

**Chapter 3**  
**Permit Procedures and Requirements**

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## Chapter 3 Permit Procedures and Requirements

### 3.1 Application Requirements and Procedures

**3.1.1 Permit Application.** A permit shall be required for any construction or installation within the public right-of-way or public easement for any substantial modification of existing construction or use. Application for such permits shall be made at the City Engineer's Office.

**3.1.1.1** No permit will be required for contracts let by the City of Sioux Falls except for water and sewer services. Permits for these will be required; however, they will be on a "no fee" basis. In subdivision work, it will be the responsibility of the Owner's Contractor to obtain the necessary permits from the City Engineer's Office.

**3.1.1.2** Building permits which are issued by the Building Services Division of City Planning may include the Sidewalk and Driveway Permit and/or the Excavation and Grading Permit.

#### 3.1.2 Types of Permits.

**3.1.2.1** Sidewalk and Driveway Permit, which governs construction of new and repair or replacement of existing sidewalks and driveways within public right-of-way.

**3.1.2.2** Private Utility Permit, which governs the installation, removal, repair, or maintenance of private utilities other than sanitary sewer, water, and storm sewer services in public right-of-way or public easements.

**3.1.2.3** Sewer and Water Service Permit, which governs the installation, removal, repair, or maintenance of sanitary sewer services, water services, and storm sewer services.

**3.1.2.4** Construction Permit, which governs the installation of public improvements within the public right-of-way and grading outside the street right-of-way in proposed subdivisions. This includes street grading, curb and gutter, roadway subbase, base and wearing surface, drainage and flood control facilities, water main and sanitary sewer installation, street lighting installation, and grading outside the street right-of-way.

**3.1.2.5** Excavation and Grading Permit, which governs grading in excess of 300 cubic yards outside the street right-of-way as defined by the Uniform Building Code (Chapter 7—Grading). An Excavation and Grading Permit is not required if a Construction Permit has been issued.

**3.1.3 Letters of Responsibility.** Those agencies set forth in Section 3.4.4 may obtain a permit under their Letter of Responsibility, Figure 3.1, or at their option, require the Contractor performing the work to obtain a permit in which event the

Contractor would be required to furnish a performance bond as set forth in Section 3.4.1, thereby assuming full responsibility for the work performed. Except as set forth herein, the Contractor performing the work shall be the permittee.

### **3.1.4 Reserved.**

**3.1.5 Emergency Repairs.** Permits shall apply to emergency repairs. However, a delay of 24 hours is granted, excluding weekends and holidays, following the beginning of such repair.

### **3.1.6 Reserved.**

### **3.1.7 Issuance of Permits.**

**3.1.7.1** Sidewalk and Driveway Permits and Sewer and Water Service Permits will be issued only to those qualified persons or corporations as kept on file in the Office of the City Engineer. Exceptions to this requirement are Driveway and Sidewalk Permits issued for sidewalk installation where the property owner acquires the permit and does the construction.

### **3.1.8 Time Limits.**

**3.1.8.1** All permits requiring excavation within the paved portion of a city street will become void on November 1. Upon written request, extensions to existing permits may be made on a case-by-case basis by the City Engineer. Permits requiring excavation within the paved portion of the street will be issued on an emergency basis only between November 1 and April 1 of the following year.

**3.1.8.2** Unless otherwise provided for in the special provisions, the Sidewalk and Driveway Permit shall be valid for an indefinite period from the date issued, unless revoked by mutual consent, for failure of the applicant to abide by the terms and conditions of the permit, or by operation of the law.

### **3.1.9 Cancellation.**

**3.1.9.1** Failure of the applicant to comply with any of the terms and conditions of the permit shall be sufficient cause for cancellation of the permit and may result in removal of the utilities, approaches, or other facility by the City at the applicant's expense.

**3.1.9.2** The permit, the privileges granted herein, and the obligations of the applicant created thereby shall be binding upon the successors and assigns of the applicant.

## **3.2 Permit Standards and Conditions**

This Section describes the requirements for plans and other information necessary for approval of a permit application.

**3.2.1 Permit Approval.** Permits are issued subject to the approval of City, county, state, or other governmental agencies having either joint supervision over the

section of road, or authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to determine the necessity of and to obtain any such easements and approvals which may be required.

**3.2.2 Street Restoration.** Granting of a permit is based upon replacement or restoration of the street and right-of-way to its original condition or to a satisfactory condition by the applicant.

**3.2.3 Landscaping.** The permit holder shall be responsible for the restoration of landscaped areas between the property line and adjacent public roadways.

**3.2.4 Relocating Utilities.** The applicant shall be responsible for relocating or adjusting any utility facilities located on the street right-of-way as required to accommodate the approach or other facility applied for. Construction of the utility, road approach, or other facility by the applicant, his agent or Contractor, will be permitted only after the applicant has furnished the City Engineer evidence that satisfactory arrangements for said relocation or adjustment has been made with the Owner of the affected utility facility.

**3.2.5 Permit Release.** Applicant must pay required fees and provide insurance and bonding, as required, prior to release of the permit.

### **3.3 Refunds**

Refunds may be made on any permit fee at the discretion of the City Engineer.

### **3.4 Bonds and Insurance**

**3.4.1 Bonds.** Bonds are required for work as listed in the Revised Ordinances of Sioux Falls, South Dakota.

**3.4.2 Inadequate Bond.** Any permit determined to be without an adequate bond as required shall be subject to immediate revocation by the City.

**3.4.3 Reserved.**

**3.4.4 Letters of Responsibility.** Governmental agencies, other than the City of Sioux Falls, special districts, cooperative utilities, and investor-owned electric, gas, and communications utilities, may provide a Letter of Responsibility in lieu of posting the required performance bond. Subject Letter of Responsibility shall be in the format of Figure 3.1.

