

# CHAPTER 6 – PERMITS

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## CHAPTER 6 – PERMITS

### 6.1 GENERAL

This chapter pertains only to the Loveland (GMA and city limits) and Fort Collins (GMA and city limits) with the exception of ~~Section 6.5.4 6.5.4 6.5.4~~, **Special Transport Permit**. Work in the Larimer County GMA will follow the policies and procedures in place in Larimer County at the time of the recording of the plat.

#### 6.1.1 Permits Required

All Contractors, public utility agencies, and property owners installing public or private improvements, or storing materials or equipment, within any public right-of-way or easement must obtain the required permit prior to the commencement of the work. The following are permits required prior to doing certain described activities in the public right-of-way:

##### A. Development Construction Permit (DCP)

All Public Improvement construction connected with an approved development project must follow the process outlined in **Section 6.2**.

##### B. Right-of-Way Permit (RWP)

All work in public rights-of-way and easements must be permitted in accordance with the criteria outlined in **Section 6.3**

##### C. Revocable Encroachment Permit

All encroachments of Private Improvements in the right-of-way must follow the process outlined in **Section 6.4**.

##### D. Oversized Load Permit

All permits for oversize loads, special transports and moving buildings, houses, and mobile homes must follow the process outlined in **Section 6.5**. Additional costs to the Local Entity and other agencies (escorts, street repairs, utility adjustments, etc.) shall be the responsibility of the Applicant.

##### ~~E. Permit for House Numbers on Curbs in Fort Collins (City Limits Only)~~

~~A permit is required for painting house numbers on Local Entity curbs. All House Numbers on Curbs permits must follow the process outlined in **Section 6.6A**<sup>[SK1]</sup>.~~

### **F.E. Hazardous Materials**

~~The permit [LS2][US3] is not listed in this section this are not valid for vehicles transporting hazardous materials.~~ All moving of hazardous materials must be permitted through the State of Colorado.

### **G.F. Blasting Permit (Approved by the Local Fire Authority)**

The Contractor's blasting procedures shall conform to Federal, State, and local ordinances and shall be approved by the local fire authority. The Contractor shall acquire all required permits prior to the start of blasting. All permits for blasting must follow the process outlined in **Section 6.6A6.6B**.

### **H.G. Stockpiling -in Fort Collins (City Limits Only)**

A permit is required for stockpiling fill material on vacant land in anticipation of future use of the material. Follow the process outlined in **Section 6.6C**.

### **I. Grading, Excavating, and Fill Permit in Loveland (City Limits Only)**

~~—Earthwork (excavation, grading, clearing, grubbing, or filling) on private property is governed by Chapter 33 of the Uniform Building Code. A permit is required for most earthwork construction on private property. See Appendix B-3 for the City of Loveland's grading permit policy.~~

### **J.H. State and Federal Permits**

Land development activity and the construction of public infrastructure often require additional permits from state and federal agencies. Examples include an **Emission Permit** for fugitive dust (issued by the **Colorado Department of Public Health and Environment**), a **Discharge Permit** for storm water associated with construction activity (issued by the **Colorado Department of Health**), and a **Section 404 Permit** for impacts to wetlands or waterways (issued by the **US Army Corps of Engineers**). Applications and submittal requirements for these permits may be obtained from the City of Loveland Building Division, or directly from the issuing agency.

## **6.1.2 Application**

Applications for the various permits, except for Blasting Permits, are available at the public counter of the Local Entity Engineer. The application form must be completed and submitted to the Local Entity Engineer along with the required items stated on the permit application. Blasting Permits can be acquired through the local Fire Authority.

## **6.1.3 Review and Approval of Submittals**

The application will be reviewed by the Local Entity. If additional information is required, the Applicant will be contacted. The Local Entity will check to make

certain that the Applicant has provided the required bond and when applicable the license and insurance certificates.

Once the permit application and all required submittals have been reviewed and found to be complete, the Permit requested permit may be issued by the Local Entity.

#### 6.1.4 Issuance of Permit

~~The Permit [L4] [SS] Requested permits~~ that are outlined in this Chapter ~~are~~ issued to the Applicant after all fees have been collected. Refer to **Section 6.7** for fees.

Any modifications to ~~the~~ approved permits including any scope or schedule changes must be submitted in writing to the Local Entity Engineer for review and approval.

The Local Entity may authorize a private entity to issue permits for all work described in this chapter.

#### 6.1.5 Plans

Any plans required for a permit process shall clearly indicate the proposed work and its location. Refer to **Chapter 3, Information Requirements for Construction Plans** and the supplemental traffic plan submittal requirements for Loveland (city limits only) contained in **Appendix B-3**.

#### 6.1.6 Warranty and Surety

Refer to **Chapter 24, Acceptance Procedures and Record Drawings/ Warranty**, for Warranty Period and surety to remain in place for the construction of all Public Improvements.

#### 6.1.7 Permit Standards and Conditions

##### A. General Requirements

The Applicant shall be responsible for all of the following requirements which are relevant for the Project:

1. Approval of Permits. Permits are issued subject to the approval of the Local Entity, State, or other governmental agencies having either joint supervision over the section of road, or authority to regulate land use by means of zoning and/or building regulations.
2. Other Agency Approval. Permit Applicants are responsible for obtaining separate permits or permission as may be required. Examples may be when work is proposed within the state highway, railroad or irrigation company rights-of-way or private property.

