

**CITY OF UNION CITY
PUBLIC WORKS DEPARTMENT**

**Faithful Performance Bond for
Encroachment Permit Work**

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS:

THAT _____, as principal and _____ incorporated under the laws of the State of _____ and authorized to execute bonds as Surety, are held and firmly bound unto the City of Union City, a municipal corporation, State of California, in the sum of _____ DOLLARS (\$ _____) lawful Money of the United States of America, for the payment of which sum well and truly to be made to said City of Union City, State of California, said Principal and Surety, bind themselves, their administrators, successors and assigns, jointly or severally firmly by these presents:

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas, the above bounden principal desires from time to time to apply to the City Engineer of said City of Union City, State of California, for permits to do those acts and things or some of them referred to in Ordinance No. 19-59 of the City of Union City, an encroachment ordinance of the City of Union City; and

WHEREAS, said Principal desires to deposit a surety company bond as provide in Part III of Ordinance No. 19-59 of the City of Union City;

NOW, THEREFORE, if the above named bounden principal shall well and truly carry out, execute and perform all things by it to be carried out, executed and performed, according to the terms and conditions of any and all Permits issued to it during the existence of this Bond, pursuant to and under the provisions of said Ordinance No. 19-59 of the City of Union City and according to the terms of said Ordinance, then this obligation shall be null and void; otherwise to remain in full force and effect.

This bond may be terminated by the Surety only upon sending written notice to the City of Union City. At the expiration of thirty (30) days from date of mailing of said notice, this bond shall automatically terminate.

PROVIDED, however, that upon receipt of such notice, if the City of Union City shall determine that, for any reason, this bond cannot be terminated, the City shall, within said thirty (30) days period, advise the Surety of the need for continuance of this bond, and, if at all possible, the date upon which this bond may be terminated.

THE PERFORMANCE BOND USED FOR THIS PERMIT WILL REMAIN IN FORCE FOR SIXTY (60) DAYS AFTER ACCEPTANCE OF THE WORK BY THE CITY OF UNION CITY

BOND CANNOT BE FOUND WITHOUT PERMIT #

CITY OF UNION CITY

PUBLIC WORKS DEPARTMENT

Faithful Performance Bond for
Encroachment Permit Work

SIGNED AND SEALED THIS _____ DAY OF _____, 20 ____.

SIGNATURES:

PRINCIPAL:

SURETY:

(Corporate Seal)

(Corporate Seal)

THE AGENCY WRITING THIS BOND IS:

COMPANY NAME: _____

ADDRESS: _____

TELEPHONE: _____ () _____

(FOR UNION CITY USE ONLY)

PURPOSE:

Encroachment Permit No. _____

Grading Permit No. _____

Completion Date: _____

BOND CANNOT BE FOUND WITHOUT PERMIT #

CITY OF UNION CITY

OUTLINE FOR ENCROACHMENT PERMITS

A. GENERAL DEFINITION

1. The Public Works Department issues Encroachment Permits for any use of public Right-of-Way other than normal driving, parking or walking.
2. Public Right-of-Way begins at private property line.

B. RESPONSIBILITY

1. Building Department Permits, i.e., plumbing, electrical, etc. DO NOT supersede or encompass encroachments of sidewalk, curbs, gutter, driveways or roadway. The Public Works Department will issue Encroachment Permits to either property owners or their contractors. To avoid lost time and money, anyone starting work should make sure the proper permit is taken out and on hand at the site BEFORE work is started.
2. Homeowners that hire contractor(s) are advised their contractor purchase the permit. Whoever purchases the permit is liable and responsible for the work and compliance with City codes and ordinances. If violations are found, a re-inspection fee may be assessed on the party responsible for the work.

State Law requires U.S.A. call-in 48 hours prior to digging.

Pertinent permit number will be printed out to all concerned per this call.

C. UTILITIES

Specific utilities will request city permits for all work in Right-of-Way. Union Sanitary District required a permit from them to connect to their main. The City of Union City requires a permit for physical installation of the service lateral. Alameda County Flood Control requires a permit from them to connect to their system. The City of Union City requires a permit for all working Right-of-Way to accomplish connection to Flood Control or to City-owned storm systems.

D. PERMIT FEES

City Council Resolution sets the fees for this type of Encroachment Permit as \$ 48.00 plus the cost of estimated inspection time at a rate of \$ 70 per hour.

E. BONDING

Faithful performance bonding is required as surety for all Encroachment Permits. The amount of bonding required is our estimated total cost of the job. Bonding is required to run for a period of sixty (60) days after our Inspector accepts the work. We have our own bond form and they must be used, unless permit is bonded by cash (check), Letter of Credit or Certificate of Deposit. Bonding can only be refunded to those who put up the original bond. To avoid confusion, this should be the permit applicant.

*****BOND (S) CANNOT BE RETURNED WITHOUT THE APPLICANT'S SUBMITTAL OF PERMIT #.*******

F. CONSTRUCTION DETAILS

We have a series of Standard Details and Standard Specifications. These will apply to all street work unless special conditions require otherwise. Some large complex projects will have drawings already prepared; or, in their absence, we may require drawings to be prepared and signed by a licensed Civil Engineer. In either case, we will need time to review these plans. When the permit is finally issued, a copy of these plans (with our approval stamp) will be made a part of the permit. We will also determine at the time of the permit whether a street may be open trenched or must be bored and jacked. All of the many details of actual construction should be settled prior to bidding a job, if possible.

