

Location of Proposed Work: \_\_\_\_\_ Date: \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

**Required Submittal Information**

\_\_\_ Location Plan (sample diagram attached)

**Tree Species:** \_\_\_\_\_ **Number of Trees requested:** \_\_\_\_\_

(See Chapter 165, Appendix A for recommended tree list and Appendix C tree planting care and guidelines)

**SPECIAL NOTES**

1. Before doing any digging, contact IOWA ONE-CALL at 1-800-292-8989 to locate underground utilities.
2. Mark desired location for planting with a stake. Call (319) 393-1515 for site inspection by City Staff after locates have been marked.
3. Permit holder must notify City Staff within 3 days of completion of work.

Approved Tree Planting Permit Expires 30 days from application date.

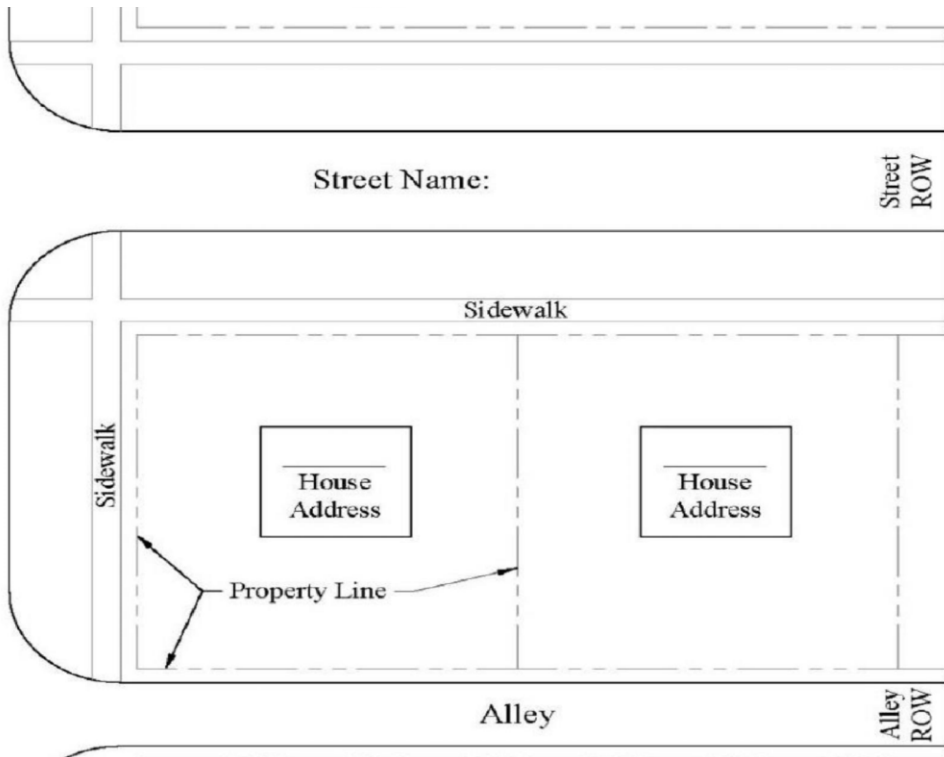
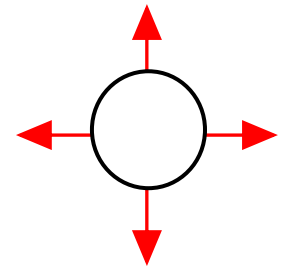
**Statement of Responsibility and Signature**

Applicant agrees to complete all work in compliance with the applicable laws to the State of Iowa and the ordinances of the City of Hiawatha. Specifically, applicant shall comply with Chapter 151 of the Hiawatha Code and all related Chapters specific to the Type of Work.

Print Applicant Name : \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Indicate North Arrow orientation in relation to the site plan here:



Use the above diagram and modify as needed or submit your own diagram to best show the location of your proposed work

**For Office Use Only**

Parks Director: \_\_\_\_\_ City Engineer: \_\_\_\_\_

Community Development: \_\_\_\_\_ Public Works: \_\_\_\_\_

TO BE COMPLETED BY CITY STAFF

I have inspected the property listed on the front of this permit and found the placement maintenance removal of the street right-of-way tree to be in compliance with the Tree Ordinance and the Arboricultural Specifications and Standards of Practice as established by the City of Hiawatha.