3. Easements. It shall be the Applicant's responsibility to determine the necessity of any Easements and to obtain those Easements and approvals that may be required.
4. Submittals and Fees. The Applicant shall pay all required fees, provide insurance, surety (if required), and provide appropriate plans, if necessary.
5. Coordination of Utility Work. The Applicant shall be responsible for coordinating any utility work including relocation of the utilities (e.g., power poles, transformers, signals, etc.).
6. Affected Area. The Applicant is responsible for returning the areas affected by construction to equal or better condition. The Applicant is responsible for repairing any damage to private or public property or other adjacent right-of-way that occurs during construction. Refer to Chapter 25, Reconstruction and Repair, for additional detail.
7. Not Transferable. The permit ~~permit~~ may not be transferable or assignable except as designated in the Development Agreement. The Applicant may subcontract the work to be performed under a permit, provided that the Applicant remains responsible for the performance of the work identified in the permit, the insurance and Surety, and the Warranty period. If a permit is transferred, a new construction coordination meeting may be required.
8. Supplemental Permit. No work outside the scope of the approved permit may occur without the approval of the Local Entity Engineer. It is the Applicant's responsibility to notify the Local Entity of the issues and apply for a supplemental permit for the additional work.
9. Time for Approval and Issuance. The Local Entity may require up to 10 working days for approval of ~~the a~~ permit after receipt of the complete application package.
10. Public Display. All required permits and approved plans must be available on the job site at all times during construction and placement of traffic control devices.
11. Erosion Control Inspector. ~~[MU6]~~ The Local Entity erosion control inspector must be notified at least ~~24-48~~ hours~~[JB7][JS8][JS9][SK10]~~ prior to any planned construction. Refer to **Chapter 23, Street Inspection and Testing Procedures**, for additional detail.
12. No Reimbursement of Fees. In general, once ~~the a~~ permit is approved and fees are collected, no permit fee will be reimbursed, even if the permit has expired before construction takes place.

## **B. Requirements to Preserve Quality of Streets and Traffic Flow**

1. Traffic Control Plans. A Traffic Control Plan (TCP) shall be submitted prior to or submitted with the permit application for all proposed work for approval by the Local Entity. In Loveland (city limits only), work in/on

residential streets may not need a separate TCP but all signs, barricades and other necessary traffic control devices shall be placed in accordance with the MUTCD, Part 6V1.

All work described above shall be performed by a Traffic Control Supervisor and a certificate for the Traffic Control Supervisor shall be submitted with the ~~plan~~TCP. The TCP~~plan~~ shall detail all devices, hours of work, days, dimensions of tapers and barricades, work area, etc. The ~~plan~~ TCP shall provide a device summary on the sheet.

The Local Entity may require the Developer to notify the local newspaper and/or the impacted residents, depending on the size and type of project, a minimum of 48 hours prior to the commencement of work.

2. Traffic Flow During Peak Hours. No interference with traffic flow on Arterial or Collector streets shall be permitted during the hours of 7:00 a.m. to 8:30 a.m. or from 4:30 p.m. to 5:30 p.m. unless otherwise authorized in writing by the Local Entity Engineer.
3. Barricades, Warning Lights, and Signal Lights. Any person performing work in the public right-of-way shall place barricades, warning lights, and any other safety devices at the location, sufficient to warn the public of the hazard and which are in compliance with the MUTCD. The Contractor shall be responsible for the maintenance of all barricades at all times.

On all Collector and Arterial Roadways (and some local streets, as determined by the Local Entity Engineer,) there shall be an individual responsible for the Traffic Control and able to be contacted 24 hours a day. This individual shall be certified as a Traffic Control Supervisor (TCS), by the American Traffic Safety Services Association (ATSSA) and/or Colorado Contractors Association (CCA).

4. Protection of Existing Improvements. Ensure protection as follows:
  - a. Existing Installations. The Contractor shall at all times take proper precautions and be responsible for the protection of existing street and alley surfaces, driveway culverts, street intersection culverts or aprons, irrigation systems, mail boxes, driveway approaches, curb, gutter, and sidewalks, and all other identifiable installations that may be encountered during construction.
  - b. Utilities. The Contractor shall at all times take proper precautions for the protection of existing utilities, the presence of which are known or can be determined by field locations of the utility companies. The Contractor shall contact ~~the Colorado 811 (UNCC) (One Call) at 1-800-922-1987~~ for utility locates a minimum of 2 working days prior to his proposed start of work.
  - c. Existing Improvements. Existing improvements to adjacent property such as landscaping, fencing, utility services, signs, driveway surfaces,

etc., that are not authorized for removal, shall be protected from injury or damage resulting from the Contractor's operations.

