

APPLICATION AND PERMIT – KEY REQUIREMENTS AND CONDITIONS

1. **On Site Permit Possession:** Contractor must have a copy of the approved permit at the work location and available for inspections by any representative of the City of Kalamazoo (CoK). Failure to have a valid permit on site may constitute immediate work suspension in the Right of Way (ROW).
2. **Specification:** All work performed under this permit must be done in accordance with the plans, specifications, maps, and statements filed with and approved by the CoK and must comply with the CoK's current requirements and specifications.
3. **Fees and Costs:** The permittee shall be responsible for all fees incurred by the CoK in connection with this permit and shall pay estimated fees and costs as determined by the CoK at the time the permit is issued.
4. **Bond:** The permittee shall provide a bond, as is required, in a form and amount acceptable to the CoK at the time permit is issued.
5. **Indemnification:** The permittee shall hold harmless and indemnify and keep indemnified the CoK, its officers, board members, agents, and employees from all claims, suits and judgments to which the CoK, its officers, board members, or employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the CoK, whether due to the negligence of the permittee or the joint negligence of the permittee and the CoK, arising out of the work under this permit, or in connection with work not authorized by this permit, or resulting from failure to comply with the terms of this permit, or arising out of the continued existence of the work product which is the subject of this permit.
6. **Miss Dig:** The permittee must comply with the requirements of PA 53 of 1974, as amended. CALL MISS DIG AT 811 OR (800-482-7171) AT LEAST THREE (3) FULL WORKING DAYS, BUT NOT MORE THAN TWENTY-ONE (21) CALENDARS DAYS BEFORE YOU START WORK. The permittee assumes all responsibility for damage to or interruption of underground utilities.
7. **Notification of Start and Completion of Work:** The permittee must notify the CoK at least 72 hours before starting work and must notify the CoK when work is completed by calling 269-337-8601.
8. **Restriction of Construction During Winter season:** Without authorization from City Engineer, new construction activities shall not begin before March 1 nor after November 1. However, emergency repair of existing utilities will be permitted.
9. **Safety:** The permittee agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions shall comply with Michigan Manual of Uniform Traffic Control Devices.
10. **Restoration and Repair of Road:** The permittee agrees to restore the road and right-of-way to a condition equal to or better than its condition before the work began; and to repair any damage to the road or right-of-way, which is the result of the facility whenever it occurs or appears.
11. **Soil Erosion and Sedimentation:** The permittee shall comply with the requirements of the Natural Resources and Environmental Protection Act, Part 91 or PA 451 of 1994, as amended, and implement all applicable measures controlling soil erosion and sedimentation.
12. **Limitation of Permit:** This permit does not relieve the permittee from meeting other applicable laws and regulations of other agencies. The permittee is responsible for obtaining additional permits or releases, which may be required in connection with this work from other governmental agencies, public utilities, private entities and individuals, including property owners. Permission may be required from the adjoining property owners.
13. **Revocation or Violation of Permit:** This permit may be suspended, revoked at will, and/or immediately become null and void if the permittee violates the terms of this permit. The permittee shall surrender the permit and CoK may require alteration, relocation and/or removal all facilities for which permit was granted, all at the permittee's expense.
14. **Assignability:** This permit may not be assigned without the prior approval of the CoK. If approval is granted, the assignor shall remain liable and the assignee shall be bound all the terms of this permit.