

# **CITY OF BAY CITY ENCROACHMENT PERMIT APPLICATION CHECKLIST**

## **INSTRUCTIONS**

Please provide the following when submitting an Encroachment Permit Application:

- Complete attached encroachment permit application
- Include appropriate fee payable to the Bay City Treasurer
- Certificate and policy of insurance as stated below
- A scaled drawing, site plan or map indicating the location of the proposed encroachment
- If applying for an encroachment for the overhang of a sign, a sign permit must be obtained from Building Code Enforcement after approval of encroachment permit.

**Once the permit is approved the applicant will be notified, before the encroachment can occur.**

Return completed applications to the City of Bay City Public Works Department by mail at 301 Washington Avenue, Bay City MI 48708; in person at City Hall, room 409 at 301 Washington Avenue, Bay City MI 48708; or by email at [engineering@baycitymi.org](mailto:engineering@baycitymi.org). For emailed applications, please submit the required check by mail.

For questions please call the City of Bay City Public Works Department at 919-894-8181.

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## **CITY OF BAY CITY ENCROACHMENT PERMIT APPLICATION**

Applicant: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

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

Address of encroachment: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Use of Property: \_\_\_\_\_

Description and Purpose of Encroachment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Insurance Carrier: \_\_\_\_\_

**Temporary encroachment (granted less than 90 days):**

Include \$25.00 administration fee payable to the Bay City Treasurer.

Dates of temporary encroachment: \_\_\_\_\_

**Long-term encroachment (90 or more days):**

Include \$50.00 administration fee payable to the Bay City Treasurer.

Specified Term: \_\_\_\_\_

(As long as the Certification of Liability Insurance is compliant with the City of Bay City's Encroachment Policy stated below.)

Without specified term. (As long as the Certification of Liability Insurance is compliant with the City of Bay City's Encroachment Policy stated below.)

**Sign Permit:**

If applying for an encroachment for the overhang of a sign, a sign permit must be obtained from Building Code Enforcement after approval of encroachment.

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**Insurance Requirements:**

Applicant covenants and agrees, in the event that an encroachment permit is issued, to indemnify, protect, defend and save the City harmless from any and all claims, actions or suits for any loss, liability or damage that may be asserted or leveled against the property or the City by reason of Applicant's use or occupancy of the City's property, including any expenses, costs or attorney fees incurred in connection with any such claim, action or suit. In the event of any incident occurring on the property, resulting in any personal injury, including death, which in any manner whatsoever involves the permitted encroachment, Applicant agrees to notify the City within 72 hours of the happening of any said incident or occurrence.

Applicant covenants and agrees to purchase and maintain, during all periods for which an encroachment permit is applicable, a policy of general liability insurance in the amount of not less than \$500,000 per occurrence and in the aggregate which shall protect and save harmless the City, its officers and employees from any and all manner of claims, suits or actions for injuries, death, losses or damages arising out of, occurring or resulting to any person or property as a result of the requested encroachment.

The certificate and policy of insurance shall be endorsed as follows:

The City of Bay City, its officers and employees are additional insureds. This coverage is primary to the City and not contributing or pro rata with any other insurance or similar protection which is or may be available to or carried by the City."

**A Certificate of Liability Insurance Form with the above wording and "City of Bay City" added as the Certificate Holder must be attached to the application (see the following example).**

Example of a Certificate of Liability Insurance Form

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)	
1. INCLUDE THE LOCATION THAT THIS ENCROACHMENT PERMIT WILL COVER.	
2. INCLUDE ALL OF THE FOLLOWING LANGUAGE: The City of Bay City, its officers and employees are additional insureds. This coverage is primary to the City and not contributing or pro rata with any other insurance or similar protection which is or may be available to or carried by the City.	
CERTIFICATE HOLDER	CANCELLATION
City of Bay City 301 Washington Bay City, MI 48708	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE
ACORD 25 (2009/09) 1 of 1 The ACORD name and logo are registered marks of ACORD © 1988-2009 ACORD CORPORATION. All rights reserved.	
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All insurance shall be obtained from companies licensed and admitted to do business in the State of Michigan. The certificate and/or policy of insurance shall provide that the City shall be given 15 days written notice should the policy be cancelled or amended before its expiration.

The Applicant covenants and agrees to strictly comply with all terms and conditions of the City's Encroachment Policy and any encroachment permit which may be issued as a result of this application. Applicant further understands and agrees that the City in its sole and absolute discretion may approve, deny or set any limitations on any encroachment permit which may be issued, or may at any time alter or amend, modify, rescind or revoke any permit for the use of the City's property by the Applicant, all without recourse or remedy by the Applicant, or liability of the City.

By granting permission to use or occupy the City's property for the stated purpose, the City is only granting Permittee a mere license. Permittee shall waive, release and relinquish any and all claim of right, title or interest in the City's property or ROW. In the event that the property's use is changed or the property is sold, transferred or otherwise conveyed by the Applicant or Owner, the encroachment permit shall expire. In the event that the Applicant fails to comply with any of the conditions or agreements set forth above or in the City's Encroachment Policy, or fails to maintain the encroachment in good condition and repair, in compliance with all applicable state law and City ordinances, including building codes and regulations, then this encroachment permit shall automatically expire and Applicant shall immediately remove the encroachment.

The undersigned states that he/she has full authority to execute this application on behalf of the owner and acknowledges receipt of a copy of the City's Encroachment Policy and agrees to comply with all terms and conditions set forth therein.

\_\_\_\_\_  
Applicant Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

***ACTION BY THE BAY CITY CONSTRUCTION SERVICES DEPARTMENT***

This encroachment permit is APPROVED / DENIED subject to the following conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized City Representative

Original – City Clerk  
Copy – Applicant  
Copy – Construction Services Department