

Permit # \_\_\_\_\_

Fee: \_\_\_\_\_

Check#: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF BRIGHTON**

**APPLICATION FOR AUTHORIZATION TO CONSTRUCT UTILITIES EXCAVATE,  
OR PERFORM WORK IN CITY STREETS OR RIGHT-OF-WAY.**

**INSTRUCTIONS:** Applicants must completely fill out the following form and submit it to the City of Brighton with a plan or sketch of the proposed work. All applications submitted must be signed by an authorized representative of the applicant. Applicant agrees to be bound by the attached conditions and specifications, which are a part of this application. No work may be performed until the application has been authorized by the City of Brighton. If a copy of the application is desired by the applicant for its records, duplicate forms should be submitted. The City of Brighton will retain one copy of the application and plans.

**ASSISTANT DPS DIRECTOR MUST BE NOTIFIED TWENTY-FOUR (24) HOURS  
PRIOR TO PERFORMING WORK AT (810) 225-8001.**

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Fax: \_\_\_\_\_ Authorized Representative: \_\_\_\_\_

Location and Description of proposed work: \_\_\_\_\_

\_\_\_\_\_

List of Streets or right-of-ways to be excavated: \_\_\_\_\_

\_\_\_\_\_

Date and Time of Construction: \_\_\_\_\_  
Date Start Finish

By making this application the applicant agrees to be bound by the attached ordinance.

Applicant: \_\_\_\_\_

Authorized by the City: \_\_\_\_\_

Authorized representative: \_\_\_\_\_

(Director of Public Services)

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

(Assistant Director of Public Services)

Date: \_\_\_\_\_

(City Manager)

Date: \_\_\_\_\_

## UTILITY RIGHT OF WAY ORDINANCE

### **Sec. 78-27. Purpose.**

The city monitors utility work through the utility permitting process. This process allows the city to coordinate activities between city forces and other utilities, to maintain a record of street cuts and patches and to identify specific city requirements.

(Ord. No. 383, § I(41.2), 7-21-94)

### **Sec. 78-28. When permits required.**

- (a) Any work within the right-of-way which disturbs the pavement, curb and gutter, driveway entrances, sidewalk, landscaping or grassed areas, requires a permit.
- (b) This work may include, but is not limited to, utility main and/or lateral replacement and repair; valve replacement and repair; installation of new underground mains or laterals, structures or accessories; splices, buried drops (under pavement or sidewalks); pole changes for height, accident, etc.; cathodic protection; boxes and vault installations and jacking or boring under the right-of-way where disturbance within the right-of-way may occur. Any utility work that does not disturb the right-of-way is exempt from the permitting requirements except to the extent that traffic detours or lane closures must be approved by the city traffic engineer.

(Ord. No. 388, § I(41.3), 8-4-94)

### **Sec. 78-29. Standard technical specifications.**

Standard technical specifications controlling all land development projects shall become effective upon approval by resolution of the council. Updates may also be made from time to time by resolution of the council. When the provisions of the most current standard technical specifications specified for health, safety and welfare are more restrictive than other regulations, the standard technical specifications shall control; but in any case, the most rigid requirements of either the standard technical specifications or other regulations shall apply whenever a conflict exists.

(Ord. No. 388, § I(41.4), 8-4-94)

### **Sec. 78-30. Bond or surety check.**

Applications for permits under this article shall be accompanied by a bond or by a certified surety check in an amount prescribed by the city manager. The city manager shall exert due care to ascertain that the amounts of surety checks are based upon the reasonable cost of completing the work involved.

(Code 1981, § 41.5)

**Sec. 78-31. Obtaining permits.**

Before work within the right-of-way is started, the necessary permit shall be obtained from the city's public works director. Unless otherwise agreed, emergency work requires that a permit be obtained as soon as possible but not later than 48 hours after the onset of work. Permits are usually issued for the time period requested by the utility company. However, when situations warrant, the permit expiration date may be extended when prior notification is received. If work on an existing permit has not been started by the expiration date the permit will be canceled and a new permit then required to initiate the work. The fee for such permit shall be in accordance with the fee schedule set out in section 78-50.

