify and repay the City of Naples in costs, judgments, or other expenses which the City of Naples may be compelled to pay by reason of my (the Contractor) neglect, default or misconduct.

Applicant/Contractor Signature:

Company:

Date: _____

Permits

All permits issued pursuant to this ordinance shall be valid for periods of 30 days unless winter season applies. See # 12 above. A valid permit or copy must be available at all times on the work site.

Fees

A review fee in the current amount as set by resolution, shall accompany each application for a permit. Fees must accompany the application unless other fee payment arrangements have been approved by the Naples City Road inspector or designee.

Completion Bond

(a) In order to assure the completion of the required work and the integrity of the Roads of Naples, any party who applies for the road cut or right-of-way encroachment shall establish with the City an escrow account and/or surety bond. Such financial assurance shall be equal to \$2,500 per encroachment/cut or for multiples of cuts at \$25,000 for a yearly bond.

(b) The purpose of the bond is to assure the integrity of the road way through two winter seasons after the approval of the work by the Naples Inspector. The escrow account shall be executed by a banking or trust company, duly authorized to do business in the state of Utah, shall be payable to Naples City and shall be filed in the office of the Naples Recorder, and shall be available for public inspection during regular business hours.

(c) In the event the work is not completed in accordance with Naples Standards or the work subsequently fails before two winter seasons have passed, the City Council may declare the bond forfeited and the City may use those funds to fix, patch or otherwise restore the integrity of the right of way.

(d) After two winter seasons have passed and the work is deemed to have performed Satisfactorily as well as all other conditions of permit issuance have been satisfied. The City Council, or designee, shall release the bond.

Insurance

A policy of liability insurance must be obtained by the applicant, naming Naples City as co-insured. Insuring against liability for property damage and personal injury in an amount not less than 1 million (1,000,000.00) which may result from road conditions created by the encroachment/cut. No road restoration permit shall be issued until the

policy or a valid binder therefore has been delivered to **Naples City**. Such insurance policy must remain in full force and effect for so long as is specified by City Ordinances.

Supervision and Inspection

Inspections

The Naples Road Inspector or designee **shall be notified** before any excavation, fill, and asphalt patching will commence. The City Inspector needs to be at the project site when flowable fill begins. Contractor is responsible for all testing to verify that material, compaction, flowable fill, and asphalt meet Naples City Standards. The Bonds shall not be released without an inspection made to determine satisfaction of all applicable provisions of the Ordinances.

Failure to Comply

In the event of failure on the part of any person, firm, public utility, or corporation to comply fully with the provisions of the Ordinance, enforcement authorities of Naples City are authorized to:

- a) Initiate action by citation and/or proceed to forfeit bonds;
- b) Under conditions which create an immediate hazard to public health or safety to require the responsible entity to immediately repair or remove the hazard from the right-of-way and require the responsible entity to bear all costs of the repair or removal plus 15%, or
- c) Under conditions which do not create an immediate hazard to public health or safety, give written notice to the responsible entity to repair or remove such hazard from the right-of-way. Such notice may be served either by personal service or by mailing the notice to the responsible entity by registered mail and posting by copy thereof on such hazard for a period of 5 days. If such hazard is not removed within 5 days after the notice is complete, the City may remove the same at the expense of the person, firm, or corporation and recover costs and expenses, and also liquidated damages in the amount of \$100 for each day the hazard remained within the right of way after notice was served and
- d) Immediately rescind any pre-qualification which may have previously been granted,

Penalty

- a) Criminal sanctions: Any person who violates the provisions of the ordinance is guilty of a Class "C" Misdemeanor. Each day a continuing violation shall be deemed a separate offense.
- b) Civil Sanctions Failure to obtain the proper permit or violation of the terms and conditions of a permit may result in the City bringing an action to recover the costs of remediation of any conditions which are not promptly made by the responsible entity and liquidated damages in the amount of \$100 a day for every day the responsible entity was out of compliance.

Excavation requirements and specifications

(Requires that applicant to call in a Blue Stake before any work begins)

Boring Preferred in Paved Rights-of-Way

Boring is the preferred method for crossing paved Roads. Excavations/Trenching shall not be approved unless it can be verified, and or demonstrated, by a minimum of two attempts, that boring is infeasible or impractical as an alternative. To accomplish this site, a startup pot hole must be dug/vac to determine the type of material. Based on material encountered a determination will be made on what type of mechanical boring machine should be used. The Road Inspector may grant excavation of a paved road which is in disrepair on a case-by-case basis.

Minimum Depths for Buried Cables and Lines

All cables, conduits, or pipelines to be buried in rights-of-way for utility purposes shall be a minimum of 30" inches below the final surface grade

Exception: Sewer and water lines are buried at the District's recommended depth. Micro - trenching and other methods may reduce depth of infrastructure with approval from Naples City Road inspector or designee, prior to commencement of work.

