

VAN BUREN COUNTY ROAD COMMISSION
325 West James Street, Post Office Box 156
Lawrence, Michigan 49064
Phone: 269.674.8011 Fax: 269.674.3770

PERMIT POLICY

Policy No. 2015-01

1. Permits Required:

It is the policy of the Board of County Road Commissioners of Van Buren County that permits be required prior to the following activities taking place within the County Road Right-of-Way. In the case of extraordinary emergencies and/or routine and unobtrusive work, the permits may be obtained after-the-fact without additional fees at the discretion of the Engineer-Manager, or his or her designee.

A. To move mobile, manufactured or modular homes, or overweight and/or oversize loads on county roads. Maximum legal size and load requirements are set forth in the Michigan Vehicle Code.

B. To construct, operate, maintain, use, remove, park, load and/or unload within the County Road Right-of-Way. MCL224.19b.

C. To regulate driveways, including changes to an existing driveway. MCL 247.321, *et seq.*

D. To regulate Parades, banners or special events within the County Road Right-of-Way. MCL 247.321, *et seq.*

2. Engineer-Manager's Authority:

The Engineer-Manager, or his authorized designee, shall have the authority to:

A. Prepare all applications for permits, including: mobile, manufactured or modular homes, oversize or overweight vehicles and loads, and any and all activities within the County Road right-of-way.

B. Approve and/or reject any request for permits, as set forth herein.

C. Prepare any and all orders, correspondence or other documentation relating to applications for permits, issued permits, and the rejection or approval of permits as set forth herein.

D. Review all applications for permits using his or her professional experience and judgment to apply principles of public safety so as to promote the safe and efficient flow of traffic along roadways. The review may take into account, among other features, sight distance, intersection traffic, road characteristics, and traffic volume.

3. **Insurance:**

Insurance is required for certain permitted activities to assure that any action brought as a result of the permittee's activities in the public road right-of-way will be defended by and paid for by permittee's insurance carrier and will not result in action or settlement against the Board.

In addition, for certain permits the following language must appear in the "Additional Insured" area of the Insurance Certificate, without any changes or deviations from this specific language:

"The Board of County Commissioners of Van Buren County, The Board of County Road Commissioners of Van Buren County (a/k/a the Van Buren County Road Commission) and their officers and employees for claims arising out of, under, or by reason of operations covered by the permit issued to the permittee, as their interests may appear."

Insurance as set forth herein shall be in effect for a period of not less than the term of any permit and shall provide evidence that it cannot be canceled without ten (10) days advance written notice by certified mail with return receipt requested to the Road Commission.

The Board of County Road Commissioners of Van Buren County reserves the right to condition a moving permit application for any hauling activity on the furnishing of a performance bond.

For good cause shown, these requirements may be waived at the discretion of the Engineer-Manager of the Road Commission, or his or her designee.

4. **Indemnification and Hold Harmless:**

Permit Applicants shall indemnify, defend and hold harmless the Board of County Road Commissioners of the County of Van Buren (a/k/a the Van Buren County Road Commission) and its agents, employees or servants from any liability, including all claims and losses, and all related costs and expenses (including reasonable attorneys' fees and costs of investigation, litigation, settlement, judgments, interest and penalties), accruing or resulting to any person or entity as a result of the permitted activity. For good cause shown, this requirement may be waived at the discretion of the Engineer-Manager, or his or her designee.

5. Agency:

No agent, employee or servant of the Permit Applicant shall be deemed to be an employee, agent or servant of the Board of County Road Commissioners of the County of Van Buren (a/k/a the Van Buren County Road Commission) for any reason. The Permit Applicant is solely and entirely responsible for its acts and the acts of its agents, employees and servants during the performance of the activities authorized by this permit. The specific language is subject to change as the Board estimates its exposure to risk and resultant claims.

6. After-the-Fact:

In the event of a failure to obtain any appropriate permit, the Van Buren County Road Commission shall have the right to halt such activity until such time that adequate compliance is made, including, but not limited to:

- Obtain the necessary permit(s)
- Pay all associated permit fees
- Pay a \$100 penalty fee

In addition, if any work has occurred that is not according to specification, the Van Buren County Road Commission may require the work to be (a) removed; (b) restore the area to its previous condition; and/or (c) work with the individual(s), group or organization to find an acceptable alternative.

AYES: 5

NAYS: 0

ABSENT: 0

POLICY ADOPTED April 2, 2015.