



# Division of Building and Zoning

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## APPLICATION FOR CONSENT TO OCCUPY/USE THE PUBLIC RIGHT-OF-WAY

### COMPANY IDENTIFICATION

(Applicant's/Service Provider's information as well as all affiliates of the applicant/service provider that will use or occupy the public right-of-way or are in any way responsible for services provided over the system in the public right-of-way. Include additional affiliates on a separate sheet of paper if needed.)

#### APPLICANT

Name: \_\_\_\_\_

Legal Status: \_\_\_\_\_

Federal Tax ID#: \_\_\_\_\_

#### AFFILIATE

Name: \_\_\_\_\_

Legal Status: \_\_\_\_\_

Federal Tax ID#: \_\_\_\_\_

### CONTACT INFORMATION

(Include information of the local officer, agent, or employee responsible for the accuracy of the application or initial registration and available at all reasonable times to be notified in case of emergency. The telephone number MUST be for a local contact, not a national or 800 number.)

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone Number: \_\_\_\_\_

### GENERAL DESCRIPTION OF SERVICES PROVIDED

(Please include a general description of the services provided or to be provided by the applicant or service provider over its system or facilities. Where services are/will be provided by a nonaffiliated provider, the applicant or service provider shall identify that provider.)

### DESCRIPTION OF TRANSMISSION MEDIUM USED

(Please provide a description of the type of transmission medium used, or to be used, by the applicant/service provider to operate the system.)

### EXISTING/PROPOSED FACILITIES

(Please include a description of the existing or proposed facilities in the City's public right-of-way in sufficient detail to identify the following.)

- a) Location and route of the applicant/service provider's facilities or proposed facilities..
- b) Location of all known existing overhead and/or underground facilities in the public right-of-way along the route or proposed route of the applicant/service provider's facilities, or proposed facility, that is sufficient to show the impact of the applicant's facilities on other existing facilities.
- c) The location of all known overhead and underground utility easements.

### ADDITIONAL INFORMATION

(Please provide the following information if applicable.)

- a) A preliminary construction schedule and completion date for all capital improvements planned for the twelve (12) month period following the date of application.
- b) If the applicant/service provider is providing services in the city:
  - i) A description of the access and line extension policies or a copy of their PUCO tariff.
  - ii) The area(s) of the city in which the applicant/service provider is currently providing service and a schedule for build-out of the entire area addressed by the permit.
- c) Evidence that the applicant/service provider has complied or will comply with the indemnification, insurance, and performance/construction bond requirements of Chapter 945 of the City of Heath Codified Ordinances. (Chapter 945.02(e)(f)(g))
- d) Information sufficient to determine that the applicant/service provider has received a Certificate of Authority required by the PUCO to operate a system and provide services to the city.

**GENERAL INDEMNIFICATION REQUIREMENTS**

The undersigned service provider hereby expressly agrees to defend, indemnify, and hold the City and its elected and appointed officers, officials, employees, agents, representatives, and subcontractors harmless from and against any and all damages, losses, and expenses, including reasonable attorney's costs of suit or defense, arising out of, resulting from, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the service provider or its affiliates, officer, employees, agents, contractors, or subcontractors in the construction, reconstruction, installation, operation, maintenance, repair, or removal of its system or facilities and in providing or offering services over the facilities or system, whether such acts or omissions are authorized, allowed, or prohibited by Chapter 945 of the Codified Ordinances of the City of Heath.

Service Provider: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

**INSURANCE REQUIREMENTS**

As condition of the consent to occupy/use the public right-of-way, a service provider must secure and maintain, at a minimum, the following liability insurance policies insuring both the service provider and the City and its elected and appointed officers, officials, agents, employees, and representatives as additional insured.

- a) Comprehensive general liability insurance with limits not less than:
  - i) Five million dollars (\$5,000,000) for bodily injury or death to each person;
  - ii) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
  - iii) Five million dollars (\$5,000,000) for all other types of liability
- b) Automobile liability for owned, non-owned, and hired vehicles with a limit of three million dollars (\$3,000,000) for each person and three million dollars (\$3,000,000) for each accident.
- c) Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).
- d) Comprehensive from premises-operations, explosions and collapse hazard, underground hazard, and products completed hazard with limits of not less than three million dollars (\$3,000,000).
- e) The liability insurance policies required by this section shall be maintained by the service provider throughout the period of time during which the service provider is occupying or using the public right-of-way, or is engaged in the removal of its facilities. Each such insurance policy shall contain the following endorsement:
 

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City, by registered mail, of a written notice addressed to the director of such intent to cancel or not to renew."
- f) Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the service provider shall obtain and furnish to the City replacement insurance policies meeting the requirements of this section.
- g) Upon written application to, and written approval by, the Director a service provider may be self-insured to provide all of the same coverages as listed in this section; except that all coverage for workers' compensation shall be in compliance with State law. No approval for self-insurance shall be given until the Director has made a complete review of the service provider's financial ability to provide such self-insurance. As part of the review process, the Director may require, and the self-insurance applicant shall provide any and all financial documents necessary to make a valid determination of the applicant's ability to meet the needs of this chapter.

**PERFORMANCE BOND REQUIREMENTS**

As a condition of consent to occupy or use the public right-of-way, and to ensure the full and complete compliance with, and performance under, this chapter, including any costs, expenses, damages, or loss the City pays or incurs because of any failure attributable to the service provider to comply with the codes, ordinances, rules, regulations, or permits of the City, each service provider shall, in the amount of fifty thousand dollars (\$50,000) or such lesser amount as the Director may determine to be necessary (i) establish a permanent security bond with the City by depositing the required amount in cash, an unconditional letter of credit, or other instrument acceptable to the City, or (ii) furnish and file with the City a performance bond running to the City in the required amount from a company licensed to do business in the State of Ohio; which performance bond or security bond shall be maintained at the sole expense of the service provider so long as any of the service providers facilities are located within the public right-of-way of the City.

- a) Before claims are made against the performance bond or any sums are withdrawn from the security fund, the City shall give written notice to the service provider:
  - i) Describing the act, default or failure to be remedied, or the damages, costs, or expenses which the City has incurred by reason of the service providers act or default;
  - ii) Providing a reasonable opportunity for the public provider to first remedy the existing or ongoing default or failure, if applicable;
  - iii) Providing a reasonable opportunity for the service provider to pay any monies due the City before the City makes a claim against the performance bond or withdraws the amount from the security fund, if applicable;
  - iv) That the service provider will be given an opportunity to review the act, default, or failure described in the notice with the Director.
- b) Service providers shall maintain the full value of the performance bond regardless of claims against the performance bond made by, or paid to, the City; or shall replenish the security fund within fourteen (14) days after written notice from the City that there is a deficiency in the amount of the fund, whichever is applicable.

**Do not write below this line - OFFICE USE ONLY**

Date Submitted: \_\_\_\_\_

Approved Signature: \_\_\_\_\_

Date Approved: \_\_\_\_\_

(CITY OFFICIAL)