Manner of Excavation

General: Steel tracks of equipment used for excavation and backfill shall not make direct contact with paved surfaces. Any other damage to the paved surfaces shall be repaired to the satisfaction of the City Road Inspector or designee at the applicant's expense.

All excavations shall be unclassified. The applicant shall perform all excavations of every description and of whatever substances encountered, to the depth specified on the plans and/or required to accomplish the work. During the excavation operations the material which might be found suitable for use in backfilling shall be piled in an orderly manner a sufficient distance from the banks of the trench for convenience in operating equipment, to avoid embankment overloading, and to prevent slides and cave-ins. All excavating materials not required or not suitable for backfilling shall be promptly removed from the site. Job site waste such as concrete, soil, asphalt, etc... can be stored temporarily in an area to be provided by the applicant with the approval of the City Inspector.

Grading shall be performed as may be necessary to prevent surface water from flowing into trenches or other excavations, and any water accumulated therein shall be promptly removed by pumping or by other approved method.

The operation of steel tracked equipment or the placement of steel outriggers/stabilizers in direct

contact with the pavement surface shall be prohibited. The applicant shall take precautions to prevent damage to the pavement surface at all times.

Micro-Trenching

Trenches shall be between 1" - 2" inches in width.

The Contractor shall ensure minimum cover of 12" (or more, configurable for the project) to allow City to roto-mill and replace asphalt without concern of damaging infrastructure.

Only utilize Micro-Trenching in areas where the road grade is unlikely to change in the future (areas with existing curb/gutter are unlikely to experience road grade changes greater than 12")

Trenches shall be vacuumed and/or cleaned out to ensure all milled/loose material has been removed. All trenches shall be flow-filled the entire length of the trench and sealed with Naples City approved material, to ensure that edges of the cut do not erode.

Safety

All excavated materials shall be piled in such a manner that will cause a minimum inconvenience to public travel, and provisions shall be made for urgent traffic as necessary.

The applicant will be responsible for providing barricades at all excavation sites while open trenches are present. Barricades must conform to MUTCD standards if open trenches are left overnight. The stormwater system will be protected from site work debris.

The stormwater system will have free access to flow work site filtered stormwater in all gutters, conduits, and natural water courses.

The applicant shall utilize appropriate traffic signs, markers, and procedures in all construction activities as defined on the approved traffic control plan and in the Federal **"Manual of Uniform Traffic Control Devices"**. Whenever possible two-way traffic shall be maintained at all times.

Methods

Excavations which are approved as open cuts shall conform to the back sloping requirements of OSHA Rules. No more than 40 feet of trench may be open during daylight hours, and no more than 20 feet of trench may be open during nighttime hours. Short sections of the trench may be tunneled under existing structures if the pipe of the utility can be safely and properly installed in such tunneled sections. In those areas where the utility is to be installed under existing curbs and gutters and/or sidewalks, the applicant has the option whether to tunnel and use flowable fill to backfill or to cut and

remove the curb, gutter, or sidewalk. In the latter case, the applicant shall, at their expense, replace the curb, gutter, or sidewalk to match the existing structure in line, grade, and type of construction. All curbs, gutters, and sidewalks shall be installed in compliance with Naples City standards. All pot holes must be compacted to subgrade, and be inspected before AND after completion.

Prior to trench excavation, any bituminous or concrete pavement to be removed shall be cut with a saw or pneumatic tool to provide a straight, neat construction cut line. All material removed during excavation shall be disposed of offsite and not used in backfilling the trench.

Exceptions to the methods of excavation shall be reviewed by the Road Inspector on a case-by case basis.

TRENCH REPAIR STANDARDS

Flowable backfill method that meets UDOT Standards

Unless otherwise agreed to by prior written agreement with Naples City Road Department flowable fill shall be used for backfill under and or within four (4') feet of road paved areas and will be in conformance with the requirements of "Flowable Fill" of the State of Utah "Standard Specifications for Road and Bridge Construction" Current edition.

Flowable fill shall be discharged from the ready-mix truck by safe and reasonable means into the trench to be filled. The fill must be brought up to the bottom of the surface course and shall be finished to provide a uniform surface.

Where flowable material is used for backfill, the excavated materials will be disposed of by the utility in an area outside of the roadway right-of-way satisfactory to the Permits Officer or Inspector. In rural areas or locations when its use would be impractical, flowable fill may not be required. In such cases, backfill shall be in conformance with the requirements of the Borrow, Granular Borrow and Granular Backfill Borrow, in the current edition of the State of Utah "Standard Specifications for Road and Bridge Construction".

