



**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
(603) 448-3112**

APPLICATION FOR PROPOSED EXCAVATION

Applicant Name: _____

Date: _____

Company: _____

Permit #: _____

Mailing Address: _____

Telephone: _____

I / We propose to disturb the surface, sidewalk, shoulders or ditches of the following street:
_____ for the purpose of

Tax Map #: _____ Lot #: _____

The area to be disturbed is approximately: _____ feet in length
_____ feet in width
_____ feet in depth

CONTRACTOR INFORMATION:

Name: _____

Address: _____

Telephone: _____

Date work is to begin: _____

Date work is to be completed: _____

FIRE DEPT. SIGN-OFF: _____

POLICE DEPT. SIGN-OFF: _____

DIG SAFE (1-888-344-7233) CONFIRMATION #: _____

NO PERMIT WILL BE ISSUED WITHOUT AUTHORIZED SIGNATURES FROM THE POLICE AND FIRE DEPARTMENTS. APPLICANT MUST NOTIFY THESE OFFICIALS.

Construction Plan Filed: YES NO Bond Amount: _____

Traffic Control Plan Filed: YES NO

Proof of Insurance (\$300,000/500,000 Bodily; \$25,000 Property) YES NO

NOTE: \$25.00 Permit Fee must accompany this application



**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
(603) 448-3112**

Permit # _____

PERMIT TO EXCAVATE IN PUBLIC STREET (RSA 236:9)

Permission is hereby granted to disturb the surface, sidewalk, shoulders or ditches of the following road:
_____ for the following purposes

PERMIT REQUIREMENTS AND CONDITIONS

I hereby agree to assume such additional costs as the City may incur, by reason of my failure to perform this work in the manner prescribed in the EXCAVATION ORDINANCE AND SUPPLEMENTAL RULES, and to remain responsible for all required repairs to the street or roadway area disturbed for a period of three (3) years after the completion date of the work. I am familiar with the penalty imposed by Lebanon City Code Chapter 152.

Applicant Name (please print)

Applicant Signature

Bond/Escrow Amount: _____

Date Received: _____

THIS PERMIT IS NOT VALID UNLESS SIGNED ABOVE BY THE APPLICANT AND BELOW BY THE DIRECTOR OF PUBLIC WORKS OR CITY ENGINEER

Permission for the work is granted subject to the conditions and agreements printed hereon. This PERMIT will expire 90 days from date of issue unless otherwise noted.

Signature

Title

PLEASE RETURN THIS PORTION AFTER WORK IS COMPLETED

Project was completed and the roadway resurfaced on:

Date

Signature

FOR CITY USE ONLY

COMPLETED PROJECT INSPECTED AND ACCEPTED:

Date: _____

By: _____

Public Works Department

CITY OF LEBANON, NEW HAMPSHIRE
EXCAVATION BOND AGREEMENT
(Pursuant to RSA 236:10)

Permit # _____

KNOW ALL MEN BY THESE PRESENTS, _____
(hereinafter called "EXCAVATOR") is held and firmly bound under the City of Lebanon, (hereinafter called "CITY") in the sum of _____ Dollars to be paid to the CITY for the payment of which sum well and truly to be made, the EXCAVATOR shall be bound and so shall the heirs, executors, successors and assigns of the EXCAVATOR by these presents.

THE CONDITION OF THIS OBLIGATION is that the EXCAVATOR is required by the CITY to complete the satisfactory restoration of the City highway as determined by the Director of Public Works or his/her representative in connection with the Permit to Excavate in a Public Street dated _____, a copy of which is attached and made a part of this Bond.

NOW THEREFORE, if the EXCAVATOR shall well truly and faithfully perform and complete the satisfactory restoration pursuant to Lebanon City Code Chapter 152:10, the Bond will remain in full force and effect for period of one (1) year.

The Bond shall be held by the CITY for a period of one (1) year following completion of the restoration. At the expiration of the one (1) year period, and the completion of the satisfactory restoration, as well as the satisfactory completion of any repairs, refilling or regarding that may be required during the one (1) year period, the Bond will be released to the EXCAVATOR.

The EXCAVATOR shall perform the repairs as shall be required as set forth in Lebanon City Code Chapter 152:11. If the EXCAVATOR fails to do so, the City shall have the right to make such repairs as to be reimbursed in full, plus twenty (20) percent for all expenses incurred by the EXCAVATOR. Failure of the EXCAVATOR to reimburse the CITY for such expenses shall give the CITY the right to demand payment under this EXCAVATION BOND (AGREEMENT) and any security given to secure it. If the City is required to take legal action to enforce this Bond, then the Court shall award to the CITY reasonable attorney fees and Court costs incurred.