- d. Survey Markers. The Contractor shall at all times take proper precautions for the protection of property pins/corners and survey control monuments encountered during construction. Any damaged or disturbed survey markers shall be replaced by a registered land surveyor at the Contractor's expense.
  - e. Responsibility for Repair. The repair of any damaged improvements as described above shall be the responsibility of the permit holder.
  - f. Minimizing Inconvenience. The Contractor shall abide by the requirements set forth by the permit to minimize inconvenience to traffic and any inconvenience to adjacent property owners.
5. Permanent Pavement Patches. All permanent pavement patches and repairs shall be made with "in-kind" materials. For example, concrete patches in concrete surfaces, full depth asphalt patches with full depth asphalt, concrete pavement with asphalt overlay patches will be expected in permanent "overlaid" concrete streets, etc. In no case is there to be an asphalt patch in concrete streets or concrete patch in asphalt streets. Any repair not meeting these requirements will be removed and replaced by the Contractor at their expense.
  6. Pavement Less than 5 Years Old. In streets that are less than five (5) years old the Local Entity reserves the right to deny any street excavation or require repairs that are over and above these specifications.
  7. Work to be Done in Expedient Manner. All work shall be done in an expedient manner. Repairs shall be made as rapidly as is consistent with high quality workmanship and materials. Use of fast setting concrete and similar techniques may be required and are encouraged whenever possible without sacrificing the quality of repair.

Completion of the work including replacement of pavement and cleanup shall be accomplished immediately after the repair work or activity involving the cut is done. Extension of time for completion shall be with the written approval of the Local Entity Engineer<sup>[JB11][JS12]</sup>. If the repairs are not completed in the allotted time, the Local Entity has the right to repair the street and bill the full cost of work and administrative expenses to the Contractor. The Local Entities require a reasonable continuous, diligent effort from the Contractor to complete work and daily cleanup.

8. Inspection Requests. It shall be the responsibility of the person performing the work authorized by the permit to notify the Local Entity Engineer or their~~his~~ authorized representatives that such work is ready for inspection. The Local Entity Engineer requires that every request for inspection be received at least 24 hours before such inspection is desired. Such requests may be in writing or by telephoning or emailing~~faxing~~ the Local Entity



Engineer. Refer to **Chapter 23, Street Inspection and Testing Procedures**, for additional discussion regarding inspections.

9. Removal and Replacement of Unsatisfactory Work. Removal and replacement of unsatisfactory work shall be completed within ~~fifteen~~ 15 days of written notification of the deficiency unless deemed an emergency<sup>[JB13][JS14]</sup> by the Local Entity Engineer requiring immediate action. If deemed an emergency for health/safety reasons, the contractor must complete the work immediately. In the event the replacement work has not been completed within the allotted time, the Local Entity will take action against the Contractor's bond to cover all related costs.
10. Road Closures. Road closures will only be allowed with the written approval of the Local Entity Engineer. Proper posting and public notification will be required 7 days in advance of any closure. Forms of notification may include door hangers, variable message signs and press releases.

### 6.1.8 Stop Work Orders

Any person, corporation, quasi-governmental agency, special district, public utility, or private utility company that has performed work without first having obtained a required permit, ~~or~~ has performed work in the right-of-way that is considered a safety hazard or has non-conforming items that have not been addressed will be issued a notice to stop work. All specified work shall be discontinued until such time that the appropriate repair or permits are in place. The Local Entity Engineer or Inspector is authorized to issue Stop Work Orders. The ~~stop Stop work Work order Order~~ shall contain a written statement of the violations that caused the issuance. Immediately upon receipt of a Sstop Wwork Oorder, the Applicant shall consult with the Local Entity Engineer to resolve the violations. See **Appendix E-5** for sample document.

#### A. Stop Work Fines

Any Applicant who does not immediately discontinue work upon issuance of a Sstop Wwork Oorder shall be subject to fines. The Applicant may be fined ~~up to \$1,000~~<sup>[JB16][JS17][SK18]</sup> ~~per day~~ in accordance with Local Entity code requirements.

#### B. Mitigation Expenses for Unsafe or Untimely Performance

In cases where the Local Entity deems it necessary to effect a remedial action or repair to mitigate any dangerous or unsafe circumstances, due to emergencies or untimely<sup>[JB19][JS20]</sup> performance by the Applicant, the Local Entity may bill the Developer for all of its costs. Untimely performance occurs when the contractor has not performed the remedy within 24 hours of notification. Emergency repairs are expected to be implemented immediately.

1. Costs for Repairs. Mitigation repair costs shall include, but not be limited to the following:
  - a. Administrative charge.
  - b. All labor costs (at Local Entity rates).
  - c. All material costs.
  - d. All equipment costs.
2. Stoppage of Work. Once a Stop Work Order has been issued, no specified work may continue under the permit<sup>[LS21][JS22]</sup> and no subsequent permits will be issued until the Local Entity receives full payment for permit and/or poor workmanship or safety issues have been resolved.

### 6.1.9 Insurance Requirements

The insurance requirements in this Section 6.1.9 are intended to protect the public, as well as the Contractor who is providing any construction services in the public right-of-way.