Restoring Surface

Restoration shall be commenced as soon as possible following excavation. Complete restoration shall be diligently pursued until complete, unless specifically authorized by the Road Inspector. The restoration shall be complete within 5 working days of initial excavation of the total area impacted by the excavation.

Asphalt concrete “T” patch

1. ADDITIONAL PAVEMENT REMOVAL: Remove additional pavement to a painted lane stripe, a lip of gutter, a curb, an existing pavement patch, or an edge of the pavement if such street feature is within 2 feet of the second saw-cut.
2. Flowable Fill: Provide material specified in UDOT Specifications.
 - a. Do not use gravel as a substitute or untreated base course without City Engineer's or representative's permission.
 - b. Place material per UDOT Specifications.
 - c. If engineer allows untreated base material, compact per APWA Section 31 23 26 to a modified proctor density of 97% or greater. Maximum lift thickness before compaction is 8" inches when using riding compaction equipment or 8 inch lifts using hand-held compaction equipment.
 - d. Using flowable fill, bring to asphalt level, and steel plate over excavation. Once you're ready to asphalt, do a 2' foot "T" Patch removing excess flowable fill, tack coat edges of saw cut asphalt and fill surface. Compact in a minimum of 3" inches of asphalt.
3. TACK COAT: APWA Section 32 12 14. Full tack coat coverage on all vertical and horizontal surfaces.
4. ASPHALT PAVEMENT: Use Naples City Specifications.
 - a. Install in lifts no greater than 3 inches after compaction.
 - b. Compact to 94 % of ASTM 0 2041 (Rice Method) plus or minus 2%.
5. JOINT REPAIR: If a crack occurs at the "T" patch connection to existing pavement or at any street fixture, seal the crack per APWA Section 320117.
6. PATCH REPAIR: Replace the asphalt pavement patch if any of the following conditions occur within the patch.
 - a. Pavement surface distortion exceeds ¼ inch deviation in 10 feet.
 - b. Cracks at least 1 foot long and ¼ inch wide more than one time in 10 square feet.
 - c. Asphalt raveling.
7. LANDSCAPED RESTORATION: Provide landscaped surfaces with topsoil. Rake to match existing grade. Replace vegetation to match pre-construction conditions. Leave it better than you found it.
8. PAVEMENT RESTORATION: Do not install asphalt surface until trench compaction is accepted by Engineer or City representative.

Pipe Zone Backfill

1. BACKFILL: Do not use sewer rock or recycled RAP aggregate in the pipe zone without ENGINEER's approval:
 - a. Fill Below Pipe Spring Line.

- i. Furnish fill material around pipe as specified otherwise by pipe manufacturer.
 - ii. Install and compact backfill material per pipe manufacturer' recommendations.
 - iii. Water jetting is not allowed in backfilling operation.
 - iv. Submission of quality control compaction test result data developed for hunching areas may be requested by City Engineer or representative at any time.
 - v. CONTRACTOR is to provide results of tests to the City Inspector.
2. PIPE ZONE WIDTH: Provide width recommended by pipe manufacturer. Width of pipe zone is measured at the pipe spring line and includes any necessary sheathing. In trench box applications follow manufacturer's recommendations.
3. PEA GRAVEL: Pea gravel is not allowed in any part of the pipe zone.
4. BACKFILL: Above the pipe zone – inspection required before flowable fill.
 - a. Flowable Fill following UDOT Specification or with engineers approval;
 - b. Granular fill (UDOT Spec.) limit maximum particle size to 4 inch, compact to a proctor density of 97% or greater. Maximum lift thickness is 8 inches before compaction. Do not use clay without City Engineer or representative review and acceptance. Compaction test required for every lift.
5. FOUNDATION STABILIZATION: As designed by Engineer and/or product manufacturer.

DRIVEWAY AND ENCROACHMENT REQUIREMENTS AND SPECIFICATIONS

1. Existing Driveways or Encroachments

Access to roads by means of driveways or encroachments in existence at the time of the effective date of this Ordinance may continue to the same extent and degree as before; any change in the driveway or the degree of use shall first require a permit and compliance with the terms of this Ordinance, "Road Restoration Permit". When the provisions of this Section have been completed or assured as provided herein, a road restoration permit may be issued.

Driveway Encroachments

Spacing: Access driveways or encroachments shall be spaced according to the following:

<u>Street Type:</u>	<u>Minimum Distance from Intersections</u>
Arterial	100 Ft
Collector	75 Ft

Local	50 Ft
Subdivision	50 Ft

The minimum distance from intersections shall be measured from the edge of the road to the nearest edge of the driveway.

