



STREET OBSTRUCTION PERMIT

As authorized by the Bellingham Municipal Code BMC 13.12

A street obstruction permit is required for all work conducted in the city's alley or street right-of-way, whether developed or undeveloped, in all cases except those projects governed by a written contract between the person conducting the work, or activities covered by a right-of-way use permit.

APPLICATION FOR PERMIT -- FEE -- CONDITIONS

- A. Street obstruction permits may be issued after the filing of a written application, meeting bonding requirements, and paying the applicable fee. The application shall be on a form provided by the Public Works Director or his designate for the purpose, and shall require at least the following information:



1. The name and address of the applicant, and if the applicant is a corporation or similar entity, the name and address of its agent;
 2. A plan of the work to be done; and
 3. The location of the work.
- B. The application must be accompanied by the required fee. Permit fees are set by resolution of the City Council.
- C. The permit may be subject to reasonable and necessary conditions imposed by the Director of Public Works or his designate.

LICENSED CONTRACTOR REQUIRED

Work done under a street obstruction permit must be carried out by a contractor licensed by the State of Washington and bonded provided that:

- A. The Director of Public Works may waive the requirement if good cause is shown; and
- B. If the applicant has not hired a contractor to do the work at the time of application, but intends to do so, a conditional permit may be issued. The applicant must provide the Director of Public Works with the license number and name of the contractor before commencing work under a conditional permit.
- C. The Public Works Department shall have the authority to require that both the contractor and the beneficiary of the work be applicants for the permit. Code violations in conjunction with such work shall be the responsibility of both the contractor and the beneficiary of the work.

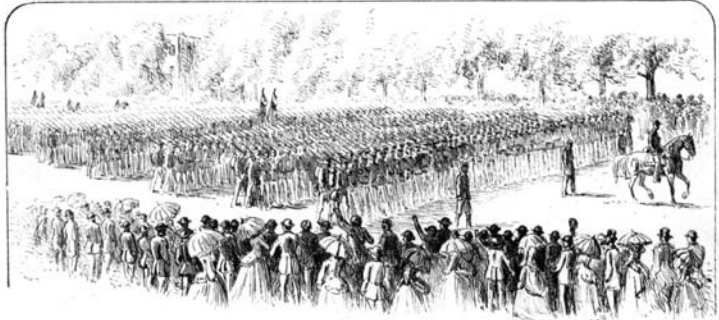
INSPECTIONS

The Engineering Division will inspect the project to assure that the conditions of the permit are met and that safety instructions are followed.

Plan Check -- Additional Costs

A. Before issuing a street obstruction permit, plans for the proposed work must be approved by the Department of Public Works.

B. Plans, or for minor work a sketch, shall be submitted in a format satisfactory to the Director of Public Works. Wherever applicable, standard plans adopted by the City or included in the current edition of the Standard Specifications, shall be used.



C. Where a plan check conducted pursuant to this Section costs the City more than the current permit fee, the applicant must pay the excess costs. These costs will include personnel costs at rates determined by the Director of Public Works, direct costs of outside consultants, and other direct reasonable expenses.

Security Required

A. Work may not be commenced under a street obstruction permit until the Director of Public Works is satisfied that it is covered by an adequate surety bond or other security sufficient to insure that if the work is not done properly or the existing street improvements are damaged, sufficient funds will be available to cure the deficiencies.

B. A cash deposit, made to the City's Finance Director and held in the City's guaranty fund, or an assignment of an account in a local bank, or a similar security acceptable to the City Attorney, may be used in lieu of a surety bond.

C. Security required by this section shall guarantee that:

1. City property or paving broken up by the work will be restored in a satisfactory manner;
2. The work shall be executed to completion promptly, in accordance with good engineering practice, and in compliance with the law and standard specifications; and
3. For a period of one year after completion of the work, the person conducting it shall remedy any defect in materials or workmanship affecting City property.

ANNUAL OR PROJECT SECURITY ALLOWED

At the option of the applicant, the security provided may either:

A. Cover only the work for which the permit is required, in the amount of one-hundred fifty percent of the estimated cost of the work initially, and twenty-five percent during the guarantee period; or

- B. Be an annual bond or equivalent, covering all work conducted by one person or company within the City during any calendar year, in the amount of five thousand dollars, and one thousand two hundred fifty dollars for guarantee periods only.

REVOCAION OF PERMIT

Street obstruction permits are temporary in nature, and may be revoked by the Director of Public Works whenever:

- A. The work being done creates a dangerous condition and, after notice, the holder of the permit fails to make the work safe; or
- B. The holder of the permit fails to comply with any condition imposed or any requirement of law relating to the work allowed by the permit.

TIME FOR COMPLETION OF THE WORK

- A. Upon issuance of a street obstruction permit, the Director of Public Works shall state thereon its expiration date, allowing a reasonable time for completion of the work.
- B. The permit may be extended on application in writing and the payment of a fee set by Council resolution, provided that the Director of Public Works determines that the work has been executed in a reasonably diligent manner.

Appeals

Any action, permit denial or revocation shall be appealable to the City Council Public Works Committee within ten days of notice of the action, revocation or denial by giving written notice of such intent to the Council Secretary.

NOTE: The information provided in this handout is accurate as of the date shown. It is only a brief summary of the information contained in the City ordinances. Therefore, it is a good idea to check with counter staff and the ordinances to assure that your proposal complies with ordinance requirements.