#### A. Listing of Specific Requirements

The Developer is responsible to provide insurance prior to ~~the issuance of the permit~~<sup>[LS23]</sup> any work ~~in accordance with the following requirements:~~

1. The Applicant and/or the ~~Applicant's contractor~~Contractor shall present proof of carrying a liability and property damage insurance policy or policies known as Commercial General Liability, for the period of time required for complete installation of facilities authorized by the permit, including the repair and restoration of the road facilities, and also, during such future periods of time when operations are performed involving the repair, relocation or removal of said facilities authorized by the permit. Coverage shall be provided against any claim, demand, suit, or action for the property damage, personal injury, or death resulting from any activities of the applicant, his officers, employees, agents or contractors in connection with the construction, installation, repair or removal of the said facilities authorized by the permit.
2. The policy shall include as named insured: The Local Entity, Local Entity Authority, its officers, agents and employees, except as to claims against the applicant, for personal injury to any members of the Council, its officers, agents and employees, or damage to any of its or their property. The said insurance shall provide coverage of property damage insurance, public liability insurance, and bodily injury insurance in the amount of not less than \$1,000,000 each, or such other maximum amount as may be specified in the Colorado Governmental Immunity Act, and protecting the Local Entity against any and all claims for damages to persons or property

resulting from construction and/or installation of any required improvements pursuant to the permit.

3. The policy will provide that the Local Entity shall be notified at least 30 days in advance of any reduction in coverage, termination or cancellation of the policies. Such notice shall be sent to the Local Entity Engineer by certified mail, return receipt requested.
4. The Applicant shall also obtain and keep in force during the duration of all work covered under the permit a policy of Automobile Liability insurance with similar terms as mentioned above. This policy shall insure the Applicant against any liability for personal injury, bodily injury or death arising from the use of motor vehicles and shall cover operations on or off the site of all motor vehicles controlled by the Applicant.

#### **6.1.10 Licensing in Fort Collins and Loveland (City Limits Only [JB24][JS25][SK26])**

The City of Fort Collins and the City of Loveland requires Contractor's licenses, bonding, and insurance prior to the issuance of permits. Please refer to the Local Entity for further information in addition to the following:

##### **A. Contractor's License**

A right-of-way Contractor's license shall be required to perform work in the public right-of-way. Additionally, any person wishing to perform work in one of the following categories shall first qualify for and obtain an endorsement on their right-of-way Contractor's license to perform such work.

1. Categories Requiring Endorsement. The categories are as follows:
  - a. Asphalt.
  - b. Utility.
  - c. Non-Structural Concrete.
  - d. Structural Concrete.
  - e. Exception: A homeowner is not required to obtain a license to install their own sidewalk adjacent to their property.

##### **B. Bonding**

The right-of-way Contractor's license shall be accompanied by a license and permit bond in the amount of \$20,000. Each endorsement shall be accompanied by a separate license and permit bond in the amount of \$10,000. The bond shall be conditioned upon compliance with all provisions of the permit for all work in the public right-of-way and the ordinances of the Local Entity. All bonds shall be continuous with a minimum cancellation notice of 60 days.

In the event the bond is canceled, the license will be immediately revoked and no further work will be allowed to occur. However, the bond must remain

effective through the warranty period associated with all previously completed work items. The bond is used as the Local Entity's insurance in case the Contractor is unwilling or unable to repair problems found during the Warranty Period or during construction. The Local Entity can choose to complete the repairs either through its own resources or by hiring a different construction firm.

### C. Insurance

Any license application shall be accompanied by an original certificate of commercial general liability insurance insuring the contractor according to **Section 6.1.10**.

## 6.2 DEVELOPMENT CONSTRUCTION PERMIT

### 6.2.1 Application

A Development Construction Permit (DCP) shall be required prior to any construction or installation of new public infrastructure or new ~~P~~private ~~I~~improvements within the public right-of-way as shown on a set of ~~P~~public ~~I~~improvement ~~C~~onstruction ~~P~~lans reviewed and signed by the ~~Local~~<sup>[JB27][JS28]</sup> Entity Engineer. The DCP is required to coordinate the transition from completion of the development review process to the construction process. This permit will be issued after all project plans and documents noted in the standards are finalized and approved.

In Loveland (City Limits Only), the DCP may be waived by the Local Entity Engineer if the public improvements do not include a lane widening or construction of a new lane of travel and when the monetary value of the public improvements is minor relative to the total project cost.

In the City of Fort Collins (City Limits Only), the permit type required for new public infrastructure will be determined during the development review process by the Local Entity Engineer.<sup>[MU29][SK30]</sup>

No work is allowed to occur within the right-of-way until the Developer obtains an approved DCP. If work commences in the right-of-way without a permit, a Stop Work Order will be issued. Refer to **Section ~~6.1.8 6.1.8 6.1.8~~** for Stop Work Order procedures.

See Appendix E-6 for application and permit sample.<sup>[MU31][SK32]</sup>

For projects within the Development Review process, the permit application and approval process are part of the review process. For projects where the development review and approval process are complete, ~~allow 5 to 8 weeks from permit application to permit issuance.~~

### 6.2.2 Submittals<sup>[MM33][JS34]</sup>

A complete application for the DCP includes the following:

1. 8-1/2 x 11 inch copy of the approved site plan.
2. ~~Copy of approved PICPPublic Improvement Construction PlansCivil Construction Plans~~<sup>[SK35]</sup> Signed and approved construction plans (3 copies).
3. Proposed project schedule.
4. ~~Public~~<sup>[JB36][JS37]</sup> Improvements Opinion of Cost - Project quantities and cost estimate for all ~~P~~<sup>u</sup>public ~~I~~<sup>i</sup>mprovements to be constructed, as well as all ~~P~~<sup>r</sup>ivate ~~I~~<sup>i</sup>mprovements that are required to be inspected by the Local Entity. These quantities and costs are to be submitted, signed and stamped by a Professional Engineer in an electronic spreadsheet format as required by the Local Entity.
5. Permit fee.
6. Additional items may be required and marked on the application by the Local Entity Engineer.
7. Application completed and signed by the Developer.

