



CITY OF GRAND RAPIDS

ADMINISTRATIVE POLICY

NUMBER: 80-01	DATE: 7/14/80
REVISIONS:	
ISSUED BY: City Manager	SIGNED: <i>1/11/11 MT - 1/11/11 M. Ball</i>

SUBJECT: PUBLIC RIGHT-OF-WAY USE

PURPOSE: Pursuant to Commission Policy 1000-06, this policy outlines the procedure for application, issuance, and enforcement of a Temporary Occupancy Permit.

POLICY:

A. APPLICATION FOR AN ISSUANCE OF A TEMPORARY OCCUPANCY PERMIT

1. Everyone making application for a building permit shall be notified that, if the public right-of-way is to be occupied for the use or storage of equipment or materials, a Temporary Occupancy Permit shall be required.
2. An application for a Temporary Occupancy Permit shall be filed with the City Engineer on a form provided for that purpose. The application shall be signed by the owner(s) and their representatives (i.e. contractor, architect, etc.) who will be responsible for compliance to the conditions of this permit, and shall include the following information.
 - a) A written statement outlining the necessity for temporary occupancy of a public right-of-way.
 - b) A detailed written plan indicating the proposed use of the right-of-way, including storage of materials and equipment, and any proposed excavation or construction within the right-of-way, along with a proposal for protection of both underground and surface utilities which are located in or near the public right-of-way.
 - c) A written schedule of operation within the right-of-way, including initial occupancy and final clean-up.

- d) A written plan indicating method and extent of traffic adjustments, both vehicular and pedestrian.
 - e) A written plan for clean-up and restoration of the right-of-way to a condition equal to or better than that prior to its occupancy.
 - f) Proof of adequate insurance and bonds as may be required to protect the public and the City, in a form and amount acceptable to the City Attorney.
 - g) Written agreement to abide by the following conditions:
 - 1) All vehicular and pedestrian traffic adjustments shall be made in accordance with the Uniform Manual of Traffic Control Devices and the approval of the City Transportation Engineer.
 - 2) All activities occurring within the public right-of-way shall be performed in accordance with the current Grand Rapids Specifications.
 - 3) Pedestrian walkways shall be established and maintained free and safe from construction equipment and materials, construction operations, and impediments such as mud, standing water, ice, and snow.
 - 4) Upon termination of the Temporary Occupancy Permit, the permit holder shall remove all construction material and equipment from the public right-of-way, and shall restore the right-of-way of a condition equal to or better than that prior to its occupancy.
 - 5) The applicant agrees to reimburse the City for any expense it incurs as a result of forcing compliance or remedying non-compliance to the conditions of the permit.
 - 6) The occupant of the right-of-way shall post within plain view a telephone number at which a responsible party can be contacted at all times - including evenings and weekends - for emergency purposes.
 - h) Any other information deemed pertinent.
3. The City Engineer shall accept the completed application, and forward copies to the appropriate City departments for review and comments.
- a) The City Attorney shall review the insurance requirements to determine if the public and the City are adequately protected.
 - b) The Transportation Engineer shall review the plans for vehicular and pedestrian traffic adjustments to determine if they are in conformance to the Uniform Manual of Traffic Control Devices, and to assure no hazardous conditions will result.

- c) Other departments such as Water, Environmental Protection, Fire, and Police shall review the application to insure that their interests are not adversely affected.
4. Upon receipt of written approval by each of the above departments, the City Engineer may issue a Temporary Occupancy Permit, which would allow temporary occupancy and use of the public right-of-way for a predetermined period of time and according to the agreed conditions.
5. A fee is to be collected for the issuance of this permit, according to the rates set by the City Commission.

B. ENFORCEMENT

1. Enforcement of compliance to the conditions of the Temporary Occupancy Permit shall be the responsibility of the City Engineer, with cooperation and assistance of the various affected City departments.
2. The Police Department shall receive a copy of the permit, including a telephone number where a responsible party can be reached at all times, for emergency purposes.
3. The City Engineer shall make frequent inspections to insure compliance, and shall notify any affected City departments when activities of their concern are to occur and require their inspection. Those departments shall then also make frequent inspections until such activities cease.
4. If inspection reveals a deficiency in the agreed conditions of the permit, the City Engineer and the affected department(s) shall jointly take whatever action is necessary to obtain compliance.
5. For non-compliance to the conditions of the permit, or for whatever reasons deemed compelling by the City Engineer, the permit may be revoked at anytime by the City Engineer. The City shall not be responsible for costs incurred by the permit holder as a result of revocation of the permit.
6. Upon termination or revocation of the Temporary Occupancy Permit, the applicant shall be required to immediately remove all construction material and equipment from the public right-of-way, and to restore the right-of-way to a condition equal to or better than that prior to occupancy.
7. Clean-up and restoration of the public right-of-way shall be completed to the satisfaction of all affected departments, who shall then notify the City Engineer as such in writing. The conditions of the permit, including insurance requirements, shall remain in effect until the City Engineer officially releases them.
8. The City Engineer shall notify, in writing, all appropriate parties when the restoration of the public right-of-way has been officially approved. At this time, the conditions of the permit shall be terminated.