Notes:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Cash/Check/CC: \_\_\_\_\_

Permit #: \_\_\_\_\_

Receipt#: \_\_\_\_\_

Received By: \_\_\_\_\_

## HIAWATHA CITY CODE SECTION 135

**135.09 EXCAVATIONS.** No person shall dig, excavate or in any manner disturb any street, parking lot, alley, or public right-of-way unless such person first obtains a Right-of-Way Permit there for as hereinafter provided:

*(Ord. 764 – Mar. 14 Supp.)*

1. Application. Before such permit is granted, the person shall file with the City a written application. The application shall contain the following:

- A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
- B. A statement of the purpose, for whom and by whom the excavation is to be made;
- C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
- D. Date of commencement of the work and estimated completion date; and
- E. Detailed lane restrictions, road closures, and required detours.

2. Winter Excavations. It is unlawful to make any excavation in any street or highway within six (6) feet of the existing water pipe while the ground is frozen, or to dig up or uncover so as to expose to frost any water pipe without the special permission in writing of the Water Superintendent or the City Engineer.

*(Subsections 1 & 2- Ord. 764 – Mar. 14 Supp.)*

3. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

4. Traffic Control:

A. Applicant shall be responsible for all traffic control safety measures required for work in the right-of-way in accordance with the applicable Statewide Urban Design and Specifications (SUDAS) as set forth by the Traffic Control Laws for the State of Iowa.

B. For work that includes a right-of-way closure the applicant shall also:

- i. Apply for the permit at least one week prior to the anticipated closure.  
**Application for the permit is not considered notification to Community Development.**
- ii. Notify Community Development of the dates of road closure at least one week prior to road closure.
- iii. Notify adjacent property owners and residences three days in advance of the closure.
- iv. Install all necessary traffic detour and warning signage three days in advance of the work. Signs shall be installed in accordance with the applicable Metro Standards.
- v. Remove all traffic signage when the right-of-way is reopened.

5. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

6. Surety Bond. Before an excavation permit is issued pursuant to this chapter, each applicant, except public utility companies, shall deposit with the Clerk a surety bond in the amount of \$10,000 payable to the City. The required surety bond must be:

1. With good and sufficient surety;
2. By a surety company authorized to transact business in the State;
3. Satisfactory in form and substance to the City Attorney;
4. Conditioned upon the permittee's compliance with this chapter and to secure and hold the City and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to maintain any street where excavation is made in as good condition for the period of four (4) years after said work shall have been done, usual wear and tear excepted, as it was in before the work shall have been done.

Any settlement of the surface within said 4-year period shall be deemed prima facie evidence of defective backfilling by the permittee. Nothing in this chapter shall be construed to require the permittee to maintain any repairs to pavement made by the City if such repairs should prove defective. Any owner of real estate, repairing or engaging another to repair his or her own sidewalk, shall not be required to give such bond. Recovery on such bond for any injury or accident shall not exhaust the bond but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City's giving written notice to the permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage shall be conclusive upon the permittee and the permittee's surety. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one year from the date.

***(Ord. 858)***

7. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

- A. Bodily Injury - no less than \$1,000,000.
- B. Property Damage - no less than \$1,000,000.

***(Ord. 764 – Mar. 14 Supp.)***

8. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

9. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

10. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses there for to the permit holder/property owner.

11. Settlement & Seeding. The permit holder shall be responsible for maintenance of any excavation, backfill or seeding for a period of four (4) years after the completion of the permanent restoration. If at any time within such four (4) years, the excavation or backfill settles, or seeding does not take, as a result of the work performed, the permit holder shall remedy the issue(s) at the permit holder's expense. After written notice, if the permit holder fails to remedy the issue(s), the City may perform the necessary work and assess all costs associated with the work to the permit holder.

12. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

13. Right-of-Way Permit Fee. A permit fee set by Council Resolution shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

14. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

15. Quality Regulation. All persons or entities installing, constructing, performing maintenance, reconstructing or repairing any utility lines or associated structures pursuant to a City issued permit agree to perform the work in compliance with all Federal and State laws, all Hiawatha City codes, specifications, and ordinances, and the Statewide Urban Design and Specifications (SUDAS) specifications for Public Improvements, as amended by the City. Furthermore, Underground Facilities Information, Iowa Code Chapter 480, is made a part of this policy. The law requires persons excavating to contact the one call system at least forty-eight (48) hours prior to any excavation. Iowa One Call can be reached at 1-800-292-8989 or 811.

16. Compliance. Failure to comply with this Chapter may result in the issuance of a stop work order, double permit charges, issuance of a municipal infraction and/or denial of any further excavation permits until a bond or letter of credit is submitted and the City is satisfied that the permit holder will comply with this Chapter. A failure to complete work may result in the City, after written notice to the permit holder and without any response from the permit holder, performing the necessary work to complete the excavation, including surface restoration, and assessing all costs associated to the permit holder in accordance with the provisions of this Chapter.