### 6.2.3 Construction Coordination Meeting.

If required by the Local Entity, a construction coordination meeting will be held by the Local Entity staff to meet the involved parties, to review the plans and schedule, to exchange information about the project, to help establish communication lines and discuss key issues about the project. This is not a construction meeting to solve problems or discuss details of the project. Separate preconstruction meetings for utilities, if needed, are the responsibility of the Developer to coordinate. See **Section 6.1.1 A6.2.3-C** for list of meeting attendees.

#### A. Scheduling

All Construction Coordination Meetings will be scheduled by ~~each~~<sup>[JB38]</sup> Local Entity.

#### ~~B. Items Required Prior to the Meeting for City of Loveland~~<sup>[MM39][JS40]</sup>

**B. The review is based on the receipt of the following items, which must be completed and/or received by the Local Entity Engineer a minimum of one week and a day prior to the anticipated meeting date (8 calendar days). For the items required prior to DCP meeting in the City of Fort Collins, contact the Local Entity Engineer for forms and requirements.**

- ~~1. Completed application as outlined in Sections 6.2.1 6.2.1 and 6.2.2 and Appendix E.~~
- ~~2. Copy of final approved PICPPublic Improvement Construction PlansPublic improvement plans ready for Local Entity signature (Mylars requested).~~
- ~~3. Copy of recorded eEasement documents, submitted for recording.~~

~~4. Copy of recorded Development Agreement as reviewed by and agreed to by the Developer and the Local Entity. (The Development Agreement must be finalized prior to Final plat approval).~~

~~5. Copy of recorded Final plat ready for signatures.~~

~~6. Traffic control plan.~~

### ~~C. Meeting Attendees~~

~~The following people are required to attend the Construction Coordination Meeting:~~

~~1. Developer's Construction Manager.~~

~~2. Designer.~~

~~3. Developer.~~

~~4. Developer's Architect/Land Planner (Optional) [JB41][JS42][JS43].~~

~~5. General Contractor (or representatives for each contractor if no General).~~

~~6. Subcontractors with work in the right of way (including pavement marking, signs, utility subcontractor, if any) Optional, if the Developer has a general contractor)~~

~~7. Local Entity Staff.~~

~~8. Utility representatives are encouraged to attend but are not required.~~

### **6.2.4 Issuance of Permit** [MM44][JS45].

Upon completion of the application process and construction coordination meeting outlined above, the following must be completed and submitted to the Local Entity before the DCP is issued:

~~1. Public Improvement Construction Plans including a mylar copy and 3 signed sets of prints received by the Local Entity. In Loveland (city limits only), 6 signed sets of prints are required [MM46][JB47][JS48].~~

~~2. Development Agreement signed by the applicant.~~

~~3. Any estimates needed.~~

~~4. Plat filed with Larimer County Clerk and Recorders Office.~~

~~5.1. \_\_\_\_\_ Construction Traffic Control Plan submitted and approved. See Section 6.3.3 A.~~

~~6.2. \_\_\_\_\_ Revised schedule updated to reflect results of construction coordination meeting.~~

~~7.3. \_\_\_\_\_ Performance surety received.~~

~~8.4.~~ Liability and property damage insurance policy on file except in Fort Collins (city limits only).

~~9.5.~~ Applicable construction inspection fee paid. See discussion of inspection fees at the end of **Chapter 23, Street Inspection and Testing Procedures**.

~~10.6.~~ In Fort Collins (city limits only), erosion control deposit paid.

~~11.7.~~ Additional requirements of the ~~permit~~ DCP

~~12.8.~~ Applicant's signature on the ~~DCP~~ permit. [MU49]

## 6.2.5 Expiration and Extension

### A. Commence within 60 Days

The ~~permit~~ DCP shall be void if work does not commence within 60 days from the date of issuance of the ~~DCP~~ permit. The Applicant will forfeit the ~~DCP~~ permit-fee and must re-apply for a new ~~DCP~~ permit. However, the Applicant may apply for a ~~DCP~~ permit extension or renewal prior to expiration.

### B. Renewal of Permit

If the ~~public~~ infrastructure is not completed within one year from the date of issuance of the ~~Development Construction Permit~~ DCP, an extension of the ~~permit~~ DCP of up to 90 days must be applied for at least 2 weeks prior to expiration of the ~~permit~~ DCP. [JB50]

### C. New Permit after Expiration

If the ~~DCP~~ permit expires and infrastructure improvements remain incomplete, construction work must stop and a new ~~application for DCP~~ permit must be ~~applied for~~ submitted. The new ~~DCP~~ permit is subject to all submittal requirements and ~~DCP~~ permit-fees. Multiple extensions may be approved by the Local Entity. [JB51]

## 6.2.6 Performance and Warranty Surety Requirements

Newly constructed streets and related ~~P~~ublic ~~I~~mprovement infrastructure shall carry a performance guarantee and a repair and maintenance guarantee covering design and construction defects. The performance guarantee period shall commence with the construction of the ~~P~~ublic ~~I~~mprovements and the repair and maintenance (i.e. warranty) guarantee period shall commence after completion and initial acceptance of the work. Refer to **Chapter 24, Acceptance Procedures and Record Drawings/Warranty**, for further information.