(Ord. No. 383, § I(41.6), 7-21-94)

**Sec. 78-32. Settlement of cut.**

Any settlement of a street cut shall be corrected within 12 hours by the person responsible for such cut.

(Code 1981, § 41.7)

**Sec. 78-33. Curb cuts.**

Curb cuts will conform to the following restrictions:

- (1) No single curb cut shall exceed 22 feet nor be less than ten feet.
- (2) The minimum distance between any curb cut and a public crosswalk shall be five feet.
- (3) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.
- (4) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be 45 percent of the total abutting street frontage up to and including 200 lineal feet of street frontage plus 20 percent of the lineal feet of street frontage in excess of 200 feet.
- (5) Any necessary authorized adjustments to utility poles, light standards, fire hydrants, catchbasins, street or railway signs, signals, or other public improvements or installation shall be accomplished without cost to the city.

(Code 1981, § 41.8)

**Sec. 78-34. Responsibility.**

The utility company receiving the permit is held responsible for the work performed and the city will contact the specific utility company for required adjustments or corrections regardless of whether the utility company performed the work itself or subcontracted and assigned the work. The permit is issued to the utility company and it is solely responsible for the work performed.

(Ord. No. 383, § I(41.9), 7-21-94)

**Sec. 78-35. Inspection.**

In all cases the permit applicant, for a street cut, shall notify the city when the work will commence, so if necessary, arrangements may be made to have an inspector present while the work is in progress. The applicant may be billed for the necessary expense of the inspector.

**Sec. 78-36. Damage to underground utilities.**

Nothing in this article shall be construed to relieve or absolve an applicant for a permit from responsibility for ascertaining the position of existing underground utilities prior to the commencement of a street or curb cut.

(Code 1981, § 41.11)

**Sec. 78-37. Streets cuts, new pavements.**

No person or other governmental agency shall make any opening or excavation in or under any pavement, street or alley within a period of three years after the completion of any paving or resurfacing, except when the public safety requires immediate action, the director of streets, traffic and parking may waive this provision.

(Ord. No. 383, § I(41.12), 7-21-94)

**Sec. 78-38. General work site responsibilities.**

The utility company or its subcontractors shall have a copy of the permit on the job site at all times. Utility companies shall be responsible for the condition of any right-of-way repairs. Pavement repairs shall be warranted until such time as the city shall overlay or reconstruct the pavement. Should the condition of the patch become such that additional pavement is in jeopardy of failure, the utility may be held responsible for an area larger than the original repair. Other repairs (sidewalk, curb and gutter, trenches, etc.) shall be warranted for the reasonable life of such structures.

(Ord. No. 383, § I(41.13), 7-21-94)

**Sec. 78-39. Standards for rigid base pavements.**

The following standards shall govern the construction or repair of rigid base pavements, i.e. concrete on earth, asphalt on concrete base, asphalt on brick base, brick on earth:

- (1) Saw cut. All pavement cuts shall be saw cut in a straight and true manner, and shall be made at right angles or parallel to the pavement centerline. Cuts shall be made to a depth of five inches. Pavements, less than three years old, shall be cut in emergencies only, with the approval of the director of streets, traffic and parking.
- (2) Backfill. All trenches, holes, and pits shall be filled with sound earth or with sand-gravel placed in successive layers not more than nine inches in depth, loose measure, and each layer shall be thoroughly compacted to not less than 95 percent of the maximum unit weight, and all backfill compaction will be subject to check by the controlled density method. Restoration shall be such that it will provide a condition equal to or better than the original condition and in accordance with city standard specifications. Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture or approved sand or stone screenings with gravel or crushed stone, provided that there shall be a substantial excess of sand or stone screenings in the mixture. All of the material shall be of such size that it will pass through a screen having 2 1/2-inch square openings, unless otherwise authorized.

