



# COMMUNITY SERVICES

## RIGHT-OF-WAY ENCROACHMENT PERMIT

20 W. Pike St., Covington, KY 41011 Phone: 859-292-2323 Fax: 859-292-2106

Application Date: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Type of Encroachment:  Street  Sidewalk  Other: \_\_\_\_\_

Location of Obstruction: \_\_\_\_\_

Brief Description of Work: \_\_\_\_\_

Date & Time Activity to Commence: \_\_\_\_\_ Date & Time Activity to be Completed: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Occupational License #: \_\_\_\_\_

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

### Applicant Must Comply With All Conditions Below:

- The above applicant will be responsible for notifying the City of Covington Police Department (859-292-2222) and the City of Covington Fire Department (859-431-0462) a minimum of one (1) hour before starting activity.
- The above applicant will provide signage at each end of street/sidewalk or property with detour arrows to alert vehicles/pedestrians of activity in progress. Traffic control (vehicular and pedestrian) shall be in accordance with the City of Covington "Temporary Traffic Control Requirements."
- Use extreme caution at any overhead utility lines.
- The above applicant will make effort to complete work as quickly as possible to reduce the obstruction time.

### Conditions Pertaining to Construction:

- The above applicant will stand ready at all times to move all equipment out of the street to facilitate emergency vehicle access.
- Under no circumstances shall equipment be left unattended and the public be allowed to walk under ladders or scaffolding unless specifically designed in accordance with OSHA standards and approved. The area must be roped off for pedestrian traffic which must be directed to the other side of the road unless four (4) or more feet of sidewalk width remains unobstructed. This can be done with cones, barricades, and/or flagging tape.
- The above applicant will be sensitive to the residents, businesses, and patrons adjacent to the area and will keep all outside noise to a minimum.

Special Conditions: \_\_\_\_\_

- **All encroachment and restoration activities shall be in accordance with the attached City of Covington Ordinance §96.05.**
- **\$75 Fee. Includes administrative review, site inspection and follow-up inspection. Any other inspections are an additional \$25 each.**
- **Include sketch of work area and affected streets, sidewalks, buildings, etc.**

The undersigned permit applicant shall indemnify and hold harmless the City of Covington and its agents for any and all injuries or losses resulting from the proposed activity related to this temporary encroachment permit. Approval does not relieve Contractor from obligations and responsibilities to protect traffic and personnel. Other permits may be necessary and it is Contractor's responsibility to obtain any and all necessary permits related to the activity. The Applicant agrees to comply with all conditions listed.

\_\_\_\_\_  
APPLICANT OR AUTHORIZED AGENT SIGNATURE & TITLE

\_\_\_\_\_  
DATE

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_ PERMIT #: \_\_\_\_\_

## § 96.05 ENCROACHMENT PERMITS FOR WORK ON STREETS; REPAIRS TO STREETS.

(A) *City Engineer's consent required.*

(1) All public service agencies, companies or corporations, persons and individuals wishing to dig into or open holes, ditches, or trenches in the sidewalk or roadway or to occupy the right-of-way of any streets, alleys, or public right-of-ways of the city to place, extend, or repair therein any pipes, conduits, or wires, or for any other reason, shall at least ten working days before proposing or preceding to do said work make application to and obtain the consent of the City Engineer. All applications shall be submitted, along with any appropriate fees or deposits, to the office of the City Engineer, and these applications shall be reviewed and approved by the City Engineer. Any fees or deposits paid to the office of the City Engineer shall be deposited by it with the City Finance Department, and deposits shall be returned upon completion and acceptance of the work by the City Engineer. A record of the written consent shall be kept in the office of the City Engineer. In the event emergency repairs are required on a street, alley, or public right-of-way, the ten-day request period shall not apply but notice of said repairs should be given to the City Engineer as soon as practicably possible, but in no event later than 24 hours during the week and 48 during weekends.

(2) All public service agencies, companies or corporations, persons and individuals wishing to occupy the public right-of-way of any street, alley, sidewalk, public way or paving of the city to repair, replace, renovate, extend, refurbish, alter, mark, decorate, install, and/or maintain any building, structure, surface pole conduit, pipe wires, sign or graphic, cable, sewer or drain structure or building connection of any kind above, near or adjacent to said right-of-way shall, at least five working days before proposing or preceding to do so, make application to and obtain the consent of the City Engineer. All applications shall be submitted, along with any appropriate fees or deposits, to the office of the City Engineer and these applications shall be reviewed and approved by the City Engineer. Any fees or deposits paid to the office of the City Engineer shall be deposited by it with the City Finance Department, and deposits shall be returned upon completion and acceptance of the work by the City Engineer. A record of such written consent shall be kept in the office of the City Engineer.