### A. General Requirement for Surety

All Applicants shall provide surety in the form of a bond, letter of credit, or other forms of cash or escrowed funds in the amount of 100 percent of the estimate of costs for Public Improvements. In Loveland (city limits only), the required surety is 15 percent of the estimated Public Improvements costs.

### B. Possible Waiver for Other Entities <sup>[JB52][JS53]</sup>

Other municipalities, quasi-governmental agencies, special districts, electric, gas, and communication utilities may not be required to provide a surety as outlined in an approved agreement.

### C. Reduction of Surety

As the project progresses, the Applicant may request from the Local Entity a reduction of the surety based on the level of completion of the project. In Fort Collins (city limits only), surety shall not be reduced to less than 25% of the full amount. In Loveland (city limits only), reductions in surety are not applicable until completion of the warranty period.

1. Points at Which Surety Reduction May Be Requested. The Local Entity will accept written requests to reduce the project sureties at key milestones in the construction process.
  - a. At completion of buried utilities.
  - b. Preliminary street improvements are completed.
  - c. Final street improvements are installed.
  - d. Other key points in the construction process, as approved by the Local Entity Engineer.

These requests may be limited to the substantial completion of key improvements as determined by the Local Entity's Inspectors. However, at no time, prior to final acceptance shall the surety be reduced to less than 15 percent of the total value of the Public Improvements. ~~In <sup>[MU54]</sup> Fort Collins (city limits only), the surety shall be reduced to no less than 25 percent of the total value of the Public Improvements.~~

2. Warranty Surety. The Warranty Surety shall be 15 percent for all projects, unless otherwise approved by the Local Entity Engineer. In Fort Collins (city limits only) the amount of surety shall be based on the potential cost of repairs and shall not exceed 25 percent of the total cost of the Public Improvements. (See City of Fort Collins codes for specific details).
3. Reduction Request Process. The Applicant must submit a request in writing to the Engineering Division Local Entity Engineer <sup>[JB55][JS56]</sup> providing documentation as to the status of the improvements to be reviewed and a request to release monies for the completion of this work.



4. Release for Surety. See **Chapter 24, Acceptance/Warranty Procedures and Record Drawings**.

## 6.3 RIGHT-OF-WAY PERMIT

### 6.3.1 Uses for Right-of-Way Permit

A Right-of-Way Permit is required prior to beginning any repair or modification of existing public infrastructure or ~~Private~~ Improvements within the public right-of-way. It is also used to authorize the construction of minor ~~Public~~ or ~~Private~~ Improvements that do not require the review and approval of ~~Public Improvement Construction Plans~~ Civil Construction Plans, but are instead is shown on an approved site plan. The Right-of-Way Permit ~~right-of-way permit~~ also applies to three additional types of work:

#### A. Storage of Materials and Equipment in the right-of-way

A Right-of-Way Permit shall be required for the storage of materials and equipment within the public right-of-way adjacent to a work site. This also includes borrow pits and fill material stockpiles.

#### B. Excavation in right-of-way

A Right-of-Way Permit ~~right-of-way permit~~ shall be required for all excavation performed within the public right-of-way.

#### C. Access to Public Streets

A Right-of-Way Permit ~~right-of-way permit~~ and a CDOT access permit (if applicable) shall be required for construction or modification of all private or public accesses into the public right-of-way, except where such construction or modification is authorized with a Development Construction Permit.

### 6.3.2 Application

~~The permit application and information is available at the public counter in the Local Entity's Engineering Division. See Appendix E-7 <sup>[MUS7]</sup> for application and permit example. The permit application and information is available on the Local Entity website.~~

### 6.3.3 Submittal Requirements

#### A. Plans

Plans that clearly show the proposed work must be included with the permit application. The plans must be drawn to a proper scale to show the location and position of the proposed work, including street right-of-way (features, names, dimensions and property lines), existing utilities, topographic and man-made features, existing drainage patterns and any other information needed to clearly present the proposed work. Any plans that propose changes in the original

design, other than constructing improvements in accordance with standard construction drawings, are required to be prepared by a Professional Engineer and conform to the requirements of Chapter 3 of these Standards

#### **B. Work Area Traffic Control Plan**

A work area traffic control plan shall be submitted with application for work within, or any access to, a public right-of-way.

The traffic control plan shall be a minimum of 8-1/2 x 11 inches. The plan shall detail the work zone location, dimensions and the traffic control devices (including dimensions of tapers, closure area, etc.) proposed as well as construction traffic routing requirements. The [traffic control](#) plan may require additional detail at the discretion of the Local Entity Engineer due to unique or unusual conditions.

#### **C. Proposed Project Schedule**

A time schedule stating the desired time when the work will commence, be performed, and be completed shall be submitted.

#### **D. Project Quantities and Estimates**

An estimate of quantities and costs for all ~~P~~ublic ~~I~~mprovements as well as ~~P~~rivate ~~I~~mprovements that are required to be inspected by the Local Entity in accordance with **Chapter 20, Public Improvements Cost Estimate** shall be submitted. These costs are used in the determination of permit fees.

