



City of Marshall

WORK IN THE RIGHT-OF-WAY PERMIT APPLICATION

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| <u>Mailing Address:</u> 323 W Michigan Ave, Marshall, Michigan 49068 | <u>Physical Address:</u> 900 S Kalamazoo Ave. Marshall, Michigan 49068 |
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If a contractor is to perform the construction entailed in this application and permit, contractor must complete the information required thereby assume responsibility, along with the application, for any provisions of this application and permit with applies.

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| <hr/> APPLICANT'S NAME DATE | <hr/> CONTRACTOR'S NAME DATE |
| <hr/> ADDRESS | <hr/> ADDRESS |
| <hr/> CITY/STATE/ZIP | <hr/> CITY/STATE/ZIP |
| <hr/> PHONE / CELL PHONE | <hr/> PHONE / CELL PHONE |
| <hr/> EMAIL | <hr/> EMAIL |

Application is made for a permit to use street right-of-way for the purpose indicated as described below and/or as provided in the attached plans and specifications at the following location:

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|-------------------------|---|----------|
| Street Name and Address | Location (cross streets between which property is located or nearest main intersection) | |
| Purpose | | |
| | | |
| | Start Date | End Date |

Applicant / Authorized Agent Signature (If Authorized Agent, I certify that I am acting as Authorized Agent on behalf of named Applicant)

The above signed agrees to indemnify and save harmless the said City from all loss or damage by reason thereof and by reason of granting of this permit, to at all times properly safeguard such work, and to promptly pay to the said City any bill rendered for work said City may find necessary to do, or to have done by reason of the granting of said permit.

NO WORK SHALL BEGIN UNTIL ALL PERMITS ARE OBTAINED, APPROVED AND EFFECTIVE AS OF JULY 1, 2023 ANY WORK COMPLETED BEFORE PERMIT IS ISSUED WILL BE SUBJECT TO A FEE OF DOUBLE THE PERMIT FEE, UP TO \$5000

| PERMIT FEES | |
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| Base Permit Application Fee (due at submittal)..... | \$35.00 |
| Field Inspection Fee (sewer taps, sidewalk / drive approach, etc. per inspection)..... | \$50.00 |
| Road Opening Deposit | \$550.00 |
| (After 1 year deposit of \$500.00 is refunded if road repair is satisfactory, \$50.00 covers required inspections.) | |
| Other: _____ | Fee: _____ |

EXPIRATION OF A PERMIT: A permit remains valid as long as work is progressing and inspections are requested and conducted. A permit shall become invalid if the authorized work is not commenced within six months after issuance of the permit or if the authorized work is suspended or abandoned for a period of six months after commencing the work. **A PERMIT WILL BE CANCELLED WHEN NO INSPECTIONS ARE REQUESTED AND CONDUCTED WITHIN SIX MONTHS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CANCELLED PERMITS CANNOT BE REFUNDED OR REINSTATED.**

CALL 24 HOURS IN ADVANCE TO SCHEDULE AN INSPECTION - FAILURE TO DO SO MAY HOLD UP YOUR PROJECT AND REMOVAL OF COVERINGS WILL BE REQUIRED IF COVERED BEFORE APPROVAL

No individual or entity shall be subjected to discrimination or harassment by the City of Marshall on the grounds of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, genetic information, height, weight, disability, veteran status, familial status, marital status, or any other legally protected status under federal and state laws. If you need help with reading, writing, hearing, etc, under the Americans with Disabilities Act, you may make your needs known to this agency.

TO THE APPLICANT- You will be notified within **10 business days** (unless otherwise notified) as to whether your project has been approved or if any other information is needed. If your project is denied, you will be notified of the reasons why. If approved, you will be informed of the permit and bond fees due. Once paid you will be issued your permit, and you can start work. **Please make sure that you have completed, signed, and have all the necessary paperwork submitted** with your application so that your approval will not be delayed. Contact the Building Department at: (269) 781-3985 ext. 1501 if you have questions

CALL Building Department to schedule all inspections: (269) 781-3985 ext 1501

INSPECTORS DO NOT DIRECTLY SCHEDULE.

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| Jennifer Pickford | Schedule Inspections – jpickford@cityofmarshall.com | 269-781-3985 x 1501 |
| Tim Musser | Building Official– tmusser@cityofmarshall.com | 269-781-3985 x 1507 |
| Eric Zuzga | Zoning Administrator – ezuzga@cityofmarshall.com | 269-781-3985 x 1114 |

SECTION 105.4 - The issuance of or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permit presuming to give authority to violate or cancel the provisions of this code or other ordinances of this jurisdiction shall not be valid. The issuance of a permit based on construction documents and ether data shall not prevent the building official from requiring the correction of errors in the construction documents and other data.