Driveway Grades

All individual driveway access locations shall be designed to function well with the existing conditions and layout of each residential building. The maximum average grade of the first ten (10) feet of a driveway which has a total length greater than 30 feet shall not exceed two (2) percent. The maximum average grade of a driveway which has a total length of 100 feet or less shall not exceed ten (10) percent.

The maximum average grade of any driveway shall not exceed ten (10) percent. Up to twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by the local Fire District.

The driveway shall be graded such that water draining off the driveway does not flow onto the road and is diverted into a roadside ditch or gutter.

Driveway Widths

The minimum width of a driveway which lies within the road right-of-way shall be as follows:

<u>STREET TYPE</u>	<u>MINIMUM WIDTH</u>	<u>MINIMUM FLARE (each side)</u>
Local (Residential)	12 Ft. +	2 Ft.
Local (Rural)	12 Ft.	2 Ft.
Collector	12 Ft.	4 Ft.
Arterials	14 Ft.	8 Ft.

The minimum driveway width is 12 Ft. or as may be required by the applicable Development Code.

Driveway Alignments

All driveways shall be within 10 degrees of being perpendicular to the centerline alignment of the road for the first 20 feet from the edge of road.

Drainage

All driveways shall be graded such that water draining off the driveway does not flow onto the road and is diverted into the roadside ditch or gutter. Driveways which cross roadside ditches or other drainages shall be required to provide a drainage facility in-the-form of culverts or ridges. A culvert must be a minimum of 15" in diameter unless prior written approval is obtained from the Road Department.

Driveway Encroachment Permit Application Review

Permit

Driveway encroachment permit applications must be accompanied by a drawing or sketch which shows property lines, the road, horizontal alignment, and grade. For sites or lots which have natural grades which exceed 10% prior approval must be obtained from the Planning and Land Use Department.

Any proposed change which is made to the driveway encroachment after the Driveway Encroachment Permit is issued and must be reviewed and approved prior to making the change.

Final Certificates of Occupancy shall not be issued by the Building Official Department until the Driveway Encroachment is in compliance with this Ordinance.

Hazards and Sight Distances

Driveway encroachments shall not create hazardous driving conditions such as being placed in curves in the roadway, at crests of hills, these driveway encroachments shall be avoided where possible.

Structure Encroachments

General

For reasons of safety and snow removal operations, no trees, structures, retaining wall, wall, landscape berms, utility poles, fences, utility box, fire hydrant or other obstacle (all to be referred to as structures) shall be placed in the right-of-way of a road without the necessary permit. A property owner may, at their own risk, plant grass, flowers, low shrubs (1 foot or less in height), etc. in the right-of-way without a permit But the City shall not be responsible for damage during normal maintenance activities to any landscaping or structures placed within the right-of-way.

In no case shall a non-yielding structure be placed closer than 10' to the edge of asphalt.

Flagging of Fire Hydrants

All fire hydrants placed within the right-of-way of a road shall be flagged with a minimum of a six (6) feet pole with a red or black flag attached to the top or the pole is striped with reflective material from top to bottom.

The winter season shall be defined as November 15th to April 1st of the following year. In known areas of deep drifting, the height of the pole shall be extended to eight (8) feet.

BLOCKAGE OF NAPLES RIGHT-OF-WAY

1. Temporary Facilities

- No temporary facilities such as dumpsters, portable toilets, construction equipment, or construction materials shall be placed in the right-of-way of a road unless prior approval from the Road Department.

2. Parking

- Vehicles shall not be parked on a road in such a manner as to obstruct the flow of traffic. Two-way traffic shall be maintained at all times unless prior arrangements are made with the Road Department in writing.

3. Fences

- Fences shall not be located within the right-of-way of a road.

NAPLES CITY ENCROACHMENT FEE SCHEDULE

CUTS/ENCROACHMENTS ACROSS/IN A PAVED NAPLES CITY ROAD:	\$250.00
CUTS/ENCROACHMENTS ALONG RUN OF THE ROAD WITHIN ASPHALT:	\$250.00 + \$1.00 - PER FOOT
CUTS/ENCROACHMENTS OUTSIDE OF ASPHALT BUT WITHIN 4 FEET OF PAVED ROAD SURFACE:	\$150.00
CUTS/ENCROACHMENTS ALONG THE RUN OF THE ROAD OUTSIDE OF ASPHALT BUT WITHIN 4 FEET OF PAVED ROAD SURFACE:	\$150.00 + \$0.25 - PER FOOT
BORES ACROSS/UNDER NAPLES CITY ROAD:	\$150.00
BORES ALONG THE RUN OF THE ROAD BUT WITHIN 4 FOOT OF PAVED SURFACE:	\$150.00
MICRO TRENCHING:	\$100.00 + \$.025 PER FOOT