#### **E. Certificates of Insurance**

Certificates of ~~I~~nsurance for commercial general liability and automobile liability shall be submitted. Refer to **Section ~~6.1.9 6.1.9 6.1.9~~**, concerning insurance requirements.

#### **F. Hours of Construction**

The standard hours of inspection are 7 a.m. to 6 p.m. Construction work hours will be limited on the permit. Refer to **Section 6.1.7 B.2**.

#### **G. General Conditions**

The construction shall be done in accordance with these Standards and the General Notes in **Appendix E-1**.

### **6.3.4 Approval and Expiration**

A minimum of 5 working days is required for the Local Entity Engineer's approval. The permit expires 30 days from date of approval unless otherwise stated on the permit.

## 6.4 REVOCABLE ENCROACHMENT PERMIT

A revocable encroachment permit shall be required where any portion of street, alley, sidewalk, or other public right-of-way is occupied in connection with erection, construction, remodeling, or demolition of any building or improvement. Erection of any fence, barrier, post, or other obstructions or encroachments with any street, alley, sidewalk, or public right-of-way within the Local Entity shall require a revocable encroachment permit as well. [Contact Local Entity for the revocable encroachment permit application and specific requirements.](#)

### 6.4.1 Short Term Revocable Permit

~~The short term revocable encroachment permit is intended for temporary uses and short term encroachments having duration of less than 90 days.~~

### 6.4.2 Long Term Revocable Permit

~~The long term revocable encroachment permit is intended for uses in the right of way of for over durations in excess of 90 days. The costs, duration and approval of each long term revocable encroachment permit will be determined on a case by case basis.~~

### 6.4.3 Approval, Expiration, and Renewal

~~A minimum of 5 working days is required for the Local Entity Engineer's approval. The short term revocable encroachment permit may be issued for no more than 90 days and may be renewed for additional 90 day periods with written application and payment of fees.~~

### 6.4.4 Requirements

~~The permit may require the installation of fencing and adequate lighting and marking to protect pedestrian and vehicular traffic. If required, a protected walkway shall be built and maintained around obstructions. No parking is allowed within 15 feet of the fire hydrant. [JB58][JS59]~~

### 6.4.5 Removal

~~All obstructions shall be removed within 10 days after the completion of work. If encroachments or obstructions are located contrary to the terms of the permit they shall be removed within 10 days of notice. [JB60][JS61]~~

## 6.5 OVERSIZED LOAD PERMIT

### 6.5.1 Moving Over-Length, Over-Sized, Over-Weight Vehicles [JB62]

A permit is required for the movement of all over-length, over-sized and/or over-weight vehicles. [Refer to Local Entity for permit requirements.](#)

### A. Long Combination Vehicles

Long Combination Vehicles (LCVs) may be authorized on an annual basis over specific routes and hours in accordance with the Model Traffic Code.

### A.B. Oversized Load Permit

An Oversized Load Permit shall be required for oversized loads vehicles in accordance with the Model Traffic Code. Oversized load permits shall require submittal to and approval from all effected utility and railroad companies prior to approval by the local entity. Approval from CDOT will be required for all oversized loads travelling on ~~or~~ ~~or~~ crossing a state highway. Any required utility or other infrastructure relocations shall be done in accordance with the effected utility or infrastructure owner's policies and procedures, including payment of all required fees.

### B.C. Approval and Expiration

A minimum of 5 working days is required for the Local Entity Engineer's approval. A Long Combination Vehicle approval~~The permit~~ expires at the end of the calendar year. An Oversized Load Permit expires when the load has been moved. Additional Oversized Loads will require additional permits be secured.

### C.D. Proof of Insurance

Proof of insurance in the following amounts must be submitted:

1. \$1 million General Liability insurance.
2. \$1 million Auto Liability insurance.

## **6.5.2 Moving Buildings, Houses, and Mobile Homes**<sup>[JB63]</sup><sup>[NB64]</sup>

A permit is required for the movement of all buildings, houses, or mobile homes on public streets.

### **A. Notification**

All house moving permits shall require submittal to and approval from all effected utility and railroad companies prior to approval by the local entity. Approval from CDOT will be required for all oversized loads travelling on ~~or~~ ~~or~~ crossing a state highway. Any required utility or other infrastructure relocations shall be done in accordance with the effected utility or infrastructure owner's policies and procedures, including payment of all required fees. Once the permit has been obtained, all effected utility and infrastructure owners, as well as the Local Entity Forester and law enforcement, of the following departments shall be notified a minimum of 2472 working hours prior<sup>[JB65]</sup><sup>[SK66]</sup>to moving of the structure or mobile home: Local Entity Forester, Water & Sewer Department, Police Department, Light & Power, Traffic Engineering, and all other affected utility companies. Applicant shall also be

[required to obtain appropriate building permits on both ends of the move in accordance with local entity\(ies\) requirements.](#)

### **B. Expiration, Renewal**

The permit may be issued for no more than 90 days and may be renewed for 90-day periods with written application and payment of fees. [Permits are issued for a single move, which can contain multiple structures.](#)

### **C. Proof of Insurance**

Proof of insurance in the following amounts must be submitted:

1. \$1 million General Liability insurance.
2. \$1 million Auto Liability insurance.

