

Residential Encroachment Permit Guidance Document

The following document is for guidance purposes only. The applicant shall read and understand the relevant references listed below.

Below is a description of the permit review process, followed by applicant and City actions needed to move the process forward. This document also includes relevant references.

For this guidance document the Applicant and the Permittee are the same party.

Description

A Residential Encroachment Permit is required for all situations where a resident or their contractor will be performing work or placing something in the public right-of-way. For information regarding encroachment permits please visit the City's review webpage <https://www.bozeman.net/services/development-center>. Make sure to have all relevant permit information available before you proceed to fill out permit.

General Information

- Pedestrian ramps required at all street corners.
- Before excavating, call 1-800-424-5555 (or 811) for utility locates.
- Inspections are to be scheduled Monday through Friday only, during regular business hours. Call the City of Bozeman Engineering Department at (406) 582-2280 to schedule. Allow a minimum of twenty-four (24) hours prior to time inspection is needed for scheduling.
- All construction work and materials used shall comply with the City of Bozeman Design and Construction Standards.

Permit Conditions

1. TERM: This permit shall be in full force and effect from the date of city approval shown below until revoked as herein provided and shall be limited to the encroachments and locations specifically identified in the application.
2. Permit Fee: The permit may be issued only after all approval signatures are obtained and any applicable permit fees, as established by City Commission resolution, are paid by the Permittee.
3. Lane Mitigation Fees: Closures for lane closure of any travel-way, sidewalk or shared use path, bike lane, parking lane, driving lane, or alley shall be subject to a lane mitigation fee as established by City Commission resolution. Fees will be calculated on number of days agreed on in the permit. Days beyond that, without prior approval, will be subject to overage fees.
4. REVOCATION: This permit may be revoked by the City of Bozeman upon giving ninety (90) days written notice to the Permittee by regular mail, at the address shown in the application. The City of Bozeman may revoke this permit without notice during an emergency or if Permittee violates any of the conditions or terms. If the Permittee fails to remove the permitted encroachment(s) and restore said right-of-way to its previous condition within said ninety (90) day period, or in an

emergency, in a reasonable time, the City at its option may remove the same and restore said right-of-way to its previous condition and permittee shall pay the cost and expense thereof to the City.

5. **COMMENCEMENT OF WORK:** No work shall be commenced until Permittee provides 48-hour written notice to the City Engineer prior to the date the Permittee proposes to commence work.
6. **CHANGES IN RIGHT-OF-WAY:** If City infrastructure necessitates changes in the structures, or facilities installed under this permit, Permittee will make necessary changes without delay and without expense to the City.
7. **CITY SAVED HARMLESS FROM CLAIMS:** As a consideration of issuance of this permit, the Permittee, its successors or assignees, agree to protect the City of Bozeman and save it harmless from any and all liabilities, claims, demands, actions, costs and attorney's fees of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or arising out of the Permittee's use or occupancy of said City property or right-of-way, and in case any suit or action is brought against the City of Bozeman and arising out of, or by reason of, any of the above causes, the Permittee, its successors or assignees, will, upon notice to them of the commencement of such action, defend the city at its sole cost and expense and satisfy any judgment which may be rendered against the City of Bozeman in any such suit or action.
8. **TRAFFIC CONTROL:** The Permittee shall protect the work area with traffic control devices which comply with the Manual of Uniform Traffic Control Devices (MUTCD). Permittee may be required to submit a traffic control plan to the City Engineer for approval, prior to starting work. During work, the City of Bozeman may require the Permittee to use additional traffic control devices to protect traffic or the work area. NO road closure shall occur without prior approval from the City Engineer or his designee. All construction materials temporarily stored within the traveled way of any street shall be adequately barricaded in accordance with the MUTCD.
9. **RIGHT-OF-WAY AND DRAINAGE:** If work done under this permit interferes in any way with the drainage of City property or right-of-way, the Permittee shall, at its expense, make such provisions as the City may direct to remedy the interference.
10. **RUBBISH AND DEBRIS:** Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed, and the roadside left in a neat and presentable condition satisfactory to the City.
11. **INSPECTION:** The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation at the sole expense of Permittee if the installation does not conform to the requirements of this permit or the attached plan.
12. **CITY'S RIGHT NOT TO BE INTERFERED WITH:** Initial installation, changes, reconstruction, or relocation of the permitted encroachment(s) shall be done by Permittee to cause the least interference with any of the City's work. The City shall not be liable for any damage to the Permittee by reason of any work by the City, its agents, contractors, or representatives, or by the exercise of any rights by the City for the encroachment(s) placed under this permit.
13. **CONSTRUCTION, MAINTENANCE, REMOVAL OF INSTALLATION OR STRUCTURE:** Permittee, at Permittee's sole cost and expense shall construct, maintain, replace, relocate, and/or remove the installation, facility, or structure in accordance with the applicable City and industry