**3.4.5 Other Forms of Security.** It shall be acceptable to the City to receive cash deposits, certified checks, or similar security in lieu of a performance bond. Bonds shall be filed in the Office of the Director of Public Works.

**3.4.6 Liability Insurance.** The applicant shall obtain and carry for the period of time required for the complete installation of facilities authorized by the permit, including the repair and restoration of the road facilities, and also during such future periods of time when operations are performed involving the repair, relocation, or

removal of said facilities authorized by the permit, a liability and property damage insurance policy or policies. Coverage shall be provided against any claim, demand, suit, or action for property damage, personal injury, or death resulting from any activities of the applicant, his officers, employees, agents, or contractors in connection with the construction, installation, repair, or removal of the said facilities authorized by the permit. The said policy or policies shall include as named insured: the City of Sioux Falls, its City Council, its officers, agents, and employees, except as to claims against the applicant, for personal injury to any members of the City Council or its officers, agents, and employees, or damage to any of its or their property. The said insurance shall provide coverage as set forth by City ordinance. The said insurance policy or policies shall be in any insurance company duly authorized and licensed to do business in the state of South Dakota. The applicant and/or its Contractor's insurer shall endeavor to give the City Engineer ten (10) days' written notice in advance of any cancellation of insurance required in the terms of these general provisions.

**3.4.7 Certificate of Self-Insurance.** Government agencies other than the City of Sioux Falls, and public utilities, may provide a Certificate of Self-Insurance as shown in Figure 3.2 in lieu of any insurance policy or policies required under Section 3.4.6. Such Certificate shall be approved by the City Attorney and filed in the Office of the Director of Public Works prior to the issuance of any permit.

### **3.5 Construction Specifications**

All backfill material, compaction, and resurfacing of any excavation made in the City right-of-way will be done in accordance with the Standard Specifications and Standard Plates on file in the Office of the City Engineer.

### **3.6 Traffic Control**

**3.6.1 Street Closure.** Traffic must be provided with a minimum lane width of ten (10) feet in the construction area. Any plan for traffic control during construction that indicates a complete closure of an arterial or collector street must show detour routes and must be approved by the City Engineer prior to issuance of a permit. Normally, only one side of the local street may be blocked at any given time. When a local street is closed to traffic, the City Engineer or a designee must be notified 48 hours in advance.

**3.6.2 Signing.** Construction signing must be used and shall be maintained by the responsible Contractor. All traffic control devices must be in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition.

### **3.7 Restoring Pavements**

All persons, corporations, governmental agencies, special districts, utility companies who having obtained a permit and made a cut in a public right-of-way shall repair such pavements or surfacing to the original condition. If such pavements or surfacing are not restored and maintained as to the original condition, notice thereof in writing by first-

class mail shall be given the permittee, who shall put the same in good condition within a maximum of three (3) days. If the permittee fails after notice given to restore and maintain such pavements or the surface thereof, the City may make the necessary repairs and such permittee shall pay the costs thereof, and until paid no other permit shall be issued.

### **3.8 Utility Installations**

**3.8.1 Underground.** All utility lines shall be installed at depths as illustrated in Chapter 4, Figures 4.1-4.6 of these Design Standards. Exceptions may be granted by the City where warranted and upon prior written request and approval.

**3.8.2 Overhead.** Minimum ground clearances shall conform to the National Electric Safety Code Standards, latest edition.

### **3.9 Fees**

Fees shall be assessed for permits and inspection at the time of issuance of the permit in accordance with the schedule in force. The current fee schedule is listed in Sec. 38-59, Permit Fee, of the Revised Ordinances of the City of Sioux Falls.

**Figure 3.1**  
**Letter of Responsibility**

Office of City Engineer  
City Hall  
224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402

THIS IS TO CERTIFY THAT \_\_\_\_\_  
(Name of Agency)

Does agree that, in lieu of posting the required performance bond, the following practices will be adhered to:

1. That no street cuts, in any Sioux Falls street, highway, or other right-of-way for any purposes will be made without having secured the proper Street Cut Permit or Construction Permit.
2. That any street cut made by the above will be backfilled and compacted in accordance with the current requirements of Sioux Falls, and the surface restored to a condition equal to or better than that condition which existed prior to the making of the cut.
3. The responsibility for the maintenance of the restored cuts shall rest with the above for a period of one year after the cut has been filled and resurfaced.
4. That, in the event repairs are not made or maintained to the satisfaction of the City Engineer or his designated representative, necessary repairs shall be made by the City at the expense of the above-named organization.

Subscribed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
By: \_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title

**NOTE:** This document is to be filed in the Office of the City Engineer.

**Figure 3.2**  
**Certificate of Self-Insurance**

Office of Director of Public Works  
City Hall  
224 West Ninth Street  
P.O. Box 7402  
Sioux Falls, SD 57117-7402

THIS IS TO CERTIFY THAT \_\_\_\_\_,  
a \_\_\_\_\_, in lieu of providing the  
insurance policy required under Section 3.4.6 of the Engineering Design Standards for  
Public Improvements of the City of Sioux Falls, South Dakota, is wholly self-insured or is  
self-insured to cover the deductible limit of \_\_\_\_\_ as expressed by  
Policy No. \_\_\_\_\_ issued by \_\_\_\_\_ for  
combined bodily injury and property damage liability. It is further certified that reserves  
in support of the self-insurance program are adequate to provide coverage at the levels  
required of insurance policies in Section 3.4.6.

Subscribed to this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
By: \_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title

**NOTE:** This document is to be filed in the Office of the Director of Public Works.