

**TOWN OF FAIRPLAY  
APPLICATION FOR STREET CUT PERMIT**

**OWNER**

**\* AGENT/CONTRACTOR**

Name \_\_\_\_\_

\* Name \_\_\_\_\_

Address \_\_\_\_\_

\* Address \_\_\_\_\_

Phone \_\_\_\_\_

\* Phone \_\_\_\_\_

\*\*\*\*\*

**PROPERTY INFORMATION**

Location \_\_\_\_\_

A drawing of the area where proposed work is to take place must be supplied. Indicate street effected.

\*\*\*\*\*

**DESCRIPTION OF WORK**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Start/Finish Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Street Closure Time: \_\_\_\_\_/\_\_\_\_\_

\*\*\*\*\*

**APPLICANT'S STATEMENT**

I received, with this application, a copy of Chapter 11, Article II of the Fairplay Municipal Code. Upon issuance of the permit herein applied for, I agree that I understand and will abide by the conditions outlined in Chapter 11, Article II of the Fairplay Municipal Code.

\_\_\_\_\_

\*

\_\_\_\_\_

Owner's Signature

Agent/Contractor's Signature

\*\*\*\*\*

**DO NOT WRITE BELOW THIS LINE**

I have reviewed this application and approve same contingent upon receipt of a Bond in the amount of \$\_\_\_\_\_. I have/have not imposed additional conditions as indicated below.

\_\_\_\_\_  
Street Commissioner/Date

Additional Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ARTICLE II

### Excavations

#### **Sec. 11-2-10. Excavations prohibited.**

No person, public or private utility, or governmental or quasi-governmental entity (hereafter collectively and singularly referred to as *person*) shall cut, excavate, encroach upon or otherwise damage, disturb or destroy any portion or all of any street or way dedicated to public use, or any public place within the Town, except as provided in this Article. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

#### **Sec. 11-2-20. Permit procedure.**

Any person desiring to commit any of the acts set forth in Section 11-2-10 shall apply for a permit to the Streets Superintendent or Town Administrator on an application form provided by the Town Clerk. Such application shall set forth the name, address and telephone number of the applicant and, if the applicant is an agent or independent contractor, the name, address and telephone number of the principal or the person contracting with the applicant. The application shall describe with particularity the location and description of work, and upon the request of the Town shall be accompanied by a map, plat or plans showing the location and description of work and such other information as might be reasonably required to evaluate the application. The application shall also set forth the estimated commencement and completion dates of work and the estimated time, if any, that any street or other location will be closed to public use. At the time of application, the applicant shall also agree to the following conditions upon issuance of a permit:

(1) The applicant shall use his or her best efforts to avoid complete closure of any street, way or public place to public use. If such closure is unavoidable, however, the applicant shall notify the Town Clerk at least one (1) hour in advance of the time of actual closure and at the time of actual reopening of the street or way.

(2) The applicant shall, prior to commencement of work, take such precautions as may be reasonable and prudent to ensure that the work will not damage or endanger any public utility, whether above or below grade, including but without limitation, consulting with the Fairplay Water Superintendent, the Fairplay Sanitation District and all impacted public utility service providers.

(3) The applicant shall establish and enforce such safety measures as are reasonable to protect the traveling public from any and all harm during the work. The Streets Superintendent or Town Administrator may at the time of approval of the application, or at any time prior to completion of the work, establish such specific safety measures as he or she deems reasonable and appropriate as a condition of the permit.

(4) The applicant's work shall be performed in accordance with accepted good practice and in a workmanlike manner, and shall comply with all of the requirements or recommendations of any federal, state or local laws, statutes, ordinances or regulations that may apply.

(5) The applicant agrees to maintain the work at all times and agrees to indemnify and hold harmless the Town, its agencies, officers and employees from any and all claims, losses, and damages, including costs, expenses and attorney fees, which may be based upon, arise out of or otherwise be connected with the installation, maintenance, alteration, removal or presence of the work, or any work or facility connected thereto, including injury or damage to persons or property.

(6) Only emergency work shall be performed on Saturdays, Sundays or holidays. No open trench or hole may remain so after dark, unless the Streets Superintendent specifically approves in writing because the applicant establishes the necessity thereof. In such case, the safety measures shall

include a barrier effective to prevent pedestrians, bicyclists and equestrians from entering the immediate area, with sufficient flashing yellow warning lights to prevent vehicular traffic from entering the immediate area.

(7) The applicant shall provide sufficient information accurately to locate any underground installation in the future. In the case of any installation installed by one (1) of the agencies set forth in subsection (2), above, the agency may retain the information. In the case of any installation connected to an installation of one (1) of the agencies listed in subsection (2) above, the information shall be supplied to that agency, and that agency shall be responsible for maintaining such information in a reasonably accessible manner. In the case of any other installation, such information shall be filed with and kept by the Town Clerk. The Town may, as a condition of the permit, require the applicant to post a sign above the ground warning of the installation's existence.

(8) The applicant, if he or she is an agent or independent contractor of another person, shall verify and represent that he or she has authority to bind the principal or person with whom he or she has contracted to all of the conditions imposed by this Article, or by the permit issued pursuant hereto.