Nothing contained herein shall limit the liability of the EXCAVATOR with regard to the additional three (3) years after the completion of restoration, as described in Lebanon City Code Chapter 152:10. The amount of this Bond is merely an estimate and shall not limit the liability of the EXCAVATOR in the event that the costs of repairs incurred by the CITY exceed the amount of the Bond.

The obligations of the EXCAVATOR contained herein shall be secured by delivering to the CITY Cash, an Irrevocable Letter of Credit from a bank or lending institution licensed in New Hampshire, or a Bond furnished by an insurance company in the amount of _____ Dollars.

Dated this _____ day of _____, 20__.

Witness

Excavator

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON, SS

The foregoing instrument was acknowledged before me this _____ day of _____, 20__.

Before me,

My Commission Expires:

Notary Public or Justice of the Peace

INFORMATIONAL NOTICE TO BANK

SUBJECT: Irrevocable Letter of Credit to secure an Excavation Bond (Agreement) as required under Lebanon City Code Chapter 152:9

The following constitutes an acceptable format for an Irrevocable Letter of Credit. It is necessary for an Excavator/Contractor to submit an Irrevocable Letter of Credit to the City of Lebanon to secure an Excavation Bond (Agreement) from the Excavator/Contractor to the City. Please prepare this format on bank letterhead or bank forms. Please do not make amendments or revisions to the format. If either you or your legal counsel has difficulty with the format, please contact the Director of Public Works at (603) 448-3112.

FORMAT FOR LETTER OF CREDIT IN FAVOR OF THE CITY OF LEBANON

City Manager
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Dear:

(Name of Bank) hereby opens its Irrevocable Letter of Credit in favor of the City of Lebanon, New Hampshire for the account of (Name of Excavator/Contractor) for any sum or sums not to exceed in total (Amount of Bond) to secure the obligations of an Excavation Bond (Agreement) dated _____, to which this Letter of Credit is attached thereto and secures such bond, payable on sight upon presentation of:

A sworn statement by the City Manager of the City of Lebanon, New Hampshire, certifying the default by _____ (Name of Excavator/Contractor) upon the attached Excavation (Performance) Bond.

This Letter of Credit shall be terminated upon the earlier of the release of the Excavation Bond by the Lebanon City Manager or one (1) year from the date of the Excavation Bond.

Dated this _____ day of _____, 20__.

By: _____
Duly Authorized



**CITY OF LEBANON, NEW HAMPSHIRE
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
(603) 448-3112**

Permit # _____

EXCAVATION PERMIT CHECKLIST

1. _____ \$25.00 Permit fee per application
2. _____ Name of road or street to be disturbed
3. _____ Reason for the disturbance
4. _____ Tax map and lot numbers/street address
5. _____ Area to be disturbed (in feet)
6. _____ Name and address of contractor
7. _____ Dates work is to begin and end
8. _____ Dig Safe confirmation number
9. _____ Letter of Credit or other security
10. _____ Excavation Bond (Performance Agreement) signed and notarized
11. _____ Proof of insurance \$300,000/500,000 Bodily; \$25,000 Property damage
12. _____ Applicant's signature where indicated
13. _____ Traffic Control Plan
14. _____ Construction Plan

CITY OF LEBANON DEPARTMENT OF PUBLIC WORKS
GUIDELINES FOR EXCAVATORS/CONTRACTORS
CITY CODE CHAPTER 152 – STREETS AND SIDEWALKS

SECTION 1 – GENERAL

1. NOTICE OF COMMENCEMENT OF WORK

At least three (3) working days before any work is commenced, except in cases of emergency, an Excavator shall give notice of the time of commencement of the work to the Director of Public Works or City Engineer.

2. WORK TO CONTINUE UNTIL COMPLETED

After any work has been started, the work shall be diligently and continuously prosecuted by the Excavator until completed.

3. COMPLETION OF WORK BY CITY

If after work has been started under this article, the Excavator delays beyond the period stated in the permit for completion of the work, the Director of Public Works shall have authority upon cost of such work performed by the City, plus twenty (20) percent as an overhead charge, shall be paid by the Excavator or withheld from the security posted by the Excavator.

