

VILLAGE OF BIRON

PERMIT TO EXCAVATE IN RIGHT-OF-WAY

Date: _____

Fee: \$50.00 30-day permit
\$100.00 12 month permit

Location: _____
(Legal Description or Street Name & Number)

Purpose of Excavation: _____

Name and Address of Owner(s) of Premises: Name and Address of Applicant (if not owner):

Phone No. _____ Phone No. _____

Project Description & Proposed Method of Installation:

Will the excavation encroach on any paved surface (yes____ no____)

Type of street surface for which application made: _____

Attach site plan. Site plan shall show location of boring pit if applicable.

Approximate Start Date: _____ Approximate Restoration Date: _____

Signature of Applicant: _____

Telephone No. of Applicant: _____

PERMIT EXPIRES 30 DAYS / 12 MONTHS FROM APPLICATION DATE

Recommended for Approval Denial

By: _____ Dated: _____

Biron Village Clerk

CONDITIONS

The undersigned covenant(s) and agree(s) that in consideration of the issuance of the permit, he (she) agrees to and shall comply with all provisions of Ordinance 8.03 of the Biron Municipal Code, as amended from time to time, and shall:

- (a) Comply with subsection 8.03(5), Requirements for the Protection of the Public. Every permittee shall enclose each opening which he may make in the streets or public ways of the Village with sufficient barricades and barricade lights in order to warn the traveling public. If necessary flag men will be used. This will be in effect as long as the excavation remains a hazard.
- (b) Open the excavation by neat saw joints where the surface course is masonry, concrete or asphalt.
- (c) Close the excavation and replace the surface of said right-of-way in accordance with subsection 8.03(6), Excavation, Refilling and Repaving Requirements. The permittee shall comply with all Public Works Committee rules and regulations governing excavation, refilling and repaving and shall be responsible for any costs incurred by the Village. The permittee shall make a determination whether or not sheathing and bracing shall be required. Any damage to curbs and gutters, grass covered terraces and sidewalks shall be restored. The permittee shall notify the Director of Public Works when repaving has been completed. In the event settling occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.
- (d) Indemnify the Village of Biron, and save and hold the Village free and harmless from and against any and all damages, losses, costs, claims and expenses that may be sustained, made and/or occasioned, to the Village at any time by reason of damages or injury to persons, to property, or death to any person, or by reason of any other liability pertaining to the excavation which is the subject to this permit, and/or as the result of and/or due to anything whatsoever relating to and/or pertaining to the aforementioned excavation; and the undersigned agrees that this indemnification and hold harmless specifically applies to, covers and includes, within its purview, any and all of the Village's officers, agents, employees, and/or indemnification and hold harmless all attorney's fees and other costs of defenses which may be sustained and/or occasioned to the Village, the Village's officers, agenda, employees and/or designees;
- (e) Hereby release the Village, and its officers, agents, employees and/or designees, from all damages, losses, costs, claims, expenses, suits, demands, actions, and/or causes of action of any kind or of any nature whatsoever, which may result from undersigned's actions and anyone else's actions, or from anything of any nature resulting from and/or pertaining to the excavation which is the subject of this permit;
- (f) At its own expense, keep in full force and effect during the term of the excavation work and pertinent work thereto, and until all hazards and/or potential hazards to the public have been removed and/or alleviated, a policy of comprehensive and general liability insurance covering personal injury and property damage, and such other insurance that may be necessary to protect the Village herein from any claims and/or actions, without limiting its liability. Contractor agrees to carry and keep in force a policy of insurance that limits of which shall be at least \$500,000 for any one person, \$1,000,000 for any one accident and \$500,000 for property damage. Insurance coverage shall be to the satisfaction of the Village;
- (g) Notify the Director of Public Works of the date on which work will begin and the period of time required to complete the work. No excavation authorized under this ordinance may be initiated until such notification has been made by the applicant;
- (h) Immediately report the uncovering, striking, disturbing or discovery of any pipe, conduit, casing or other object used to transmit telephone, gas, water, sewerage, cable service or electrical current to the utility whose interests are affected and the Director of Public Work before professing further with the excavation or removal. If the Director of Public Works cannot be located immediately, an officer of the Village shall be notified. Where there may be damage to life or property, a report shall also be made to the Wood County Police Department and the Biron Fire Department;
- (i) **Emergency Excavations Authorized 8.03(7)** In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall immediately notify the Director of Public Works and shall apply for an excavation permit not later than the end of the next succeeding business day.