standards. Furthermore, after completion of any of the construction, Permittee shall fill in any excavations and restore the right-of-way to its original condition. The City shall have the right at any time to require Permittee to maintain, reconstruct, replace, relocate, and/or remove its facility from the right-of-way, all at the Permittee's expense.

14. CITY NOT LIABLE FOR DAMAGE TO INSTALLATIONS: In accepting this permit the Permittee agrees that any damage or injury done to said installations, structures, or other encroachments by any City employee engaged in construction, alteration, repair, maintenance, or improvement of its property or right-of-way shall not be the responsibility of the City.
15. CITY TO BE REIMBURSED FOR REPAIRING ROADWAY: Permittee agrees to promptly reimburse the City for any expense incurred in repairing surface of roadway due to settlement at installation authorized under this permit, or for any other damage to roadway or associated structures which occurred because of the work performed under this permit.

Applicant Actions

- Provide applicant information as requested on permit application form.
- If applicant is a corporation, provide the State of Incorporation and names of the President and Secretary.
- Provide comprehensive project information as requested on permit application form.
- Provide a legal description of the property.
- Provide estimate for duration of the permit.
- Upload and submit required documents including all the following:
 - 1.) Signed Notification Letter that you received after submitting your permit application.
 - 2.) Screenshot or snip of the completed Lane Mitigation Fees worksheet indicating anticipated lane closure length in linear feet.
 - 3.) Map or picture of your work area
- Pay fees when notified that they are due.

City Actions

- Engineering Department staff will review the submittal for conformance with the permit submittal checklist to ensure the applicant has provided a complete package and uploaded all required files.
- After a successful completion of the pre-screen, if corrections are required or documents missing, the submittal will be returned to the applicant to resolve the issues and re-submit.
- Permit application will be distributed to appropriate City staff for review. If questions or issues arise, the permit will be sent back to the applicant for resolution.
- Once all issues have been resolved, Engineering staff will notify applicant that fees are due.
- Once fees are paid through the Engineering Permit Payments portal, Engineering staff will post a decision letter in the "Decision" folder in ProjectDox. The Applicant will receive an email stating the letter is available in the decisions folder in ProjectDox.

Relevant References

The applicant shall consult the City of Bozeman Design and Construction standards that apply to the type of work proposed to be performed.

Filing and Naming Criteria

The software has underlying features that do not work if these requirements are not fulfilled. Projects not complying with this section will not proceed beyond prescreen and will be returned to the applicant to correct.

Documents Folder

- Upload all documents and other supporting documents in the Documents Folder
- Documents may be any size
- Documents may be scans if they are legible.
- File names shall meet the following criteria:
 - The software won't accept file names exceeding 30 characters.
 - The file name shall start with a 3-digit number beginning with "001"
 - The name shall also include a brief description of the content of the file.

Example of file naming standards:

Sheet Description	ProjectDox File Name
Signed Notification Letter	001 Notification Letter
Sketch of Encroachment	002 Sketch
Map of Project Location	003 Map of Project Location
Snip or Screenshot of the Lane Mitigation Fees	004 Lane Mitigation Fees Calculator

Revisions / Resubmittals

New versions of previously submitted files must use the exact same name as the original file. The software will indicate that there is a new version.

Contact Information

For questions or changes to your permit, please call 406-582-2280.