- (3) Pavement replacement.
  - a. The work of final restoration, including both paving surface and paving base, shall be performed by the permittee according to city specification, unless prior arrangements for final restoration have been made with the director of streets, traffic and parking.
  - b. For work involving pavement less than three years old, the existing pavement shall be removed to provide a minimum replacement of 100 square feet with a minimum width of ten feet (measured parallel to the pavement centerline), with the same materials used in the existing pavement. The repair shall be made to the original pavement thickness, with the minimum being six inches.
  - c. Where the line of cut would be less than five feet from an existing expansion or weakened plane joint, concrete shall be removed to said joint.
  - d. For work involving pavement more than three years old, the existing pavement shall be removed to provide a replacement of not less than five feet in width. The repair shall be made to the original pavement thickness, with the minimum being six inches.
  - e. All concrete replacement, including base material, shall be high-early strength concrete and shall be returned to traffic as soon as its strength reaches 2,800 psi (three days).

(Ord. No. 383, § I(41.14), 7-21-94)

**Sec. 78-40. Standards for flexible base pavements.**

The following standards shall govern the construction or repair of flexible base pavements, i.e., asphalt stone base:

- (1) Saw cut. All pavement cuts shall be saw cut in a straight and true manner and shall be made at right angles or parallel with the centerline of the pavement. Cuts shall be made to a depth of five inches. Pavements less than three years old shall be cut in emergencies only, with the approval of the director of streets, traffic and parking.
- (2) Backfill. All trenches, holes, and pits shall be filled with sound earth or with sand-gravel placed in successive layers not more than nine inches in depth, loose measure, and each layer shall be thoroughly compacted to not less than 95 percent of the maximum unit weight, and all backfill compaction will be subject to check by the controlled density method. Restoration shall be such that it will provide a condition equal to or better than the original condition and in accordance with city standard specifications. Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture or approved sand or stone screenings with gravel or crushed stone, provided that there shall be a substantial excess of sand or stone screenings in the mixture.
- (3) Pavement replacement. The existing pavement shall be removed to provide for a replacement of not less than one foot wider and longer than the trench opening in every dimension. The repair shall be made to the original thickness, with in-kind materials. The asphaltic base and surface courses shall be compacted to the same density as the original pavement, using approved compaction equipment.

- (4) Minimum distance to existing patch or joint. In no case shall a cut result in a remaining slab width of less than five feet from patch to an existing joint and/or existing patch.

(Ord. No. 383, § I(41.14), 7-21-94)

**Sec. 78-41. Replacement of sidewalk, driveways and curbs.**

Whenever a part of a block, square or section of curb, sidewalk or driveway is broken or damaged by the person making any excavation or opening in or under any street, alley or public place, the entire block, square or section, shall be removed to the score, groove or saw cut line and replaced or reconstructed. Where the line of cut would be less than two feet from an existing expansion or weakened plan joint, the concrete shall be removed to said joint.

(Ord. No. 383, § I(41.15), 7-21-94)

**Sec. 78-42. Markings.**

Each street cut shall be marked on its four corners with a six-inch diameter circle in accordance with section 8 of Act No. 53 of the Public Acts of Michigan of 1974 (MCL 460.701 et seq., MSA 22.190(1) et seq.), as amended.

(Ord. No. 383, § I(41.16), 7-21-94)

**Sec. 78-43. Trenching operations.**

At no time shall more than 200 feet of trench be opened and incompletely backfilled. The remainder of the area of trenching operation shall be available for safe vehicular and pedestrian traffic at all times. Special exceptions may be allowed by the director of streets, traffic and parking.

(Ord. No. 383, § I(41.17), 7-21-94)

**Sec. 78-44. Restoring opening.**

If the director of streets, traffic and parking finds that the paving surfaces and adjacent to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, he may require a negotiated contribution from the permittee for the resurfacing in place of patching such street if the total area of the proposed patch or probably damaged area exceeds 25 percent of the total pavement surfacing between curb faces or between concrete gutter edges in any block. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.