SECTION 105.6 - The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code, whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulations or any of the provisions of this code.

CITY OF MARSHALL

Application and Permit – Requirements and Conditions

1. **Specifications.** All work performed under this permit must be done in accordance with the plans, specifications, maps, and statements filed with and approved by the City of Marshall and must comply with the City's current ordinances and specifications.
2. **Fees and Costs.** The permittee shall be responsible for all fees incurred by the City in connection with this permit and shall deposit estimated fees and costs, as determined by the City, at the time the permit is issued.
3. **Bond.** The permittee shall provide a cash bond, as may be required, in the amount stated to the City at the time permit is issued. The bond will be returned 1 year after completion of the work should inspection of the restoration of the road opening be deemed satisfactory.
4. **Indemnification.** The permittee agrees to hold harmless and indemnify and keep indemnified the City of Marshall, its officers, council members, agents, and employees from all claims, suits and judgments to which the City, its officers, council members, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the City, whether due to the negligence of the permittee or the joint negligence of the permittee and the City, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
5. **Miss Dig.** The permittee must comply with the requirements of PA 53 of 1974, as amended, CALL MISS DIG AT (800) 482-7171 AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDAR DAYS, BEFORE YOU START WORK. The permittee assumes all responsibility for damage to or interruption of underground utilities.
6. **Notification of Start and Completion of work.** The permittee must notify the City at least 72 hours before starting work and must notify the City when work is completed.
7. **Safety.** The permittee agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions and signage shall comply with the most current edition of the Michigan Manual of Uniform Traffic Control Devices.
8. **Restoration and Repair of Road.** The permittee agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road or right-of-way, which is a result of the facility whenever it occurs or appears. The permittee shall immediately repair any road restoration work that becomes unsatisfactory or falls into disrepair for a period of 1 year after the completion of the work authorized by this permit and section. Should such person, firm, or corporation fail to make such repairs the City of Marshall shall cause such repairs to be made, and the cost of the same shall be charged against any persons, firm, or corporation with whom the permit was originally issued and may be collected by sure.
9. **Soil Erosion and Sedimentation.** The permittee shall comply with the requirements of the Natural Resources and Environmental Protection Act, part 91 of PA 451 of 1994, as amended, and implemented

all applicable measurements controlling soil erosion and sedimentation. If required, a soil erosion and sedimentation permit shall be obtained from the Calhoun County Road Department.

10. **Limitation of Permit.** This permit does not relieve the permittee from meeting other applicable laws and regulations of other agencies. The permittee is responsible for obtaining additional permits or releases, which may be required in connection with this work from other governmental agencies, public utilities, private entities and individuals, including property owners. Permission may be required from the adjoining property owners. Work within the Michigan Avenue (BL I-94) and M-227 (West Drive, south of Michigan Avenue, Industrial Drive, and South Kalamazoo, south of Industrial Drive) rights-of-way require a permit from Michigan Department of Transportation.
11. **Violation of Permit.** This permit shall become immediately null and void if the permittee violates the terms of this permit. The city may require immediate removal of the permittee's facilities, or may remove them without notice at the permittee's expense.
12. **Assignability.** This permit may not be assigned without the prior approval of the city. If approval is granted, the assignor shall remain liable and the assignee shall be bound by all the terms of this permit.
13. **Inspections.** The permittee shall notify the city 48 hours before inspections will be required. Failure to obtain required inspection may result in a fine. The city may also direct the permittee to uncover the project to obtain the required inspections.
14. **General.** Nothing in this permit shall be construed to grant any rights whatsoever to any public utilities whatsoever except as to the consent herein specifically given nor to impair anyway any existing rights granted in accordance with the constitution or laws of the State.

The Contractor and/or the Utility Company shall provide and place the necessary sheeting, shoring, and bracing required to prevent caving, loss or settlement of foundation material supporting the pavement or any other highway installation such as sewers, culverts, etc.

Excavated material shall be stocked in such locations that it does not obstruct vision on the traveled portion of the street and in such a manner that it will interfere as little as possible with the flow of traffic. Stockpiled material shall **not** be placed within the roadway.

All trenches, holes, and pits shall be filled with sound earth or with sand-gravel, placed in successive layers not more than 9" in depth, loose measure and each layer shall be thoroughly compacted by tamping. Sand-gravel backfill material shall consist of approved bank run sand or gravel or a mixture of 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. 8" of 21AA stone is required under all asphalt paving above the backfill material.

The pavement shall be cut back so that the opening is at least one foot wider on each side than the width of the trench. In all asphalt surfaces or bases, the material shall be cut in a straight line. After the backfill has been placed by the controlled density method, the pavement shall be replaced with new pavement of the original type and quality and same depth as adjacent pavements, no less than 3 1/2 " thick.