(B) *Supervision of City Engineer.* The City Engineer may promulgate reasonable rules and regulations to carry out the provisions of this subchapter. The City Engineer, upon the giving of the consent required by division (A) above, shall be entitled to supervise and control the way and manner of digging into and opening up of holes, trenches, and ditches in any street alley, sidewalk, or public right-of-way of the city. The City Engineer or his or her designee may describe the plan and manner of such work.

(C) *New pavement or repavement.* Upon the passage by the Board of City Commissioners of any ordinance proceeding with the paving of any roadway, no permit will be granted to any person to make any opening in any new pavement or repavement of any street or alley, except for the purpose of repairing leaks in pipes, until after three years from the date of the completion of such new pavement or repavement.

(D) *Restoration; traffic obstructions; damages.* Whenever any person shall have authority, as provided in division (A) above, to excavate, dig into, or to occupy the right-of-way of any street, alley, sidewalk, or public way, the person causing such excavation, digging, or occupancy to be done shall complete such excavation or digging with all possible dispatch. The person shall fill in and cover over such excavation or digging in such manner, and by such time as may be required by the City Engineer, or shall be liable to the city for the expense thereof, if it be filled in or covered by the city. During the progress of any such work, at least one-half of the street or alley shall be kept open and free for the passage of vehicles, except when in the opinion of the City Engineer the street or alley must be closed to facilitate the work to be done. The person so causing any such excavation, digging, or occupancy shall be liable for all damages to persons or property which in any way results therefrom.

(E) *Restoration regulations.*

(1) Each and every person who excavates, digs into, or occupies the right-of-way of any city street, alley, sidewalk, or other public way or any owner of real estate or the agent or lessee of such owner, who allows or permits such work to be done, whether under contract with the city or otherwise, has a duty, upon completion of such work, to immediately cause the street, alley, sidewalk, or other public way worked upon to be placed in reasonably close conformity to its condition before such work began. This work shall include, but not be limited to, the following:

(a) Installing, removing, or repairing any water pipe for the conveyance of water; gas pipe for the conveyance of gas; sewer pipe for the conveyance of drainage or sewerage; electric, telephone, computer, or cable type conduit of any kind; construction of any kind of sewer or other drain structure; or for the purpose of making house connections of any kind whatsoever;

(b) Installing, removing, or repairing any overhead lines or other similar facilities; and/or

(c) Opening, excavating, or occupying the right-of-way of any city street, alley, sidewalk or other public way or causing or permitting it to be opened, excavated, or occupied.

(2) Restoration work shall include the proper and thorough compacting and settling of the earth displaced, replacement of backfill, sub-base, or pavement, as required by current city standards or subdivision regulations. The top of any such opening shall be replaced or laid with the same or nearly the same kind of material(s) as composed the surface before such opening was made and in the same manner and upon the same level as it lay before such opening was made.

(a) If bricks or pavers are removed, to the extent possible, the removed bricks or pavers should be reused at the top of any such opening. If the removed bricks or pavers cannot be reused, then bricks or pavers of a like kind and material should be used. Restoration work must be completed immediately after the purpose for opening the street, alley, sidewalk, or public way is accomplished, and such work must be completed before the person or company doing the work leaves the work site, unless the City Engineer grants to said person or company a written extension of time to complete the restoration work. The street, alley, sidewalk, or other public way worked on, immediately after such work is done, shall be placed in reasonably close conformity to its original condition in every respect as it was before such work was commenced.

(b) The duty of restoring the street, alley, sidewalk, or other public way to conformity with its original condition is also imposed upon any contractor and any officer and upon any and all other persons under whose direction, supervision, or oversight such work is done or upon whose request, permission or cooperation such opening is made. It is the duty of the City Engineer to require and see that the provisions of this section are strictly, promptly, fully, and carefully carried out and enforced.

( '77 Code, § 622.2, Sec. IV(a)) (Ord. O-16-82, passed 3-16-82; Am. Ord. O-17-02, passed 4-9-02) [Penalty, see § 96.99](#)