## **6.5.3 Hazardous Materials**

All moving of hazardous materials must be permitted by the State and/or Local Entity fire authority. The Oversized Load permit is not valid for vehicles transporting hazardous materials.

## **6.5.4 Special Transport Permit, Larimer County** [JB67][NB68]

Submittal requirements for obtaining a special transport permit are as follows:

### **A. Proof of Insurance**

Proof of insurance in the following amounts must be submitted to and approved by Larimer County Risk Management before the Special Transport Permit will be issued.

1. \$1 million General Liability insurance.
2. \$1 million Auto Liability insurance.
3. Larimer County shown as “Additional Insured” on both.

### **B. Routing Map**

The routing map must be submitted, checked for bridge weight restrictions, overhead utilities, and other obstructions, and approved before the permit will be issued.

### **C. Axle Configuration**

The proposed axle configuration will also be checked against the listed items for the routing map, particularly for any bridge weight restriction.

## D. Utility Notification

The Applicant will be required to notify any affected utility companies on the proposed route.

## 6.6 OTHER PERMITS

### ~~A. Permit for House Numbers on Curbs in Fort Collins (City Limits Only)~~

~~A permit is required for painting house numbers on Local Entity curbs. The numbers are to relate to and identify the house on the lot directly adjacent to or abutting the curb on which the numbers are painted.~~

- ~~1. House Number Standard Specifications. All house numbers shall be painted on curbs in accordance with the standard specifications as follows:
  - ~~a. Height. 4 to 5 inch numbers.~~
  - ~~b. Width. Half inch stroke width.~~
  - ~~c. Colors. White lettering, black background.~~
  - ~~d. Type. Basic block style lettering.~~
  - ~~e. Location.
    - ~~1) Corner Lots. The numbers shall be located on the curb, on the same side of the house as the house numbers.~~
    - ~~2) Interior Lots. The numbers shall be located on the curb, to the side of the drive approach that is closest to the center of the house.~~~~~~
- ~~2. Approval and Expiration. A minimum of 2 days is required for the Local Entity Engineer's approval. The permit expires at the end of the calendar year.~~

### B.A. Blasting Permit

1. General. The Contractor's blasting procedures shall conform to Federal, State, and local ordinances. The local Fire Authority issues the blasting permit. In addition, the Contractor shall acquire all required permits prior to the start of blasting.
2. Storage of Explosives. The Contractor shall use the utmost care to protect life and property. All explosives shall be safely and securely stored in compliance with local laws and ordinances, and all storage places shall be clearly marked "Dangerous Explosives." No explosives shall be left unprotected where they could endanger life or property.
3. Safety Precautions. When blasting in trenches, the Contractor shall cover the area to be shot with earth backfill or approved blasting mats. Prior to blasting, the Contractor shall station ~~flaggers~~ flaggers [JB69][JS70] and provide signal of danger in suitable places to warn people and stop vehicles. The

Contractor shall be responsible for all damage to property and injury to persons resulting from blasting or accidental explosions that may occur in connection with the use of explosives.

**C.B. Stockpiling Permit** ~~in Fort Collins (City Limits Only)~~ [JB71][JS72]

1. General. A permit is required for stockpiling fill material on vacant land in anticipation of future use of the material. Refer to the Local Entity for permit application and requirements.
2. ~~Application Process. Applications are available at the City of Fort Collins Engineering Department at 281 North College Avenue. A completed and signed application is to be submitted to the Engineering Department with the following items:~~
  - a. ~~Site Grading and Erosion Control Plan prepared by a Professional Engineer licensed in Colorado (16 hard copyie and 1 digital copys)~~
  - b. ~~Floodplain Use Permit application (if applicable)~~
  - c. ~~Proposed schedule for the hauling and stabilizing of stockpiled fill material~~
  - d. ~~Proposed haul route shown on a City map (for hauling greater than 100 cubic yards to the site)~~
  - e. ~~Proposed traffic control plan for hauling operations that will impede or may impact traffic~~
  - f. ~~Other information may be required for large hauling operations~~
3. ~~Process Time Required. Plan for a minimum of 3 weeks to review and process the application before a permit can be issued. Projects that have complex issues, such as floodplain or natural area impacts, may take longer to process.~~
4. ~~Permit Issuance. A Stockpiling Permit will be issued following review and approval of the application and the Site Grading and Erosion Control Plans, by the City to ensure that the placement of stockpiles will not cause harm to the public features regulated by the City.~~
5. ~~Permit Expiration. Stockpiling permits expire 30 days from the date of issuance, unless otherwise designated by the Local Entity Engineer. The Permittee may apply for an extension within two (2) working days of the expiration date.~~
6. ~~Please Note:~~
  - a. ~~In no way does this permit to stockpile relate to approval or denial of further development on the property.~~
  - b. ~~No material may be placed in a floodplain without a Floodplain Use Permit.~~

~~e. Be certain that the Stockpile material is suitable for the intended future use of the site.~~

**6.7 FEES**<sup>[JB73]</sup><sup>[JS74]</sup>

Fees are established separately by each Local Entity. Applicants should refer to the applicable Local Entity ~~regulations~~ requirements for the current fees. ~~Appendix B-4 includes lists of the fees current for the date listed. Fees will change from time to time, therefore, the listed fees may not be correct.~~