



GENERAL TERMS AND CONDITIONS for  
**RIGHT OF WAY PERMIT**  
TYPE 1 – MINOR CONSTRUCTION

1. This permit is issued by the City and is subject to Happy Valley Municipal Code (HVMC) Chapters 12.04, *Road Standards* and Chapter 12.05 *Utility Facilities in Public Rights-of-Way*, the City's *Engineering Design and Standard Details Manual*, the construction plans and the terms and conditions contained herein and/or attached hereto, as accepted, and approved by Applicant.
2. This permit is intended to cover small projects such as: sidewalk installation/reconstruction for new and existing homes, driveway approach installation/reconstruction for existing concrete approach locations, storage/dumpster placement and landscape tree installation of 4 or more trees.
3. As used in this permit:
  - "Applicant" means person, agent, firm or corporation requesting temporary use/activity within the public right of way.
  - "Property Owner" is any person, agent, firm or corporation having a legal or equitable interest in the adjacent property for which the permitted activity is occurring.
  - "City" means the City of Happy Valley.
  - "Design Manual" means The City of Happy Valley *Engineering Design and Standard Details Manual*.
4. Availability of Permit - A copy of the permit including a Certificate of Insurance, approved construction plans, details and amendments shall be readily available and on site at all times. All work shall conform to special terms and conditions of this permit, the approved permit plans, approved plan amendment (if applicable), the city standards and specifications and to these General Conditions.
5. Bonding & Insurance - Unless waived, the Applicant shall provide proof of insurance and bonds as required by HVMC 12.04.100, 12.05.150 and/or 16.50.080. The City of Happy Valley, its councilors, officers, agents, and employees shall be named additional insured using the appropriate endorsement. Owner/Applicant and Contractor's insurance shall be primary and noncontributory coverage.
6. Liability & Injury - The Applicant shall be responsible and liable for all accidents, environmental clean-up, damages or injuries to any person or property resulting from the construction, maintenance, repair, operation or use of a facility for which the Applicant may be legally liable. The Applicant shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of the Applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said facility.
7. Permit Expiration - **This permit is valid for 90 days unless otherwise specified. Especially in the case of storage and dumpster placement which is limited to ONE WEEK unless prior authorization is provided by the City Engineer.**

#### NOTIFICATIONS & INSPECTIONS

8. Inspection Frequency & Fees - There are three required inspections:
  - Preconstruction for existing conditions review,
  - During construction for overall operation process and post construction for restoration determination.
  - Final construction – Verification the site has been properly constructed and restored.

NOTE: If the City deems additional inspections are necessary to ensure proper construction occurs per 12.04.120 an additional \$150/inspection reinspection fee may be imposed per Res. 16-42.
9. Inspection Requests/Notification shall be provided as follows:
  - PRIOR to start (48 Hours).
  - PRIOR to street cuts, concrete pours, trench backfills and proof rolls (48 hours).  
**NOTE: All trench backfills, subbase proof rolls, paving and or paving restoration shall be observed by the City Inspector. All concrete forms and string lines must be inspected prior to pour. Items not inspected by the City PRIOR to placement are subject to removal and reinstallation at the Applicant's expense.**
  - FOLLOWING project completion for restoration inspection and closeout.
10. Notification to other agencies - If any of the following agencies will be affected by the permitted work provide advanced notification as indicated below:
  - North Clackamas School District Transportation 503.353.6150 (48 hours).
  - Non-Emergency Services 503.655.8211 (24-Hours).
  - City of Happy Valley Code Enforcement 503.783.3800 (48 hours).
  - Clackamas County Fire District 503.742.2606 (48 hours).
  - Tri-Met 503.353.6000 (24 hours).

#### WORKSITE

11. City Staff Access – The Applicant/Owner shall give City Staff, permission to enter the property described herein at any time to conduct inspections of any and all work being performed under this permit and understands that if inspectors are refused access, the city may immediately revoke this permit without any further notice and without any hearing prior to revocation. The Applicant also understands that any refusal to allow entry or access under this permit for reasons constitutes a violation of the City of Happy Valley Code.
12. Property & Property Owner Access - Access to existing properties shall be maintained at all times, including delivery and mail service.