4. NOTICE OF COMPLETION

Notice of completion shall be given by the Excavator to the Director of Public Works the same day, after completion of the work.

5. INSPECTION

All work done by the Excavator shall be inspected and approved by the Director of Public Works or City Engineer prior to refund of any security.

6. USE OF AREA BY CITY

If at any time during the performance of the work an emergency should arise, the City shall have the right to use all or any part of the area occupied by the Excavator under his permit.

7. PRIVILEGES OF EXCAVATOR

During the period of a permit issued, the Excavator shall be permitted to occupy such portions of streets, alleys and other public places as allowed by the ordinances of the City and as show on the plans, or as permitted by the Director of Public Works. A reasonable amount of tools, materials and equipment for construction purposes may be

stored in such space, but not more than is necessary to avoid delays in construction. Excavated and waste materials shall be piled or stacked in such a way as not to interfere with spaces that may be designated; to be left free and unobstructed, nor inconvenience occupants of adjoining property.

8. NOTICE TO DIG SAFE (TELEPHONE, ELECTRIC, AND GAS UTILITIES) AND CITY OF LEBANON PUBLIC WORKS DEPARTMENTS

Whenever any utility is to be exposed and the exact location and depth is unknown, the utility is to be exposed and the exact location and depth is unknown, the utility company shall be notified and excavation shall not be commenced until a representative of the utility company is present to aid in location of said utility. For telephone, electric and gas utilities, official name: The Underground Utility Damage Prevention System, Dig Safe, shall be notified a minimum of 72 hours prior to the desired start of work per NH RSA 374:51. The Dig Safe telephone number is 1-888-344-7233. For water, sewer, and drainage, the applicable City department shall be called. The telephone numbers are as follows: Water & Sewer 603-298-5190, Highway 603-448-3112. It shall be the duty of the utility company under this section to have a representative at the location where the work is being done within seventy-two (72) hours notice to the utility by the Excavator, excluding Saturdays, Sundays and holidays.

9. REPAIR OF STREETS

- a. Upon notice from the Director of Public Works, immediate repairs shall be made of any injury or damage in any portion of the street which occurs as a result of the work done, which, in the opinion of the Director of Public Works, constitutes a public hazard. In the event such repairs are not made within twenty-four (24) hours after notice, the Director of Public Works is hereby authorized to affect such repairs and charge all costs plus twenty (20) percent overhead to the Excavator.
- b. The restoration or repair(s) of a street or public highway also pertains to any person working on a section of ground that requires vehicles to enter and leave a particular section of street or highway which causes a deterioration or damage(s) to the road surface. Such person will be responsible to restore the damaged or disturbed area(s) to the satisfaction of the Director of Public Works.

10. RESTORATION

- a. Pavement shall be replaced with standard type pavement as indicated on the permit or as shown on the plans. Curbs, gutters, sidewalks, sewers, drains, structures, street signs and all other improvements damaged, disturbed or removed during the progress of the work shall be restored or replaced in as good

or better condition as existed prior to commencement of work, in accordance with standard specifications of the City and to the satisfaction of the director of Public Works.

- b. The edges of all pavements shall be properly trimmed and squared, and all loose material shall be removed before pavement is placed.
- c. Linear utility cuts in the direction of travel of a roadway normally cause disruption and damage of the entire road surface. In areas where the road is cut in this manner, the entire street, for the length of the cut, will be capped with a minimum of 3/8" compacted thickness of hot machine laid asphalt. Prior to the cap, the utility trench will be machine shimmed and compacted.

11. EXISTING UTILITIES

Adequate and proper measures shall be taken to locate the existence of any public utility and to protect the City's public utilities against damage. The Excavator shall be held liable for any damages to utilities or works and shall reimburse the City for any loss of revenue and cost of repair or replacement.

12. RESPONSIBILITY FOR ACCIDENTS

The Excavator shall be responsible for all claims and liabilities arising out of work performed or arising out of failure to perform the obligations with respect to street maintenance. The Excavator shall agree to defend, indemnify, save and hold harmless the City, its officers and employees from and against any bodily injuries, disease or illness or damage to persons, including death and/or property damage, sustained or arising in the construction of the work performed or in consequence of failure to perform the obligations with respect to street maintenance.