(Ord. No. 383, § I(41.18), 7-21-94)

**Sec. 78-45. Instructions for noncovered operations.**

Any operation in the right-of-way not covered by the above specifications, submitted with this permit, shall be done in accordance with instructions of the engineer.

(Ord. No. 383, § I(41.19), 7-21-94)

**Sec. 78-46. Addition conditions.**

In granting any permit under this article, the director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall be limited to:

- (1) Limitations on the period of the year in which the work may be performed;
- (2) Restrictions as to the size and type of equipment commensurate with the work to be done;
- (3) Designation of routes upon which materials may be transported;
- (4) The place and manner of disposal of excavated materials;
- (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and
- (6) Regulations as to the use of streets in the course of the work.

(Ord. No. 383, § I(41.20, 41.21), 7-21-94)

**Sec. 78-47. Notice of work completion, inspection.**

The permittee under this article shall notify the director in writing upon completion of all work accomplished under the provisions of the permit. A certificate of final inspection shall be issued by the director to each permittee three years after the permanent restoration of the excavation has been made, provided the work authorized by the permit has been performed according to city specifications. Prior to the issuance of a certificate, the director shall make a final inspection of the restoration to determine whether city specifications have been adhered to.

(Ord. No. 383, § I(41.22), 7-21-94)

**Sec. 78-48. Liability for repair of settlement.**

If any settlement in a restored area occurs within a period of three years from date of completion of the permanent restoration, any expense incurred by the city in correcting such settlement shall be paid by the permittee or recovered from his bond, unless the permittee submits satisfactory proof to the director that the settlement was not due to defective backfilling.

(Ord. No. 383, § I(41.23), 7-21-94)

**Sec. 78-49. Openings restricted.**

In no case shall any opening made by permittee be considered in the charge or case of the city, or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property.

(Ord. No. 383, § I(41.24), 7-21-94)

**Sec. 78-50. Permit fees.**

The fees for permits issued under this article are as follows:

- (1) Residential driveways \$ 15.00
- (2) Commercial driveways \$ 50.00
- (3) Any aerial cable/wire installation or maintenance, including street light maintenance \$ 100.00
- (4) Bore, jack and tunnel (auxiliary underground maintenance or installation) \$ 200.00
- (5) Pavement cutting for any purpose \$400.00

**\*In addition to any above fees for underground aerial maintenance work.**

- (6) Annual blanket utility right-of-way work permit \$3,000.00

**\*\*Payable once a year and the fee may replace or be used for an unlimited number of permit fees in a given year for any of items numbered (1) through (4) of the above list. An annual right-of-way work permittee must submit a monthly application form to the city manager and public works director describing nature and location of all planned right-of-way work for the following month for approval prior to date work begins.**

(Ord. No. 383, § I(41.24), 7-21-94)

**Sec. 78-51. Temporary trench covering.**

All trenches across traffic lanes, where it becomes necessary to remove any existing surfacing or pavement, shall be provided with temporary trench cover, after proper compaction. Minimum requirements for temporary trench cover shall be a bituminous patching mixture conforming to MDSH Specification CP-1, CP-3 or CP-5 as specified by the engineer. Temporary trench cover shall be properly maintained by the permittee until permanent trench cover is placed.

(Ord. No. 383, § I(41.25), 7-21-94)

**Sec. 78-52. Permanent trench covering.**

The final surface shall take place before the construction year ends, no later than November 15, and all cuts made in the off season, November 15 to April 15, shall be completed before November 15 of the following construction season, unless prior arrangements have been made with the director of streets, traffic and parking.

(Ord. No. 383, § I(41.26), 7-21-94)

**Sec. 78-53. Violations and enforcement.**

Any violation of this article will be considered a civil infraction and subject to daily fines of up to \$500.00 or appearance before the city ordinance violation bureau or prosecution in district court.