(9) Prior to commencing work, the applicant shall post a bond, as hereinafter provided, to ensure the applicant's compliance with the provisions of this Article.

(10) Any underground installation in a road, street or way shall be initially installed beneath the surface of the right-of-way at a minimum depth of thirty (30) inches and all lines, cables, pipes, etc., installed parallel within the roadway shall be placed at least thirty (30) inches into the roadway from the shoulder of the road and around the end of all culverts at a minimum depth of thirty (30) inches below the bottom of all ditches, except in the case of asphalt or other hard surface roads. All installations in the right-of-way of asphalt or other hard surface roads shall be placed in a location agreed upon by the Town and the applicant. All exceptions to the requirements of this Article must be so noted on the applicant's work plans and initialed by the Streets Superintendent or Town Administrator. Any disturbed portion of the right-of-way shall be restored to the condition existing immediately prior to the installation. Backfilling shall be made in minimum two-foot lifts, tamped and packed by mechanical compactor, and the last twelve (12) inches shall be of crushed rock or gravel.

(11) Any underground installation that is three (3) or more inches in diameter and crosses a roadway shall be encased in pipe of larger diameter and the crossing shall be as nearly perpendicular to the roadway as physically possible. This installation shall be installed by the method of boring or jacking beneath the road surface. No water shall be used in the boring and no tunneling shall be permitted. The use of pipe will not be required for installations less than three (3) inches in diameter.

(12) All proposed aboveground installations shall be staked and inspected by the Town prior to commencement of work. All aboveground installations must be located so as not to hinder the Town's normal road maintenance and snow removal operations. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

#### **Sec. 11-2-30. Approval of application.**

The Town's approval of the application shall constitute the permit to commence work, and the applicant may thereafter commence work upon compliance with all of the conditions imposed and upon posting the required bond. The Town may impose such additional conditions as may be reasonable for the preservation of the health, safety and welfare of the Town, its citizens and the traveling public, or to protect the right and privileges of the agencies set forth in Section 11-2-20(2). (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

**Sec. 11-2-40. Amount of bond.**

(a) All bonds required to be posted shall be in an amount not less than five hundred dollars (\$500.00). The amount of the bond shall be based upon the estimated cost to repair the maximum amount of damage the applicant proposes to do to the street, public way or other place. Notwithstanding the foregoing criteria for determining the amount of the bond, the bond shall be held to ensure full compliance with all of the provisions of this Article. The applicant may petition the Board of Trustees to review the amount of any bond required under this Article.

(b) The Board of Trustees may waive the requirement for a bond for any person who has been granted a franchise by the Town to use and/or occupy the Town's streets and rights-of-way. The Fairplay Sanitation District shall be exempt from the bond requirements imposed by this Article. Any such waiver or exemption shall in no way relieve any person of liability for failure to comply with any other requirements imposed by this Article. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

**Sec. 11-2-50. Types of bond.**

The bond required may be a cash bond, a performance bond or a license and permit bond. In the event the applicant posts a performance bond or a license and permit bond, the bond shall be issued by a corporate surety licensed by the Colorado Insurance Commissioner to do business in the State, or by such other corporate surety as the Town Attorney may approve. The bond shall be irrevocable for one (1) year. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

**Sec. 11-2-60. Release of bond.**

The Streets Superintendent or Town Administrator shall inspect the work approximately one (1) year after the completion of work, and shall notify the applicant of any further work that may be required to finish restoration of the right-of-way to

its condition prior to the work. Upon satisfactory restoration, the Town Clerk shall release the bond posted by the applicant. The applicant may appeal any adverse decision regarding a bond to the Board of Trustees. If the applicant posted a cash bond, the Town Clerk may release the bond by payment to the applicant or by payment jointly to the applicant and the principal or the person with whom the applicant contracted, at the Town Clerk's sole discretion. In no event shall the Town Clerk be obligated to ascertain the ultimate source of the funds posted. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

**Sec. 11-2-70. Application of bond.**

If the applicant fails or refuses to perform the work required to restore the right-of-way or other place within a reasonable time after written notice by the Town of the work required, which notice shall set forth a time reasonable under all the circumstances, the Town may proceed to perform such work. Upon completion of the work, the Town shall determine the cost for such completion, and shall promptly provide written notice of the cost to the applicant and, if applicable, the surety. If the applicant posted a cash bond, the Town Clerk shall immediately apply the bond to the payment of the cost of completion, and shall thereupon release the excess, if any. If the applicant posted a performance bond or a license and permit bond, the applicant or his or her surety shall pay the cost of completion to the Town Clerk within thirty (30) days after the Town Clerk sends the written notice of the cost of completion. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)

**Sec. 11-2-80. Violations.**

Knowingly violating or failing to comply with any of the provisions of this Article or conditions of the permit shall constitute a violation of this Article and

shall be punishable as provided in the general penalty provisions of this Code. It is also unlawful for any person to remove any safety warnings or barricades emplaced pursuant to this Article. (Ord. 7, 1984 §113; Ord. 11, 2002 §1)