13. PERFORMANCE OF WORK GENERALLY

- a. All work shall be performed in a neat and workman-like manner and so programmed as to cause the minimum interference with traffic and inconvenience to the public. Access shall be proved to all boxes, fire hydrants, water gate valves, manholes and other public service structures and property as may be required for emergency use. Public service structures or property shall not be removed or relocated without proper coordination with the properly constituted authorities charged with their control and maintenance. The working area shall be confined so as not to obstruct roadways and walks unnecessarily. Temporary roadways, driveways and walks for vehicles and pedestrians shall be constructed where required.

- b. Any monument of granite, concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point within the City shall not be removed or disturbed without first obtaining permission in writing from the Director of Public Works. Permission shall be granted upon the condition that the person applying therefore shall cause to be replaced at his expense the monument so removed or disturbed.

14. PORTLAND CEMENT SURFACES

- a. Where excavations or trenches are made in exposed concrete surfaces (concrete, driveways, sidewalk, and pavement), a power driven concrete saw shall be used to cut deep enough to permit complete breakage of the concrete without ragged edges.
- b. Concrete surfaces and pavements disfigured or damaged shall be replaced and repaired so that they will have smooth and uniform appearance.
- c. Repairs to excavations in concrete will be made with concrete, restoring the cross section to its original cross section.

15. BACKFILL

All trenches and excavations shall be backfilled in the following manner unless otherwise specified.

- a. The trench or excavation shall be filled to not less than one (1) foot above the top of the pipe or other utility facility with fine material selected from the excavation, free from stones and lumps and of such character as to be readily compacted around and under the pipe or other utility facility, or with an imported fine granular material shall be thoroughly compacted around the pipe or other utility. Above the resultant level of this first operation, the trench or excavation shall be backfilled in uniform layers with earth from the trench excavation or with imported material to twelve (12) inches below the sub-grade of the curb, gutter, pavement, sidewalk or driveway to be replaced or to the surface if no improvement replacement is indicated. The use of water in this stage of the backfill operation will not be permitted if the soil will not readily drain and/or if the adjacent street may become damaged or the paving is unduly delayed. If the material from the excavation will not give the required relative compaction, and imported granular material that will give said relative compaction shall be used, and the unstable material shall be removed from the site. Excess water must be evaporated before the next layer of earth or paving is placed. If any improvement replacement is indicated below, the sub-grade of the improvement to be replaced shall be filled in six-inch (6") layers, measured

readily before compaction, with selected imported granular material of such character as to readily compact by sprinkling with water if too dry to tamp and thoroughly compact by power-driven equipment. All work shall be done in a manner as to obtain a relative compaction throughout the entire depth of the backfill of not less than that which exists adjacent to the excavation.

- b. If the excavation is below any existing utility, the trench shall be hand backfilled and compacted to not less than ninety-five (95) percent maximum density at optimum moisture content below, around and to the depth of twelve (12) inches over said utility.

16. PROTECTION OF PUBLIC AND TO PROPERTY

- a. During the performance of the work, the Excavator shall provide and maintain such fences, barricades, red lights, flares, warning and directional signals, flagmen and watchmen that are necessary for the safety of the general public.
- b. It shall be the duty of the Excavator to place barricades and fences prior to commencement of work at the end of such work or excavation and at such places as may be necessary for complete safety and traffic routing and to maintain same during performance of the work. All barricades, fences and warning and directional signals shall be lighted from sunset to sunrise each day.
- c. The Excavator shall obey and enforce all lawful safety orders and rules of the City and shall secure such necessary traffic control officers as shall be called for on state roads and on any other City road as may be determined necessary by the Director of Public Works and the Police Department.

17. BARRICADES, WARNING AND DIRECTIONAL SIGNS

- a. All barricades and warning and directional signs shall be sized, colored, and labeled in accordance with the MUTCD or New Hampshire Department of Public Works and Highways specifications, as applicable. Barricades shall be constructed in such a manner that the bottom of the sign is not less than two and one-half (2 ½) feet nor more than seven (7) feet above the grade of the street. A minimum of two (2) flares or lights per barricade shall be maintained from sunset to sunrise.
- b. When during the performance of the work it becomes necessary to close a street, after approval from Fire, Police and Public Works Departments, a "road closed" sign accompanied by a "detour" sign with directional traffic arrows shall be maintained at the intersection approaches to the street. Lettering on signs shall be four (4) inches high and the arrow two (2) inches thick.
- c. Where necessary, "No Parking" signs shall be placed the evening prior to commencement of work and shall be equally spaced at the rate of four (4) per

block on each side of the street. Lettering on signs shall be four (4) inches high. The sign shall show the hours of the day in which parking is restricted.

