



Department of Public Works

CITY OF CLEMSON ENCROACHMENT PERMIT FOR STREET RIGHT-OF-WAY

NAME: _____ DATE: _____

ADDRESS: _____ TELE #. _____

LOCATION OF WORK: _____

DATES OF WORK: _____ ALL UTILITIES NOTIFIED BY: _____

SKETCH:

DESCRIPTION OF WORK: _____

The undersigned applicant hereby requests this permit and agrees to meet all city specifications as outlined on the back of this form and subject to all work to city inspection.

Signature

Date

APPROVAL:

Amount of Cash Bond Required: \$ _____

Director of Public Works

Date

THE CITY CODE OF THE CITY OF CLEMSON, SOUTH CAROLINA, UTILITY AND CONSTRUCTION INSTALLATION IN STREETS, SECTION 16-4

Sec. 16-4. Utility and Construction Installations in Streets

Sec. 16-4-1 Permit Required

- (a) No person, firm or public utility shall make any tunnel, opening or perform any excavation work within any paved public street, sidewalk or other public right-of-way without first obtaining a permit from the city for each undertaking, except in cases of a bona fide emergency, where circumstances demand work to be done immediately and, in that event, a permit shall be required when time permits.
- (b) Every permit shall begin and expire at the date and time stated on the permit. Extensions of time may be granted upon the timely request of the permittee.
- (c) Permits shall be issued by the office of the City's Public Works Director, on forms as required, and in such detail as may be required to define the exact time, location and extent of the proposed work.

Sec. 16-4-2 Construction Standards

- (a) All construction shall be accomplished in strict accordance with specifications of the city.
- (b) Only bored or cased crossings shall be permitted within the paved portion of major or arterial streets, except when soil and other conditions make boring impractical as determined by the city or when an emergency is deemed to exist. All crossings shall be a minimum of 24 inches below the paved surface unless otherwise specifically approved by the city.
- (c) The notification of all utilities with facilities and the location of all existing utility facilities shall be determined in advance of excavation or boring by the permittee, and the necessary precautions taken by it to safeguard them from damage during the execution of the work.
- (d) The costs of repairing any damage to such pipes, cables, conduits, drives, culverts, or other facilities due to such activity shall be borne by the permittee.
- (e) No opening or excavation in any paved public street shall be permitted to obstruct the flow of traffic without providing for an appropriate detour around such opening or excavation by either temporarily restoring the street surface; covering the opening or excavation with adequate steel plates; or other appropriate measures which would aid the flow of traffic thereon.
- (f) All work, unless specifically requested, or as a result of a bona fide emergency, shall be performed during the following hours:

Monday through Thursday	7:00 a.m. to 4:00 p.m.
Friday	7:00 a.m. to 11:00 a.m.
- (g) The permittee is fully responsible to protect motor vehicles and pedestrians from the work site and prior to the beginning of actual work, sufficient warning signs, barricades, reflective devices, lights, traffic regulatory devices, and flagmen shall be continuously maintained until the work is totally completed, all in accordance with the standards adopted by the S.C. Dept. of Highways and Transportation.

Sec. 16-4-3 Inspection

- (a) The city has the right to enter upon the work site at any and all times to approve and inspect all work. Any work that fails to meet specifications shall be corrected immediately. Should the permittee fail to make such corrections and/or the work is not properly barricaded; the city may take such corrective actions, at the permittee's expenses to rectify the problem.

Sec. 16-4-4 Performance Bond and Guarantee

- (a) If restoration of the site to pre-existing conditions is not performed or if any settlement occurs within one (1) year of restoration by the permittee, the city may take such corrective action as it deems appropriate and charge the permittee for such costs, including the restoration of such excavation, or give notice to the permittee to restore such excavation or pavement within 10 days of such receipt of such notice or be in violation of this article.
- (b) Performance. Before the permittee shall receive a permit, he may be required to deposit a cash bond up to the sum of \$5,000 with the city. The bond amount will be determined by the complexity of the work. The person, firm, or corporation engaged in the construction will faithfully observe all the laws pertaining to such business. They will also make good any unfaithful or inadequate work done either by themselves or their agents or employees and that such condition for a period of one year all ditches and excavations which may be opened in the performance of any work. Furthermore, all dirt and other materials excavated will be replaced in a good condition with similar materials. The above applies whether such excavation is made in a street (paved or unpaved), sidewalks, curbs, gutters, or other city property. Should the permittee fail to restore work not meeting specifications, after sufficient notification as per paragraph (a) above, the city shall take corrective action the cost of which shall be subtracted from the cash bond.

Utilities doing repetitive work within the city may keep the \$5,000 cash bond on file with the city.
- (c) Indemnity. Before the permittee shall engage in construction he, by signing the permit, acknowledges that he will indemnify and save harmless the city from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person, firm or corporation engaged in the construction business, or by any other unfaithful, inadequate work done either by themselves or their agents or employees.

Sec. 16-4-5 Penalties

- (a) Any person violating a provision or provisions of this article, or causing, permitting, or suffering the same to be done, shall be guilty of a misdemeanor. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed, continued or permitted.