G. INSPECTION

Our Public Works Inspectors make every effort to meet with the Contractor's Foreman when he moves into work site, if not prior to, beginning work and periodically throughout the project. The Inspectors will handle all questions arising over "job conditions", referring major decisions to the office Engineers. It is strongly urged that Contractors work closely with these Inspectors.

H. SUMMATION

Everyone wants their permits issued "yesterday", however, it takes time to get the Permit issued. Certainly the most important single item to a Contractor is time and we urge all Contractors not to wait to begin the permit process. We don't know how quickly we can issue a permit until we have the necessary information, so it is imperative to start ASAP. Information may be obtained by calling our Engineering Division at (510) 471-3232 extension 308.

Please submit the following to the Engineering Division for consideration of your Encroachment Permit Application:

- Completed and signed application
- Three (3) copies of detailed drawings showing street names, sidewalk widths, dimensions and location of existing facilities, the work to be done and equipment to be installed, etc. Show scale of drawing and include North arrow.
- A Written or Cash Bond based upon the estimated cost of work done in the Public Right-of-Way. (The bond may be submitted later and just prior to the issuance of the permit).

The Engineering Division shall review the application package and determine the required fees. The applicant shall pay fees (and submit the surety bond if not already done so) prior to issuance of the permit.

CITY OF UNION CITY

ENCROACHMENT PERMIT GENERAL PROVISIONS

1. **Revocation:** These General Provisions, Utility Maintenance Provisions, and any Encroachment Permit is issued hereunder are revocable or subject to modification or abrogation at any time, without prejudice, however, to prior rights, including those evidenced by joint use agreements, franchise rights, reserved rights, or any other agreements.
2. **Responsible Party:** No party other than the named permittee or their agent is authorized to work under any permit.
3. **Notice Prior to Starting Work:** Before starting work under the Encroachment Permit, the permittee shall notify the designated Department representative two (2) working days prior to initial start of work. When work has been interrupted for more than five (5) working days, an additional 24-hour notification is required before restarting work.
4. **Notice Prior to Starting Work:** Unless otherwise specified, all work shall be performed on weekdays and during normal working hours.
5. **Inspection and Approval by the Department:** The permittee shall request a final inspection and acceptance of the work.
6. **Keep Permit on the Work Site:** WORK SHALL BE SUSPENDED IF PERMIT IS NOT AT JOB SITE AS PROVIDED.
7. **Provisions for Pedestrians:** At locations where adjacent alternate walkways cannot be provided, appropriate signs and barricades shall be installed at the limits of construction and in advance of the closure at the nearest crosswalk or intersection to divert pedestrians across the street.
8. **Protection of Traffic:** Adequate provisions shall be made for the protection of the traveling public. Warning signs, lights and safety devices and other measures required for the public safety, shall conform to the requirements of the Manual of Traffic Controls issued by Cal Trans. Traffic control for day closures shall be in conformance with Cal Trans Standard Plans for Traffic Control Systems. Nothing in the permit is intended, as to third parties, to impose on permittee any duty, or standard of care, greater than or different than, the duty or standard of care imposed by law.
9. **Storm Water Management Ordinance:** Any non-storm water runoff must **NOT** be allowed into storm drains including: washing from concrete or plaster work, vehicle clean-up or maintenance. Applicant is responsible for ensuring that anyone employed to complete the work complies with all the provisions of this permit. Union Sanitary District must approve any releases into sanitary sewers.
10. **Clean Up Right-of-Way:** Upon completion of the work, all brush, timber, scraps, material, etc., shall be entirely removed and the right-of-way shall be left in as presentable a condition as existed before work started.
11. **Submit Plan:** For installation of all underground facilities, and all surface work or other activity of consequence, the permittee shall furnish three (3) sets of plans showing location and construction or other activity with its application.

**IT IS REQUIRED TO NOTIFY THE UNION CITY
PUBLIC WORKS INSPECTORS AT 510-675-5388
or 510-675-5302 AND UNDERGROUND SERVICE
ALERT AT 1-800-227-2600 TWO (2) WORKING
DAYS PRIOR TO STARTING ANY WORK ON
WORK DAYS ONLY (NO WEEKENDS OR
HOLIDAYS UNLESS PRIOR ARRANGEMENTS
MADE TO PAY INSPECTOR'S OVERTIME)**



ENCROACHMENT PERMIT

STORM WATER POLLUTION PREVENTION REQUIREMENTS

1) Implementation of Best Management Practices to Prevent Pollution

All projects shall implement Best Management Practices (BMPs) during construction to prevent pollution. Construction on a site involves a variety of operations including demolition, grading, and paving that can pollute local water resources without proper BMP implementation.

2) NPDES General Permit for Construction

Projects disturbing one acre or more are required to file a Notice of Intent (NOI) to obtain a NPDES General Permit for construction and to develop a Storm Water Pollution Prevention Plan. For more information contact the State Water Resources Control Board.

3) Violation

Failure to implement effective best management practices that prevent construction site discharges of pollutants and impacts on beneficial uses of receiving waters is a violation of the City's storm water ordinance and subject to enforcement action. Violations may also result in enforcement action by the Regional Water Quality Control Board.

4) BMP

Every project is unique and will require different storm water BMP measures that may change as the project moves into different phases of construction. By submitting a signed Encroachment Permit application, the applicant is indicating that they are aware of and will adhere to construction Best Management Practices.

Resources and examples of storm water BMPs to use during construction are available at the Alameda County Clean Water website:

www.cleanwaterprogram.org

If there are any questions or concerns, please contact the public works inspector at (510) 675-5308.