- d. "One Way" signs shall be placed at each intersection of the street affected. The sign shall have four (4) inch white letters reading "One Way" on a four (4) inch black arrow mounted on a white background.

18. GENERAL RESPONSIBILITIES

- a. Sufficient safety equipment shall be located on the job before any work is commenced.
- b. The Police and Fire Departments shall be notified before work is commenced on any street closure, parking restrictions, rerouting of traffic, or other restrictions which interfere with the normal use of the street.
- c. Detours shall be planned and coordinated with the Police Department to allow for a smooth flow of traffic at all times. Plans should be submitted and approved and a copy submitted as part of the Excavation Permit.
- d. Progress or work schedules shall be so arranged as to provide an access to all lots either from the street or the alley.
- e. No street or intersection shall be closed in the performance of the work when a traffic restriction or street closure is already in effect on an adjacent parallel street, except in emergencies or by special authorization of the Director of Public Works. Special authorization under this section may be granted by the Director of Public Works during construction through approval of a progress schedule submitted by the Excavator.

SECTION 2 – PERMIT

1. GENERAL

- a. It shall be unlawful for any person to make, or cause or permit to be made, any excavation on or under the surface of any public street, alley sidewalk or other public place for the installation, repair or removal of any pipe, conduit, duct or tunnel, or for any other purpose without first obtaining a written permit from the Director of Public Works to make such excavation.
- b. Before a permit is issued, the applicant shall:
 - i. Make application for the permit on a form furnished by the Director of Public Works. The application shall contain such information as the Director of Public Works may require and be made in duplicate and filed with him for processing; and

- ii. Submit to the Director of Public Works plans and profiles in duplicate showing work to be done, location, limits or work and location of pavements.
- c. It shall be unlawful for any person to make, or to cause or permit to be made, any excavation, or to install or maintain, or cause or permit to be installed or maintained, any tank, pipe, conduit, duct or tunnel on or under the surface of any public street, alley, sidewalk, or other public place at any location other than that described in the application and shown on the plans filed by such person as required by the provisions of this section.
- d. The provisions of this section shall not relieve the Excavator of the obligations imposed by other pertinent Lebanon City Code or supplemental Ordinances. After installation is complete, the pipe, conduits, vaults, ducts, tunnels or other underground installations shall be the responsibility of the property owner for all maintenance, repairs, damages, replacement or removal in said public street or alley.

2. CONDITIONS

- a. The application for permit shall be approved and signed by the Director of Public Works
- b. Permits shall be secured at least three (3) working days before the work is commenced, except in case of emergency. Permits shall not be transferable or assigned.
- c. The permit shall provide a time limit within which the work shall be completed, and work shall commence within ten (10) days after the application is approved.
- d. Unless an extension of time is granted by the Director of Public Works, the permit shall be void if the work is not commenced and completed within the date specified.

3. PERMITS AND BONDS

- a. All applications for excavation in the public way shall be accompanied by a non-refundable \$25.00 (twenty-five dollars) permit fee.
- b. Applications for excavation shall be accompanied by a bond. The amount of the bond shall be a minimum of \$500 (Five hundred dollars) and shall be determined by the Director of Public Works. The determination of the bond amount shall be at the discretion of the Director of Public Works. A plan shall be submitted clearly depicting the work limits including where and what work will be performed.

- c. No bond will be required by any public utility of any city, public utility district, public corporation or political subdivision which is authorized by law to establish or maintain any works or facilities in, under, or over any public way.
- d. Any person who receives a building permit from the building official to construct, install, and repair or remove any structure shall obtain a permit and make the required deposit as provided herein, if during the progress of work it is necessary to excavate within any public way.

4. REVOCATION

Any permit granted under this section may be revoked by the Director of Public Works for noncompliance with any of the provisions contained herein.

5. PUBLIC UTILITY TO SECURE PERMIT

Any public utility possessing a franchise to install, operate, maintain or use facilities in the streets, although deriving its rights to occupy such streets from the franchise, shall nevertheless procure a permit as provided in the City Code Chapter 152.

6. EMERGENCY EXCAVATIONS

Nothing in this article shall be construed to prevent any person from maintaining any pipe or conduit in any public street, alley or public place by virtue of any law, code, ordinance or permit, or from making such excavations as may be necessary for the preservation of life and property when such necessity arises. When an emergency excavation has been commenced, the person making said excavation shall secure a permit therefore on the next working day.