13. Erosion and Site Condition – The spreading of debris or mud upon any street is strictly prohibited. The work area and approach roads shall be maintained in a clean condition, free from obstructions or other hazards. The street shall be cleaned of all dirt and debris at the end of each workday, or more frequently as determined by the city. Cleaning of streets shall be with broom or vacuum at Applicant's expense. **No washing of materials into the public storm system is allowed.** Failure to comply to this condition shall be cause for immediate cancellation of the permit or the issuance of a STOP WORK order.
14. Restoration - Upon completion of the work, disturbed areas (landscaping, concrete, asphalt, etc.) shall be restored or replaced to equal or better than pre-construction conditions. Existing signs, pavement markings, mailboxes, etc. shall be reinstalled or replaced, with like kind of material. Obtain City approval for all restoration work performed.

#### TRAFFIC

15. Traffic Control Plan (TCP) – Applicant may be required to submit a TCP with the application. If a TCP is required, it will become part of the permit and must be readily available at the work area. Applicant must comply with a job specific TCP and shall at all times ensure the presence of workers, tools, materials, flaggers, barricades and other safety devices are placed properly to protect bicyclists, pedestrians, construction personnel and vehicular traffic.  
Traffic control shall be in accordance with the current editions of the "Manual on Uniform Traffic Control Devices [MUTCD] for Streets and Highways", U.S. Dept. of Transportation, FHWA, American Traffic Safety Services Association [ATSSA], and Oregon Temporary Traffic Control Handbook [OTTCH] and all traffic control personnel shall have proper state of Oregon certification and be able to provide it to inspection representative if/when requested. All traffic control devices, flag persons, etc., shall be in place prior to initiation of construction and shall be effectively maintained throughout the duration of the project.
16. Road Closure - The public roadway shall not be closed to traffic, at any time, without obtaining written approval from the City Engineer and a separate Road Closure Permit.
17. Construction Hours - Construction hours are from **7:00 a.m. to 6:00 p.m. Monday through Friday**, and **8:00 a.m. to 5:00 p.m. Saturday and Sunday** unless otherwise noted. NOTE: Paving and placement of concrete sidewalks and driveways are not permitted on Sundays.

#### EXCAVATION AND CONSTRUCTION

18. Utility Notification - Oregon law requires the rules adopted by the Oregon Utility Notification Center to be followed if the work involves excavation. Those rules are set forth in OAR 952-001-0001 through OAR 952-001-0100. You may obtain copies of the rules by calling the Oregon Utility Notification Center at 1-800-332-2344 or visiting their website at <http://www.callbeforeyoudig.org/>. Other persons, companies, districts, and utilities occupy the public right-of-way. The Applicant shall immediately notify the specific facility(ies) and/or owner(s) if facilities are encountered. Relocation of existing facilities will be at Applicant's expense.
19. Sidewalk/Curb Replacement Limits & Finishes - Sidewalk installation & replacements must be per standard drawing No. 250 and be FULL PANEL. No partial cutting or replacement of panels is allowed unless prior authorization has been given. Curb and/or curb and gutter replacement must be a minimum of 5 feet in length. There shall be no pieces remaining or replaced which are less than this 5-foot minimum (measured from joint to joint). **Finishes shall be per drawing No. 250 free of blemishes including but not limited to graffiti. Damaged panels shall be replaced at the Applicant's expense.**
20. Driveway Approach Specifications - Driveway approaches must comply with Drawings No 270 or 275 depending on type of driveway. All existing edges and damaged pavement must be sawcut and repaired per the City Inspector. A 2-foot minimum wide patch is required adjacent to the curb or gutter to allow an area large enough for compaction equipment to access. **Approach must be poured within 48-hours of an approved inspection.**