



## Code Compliance Division

3409 Rhode Island Avenue, Mount Rainier, Maryland, 20712  
Telephone: (301) 832-8764, Fax (301) 985-6595

### APPLICATION PERMIT TO CUT RIGHT OF WAY (PRINT OR TYPE CLEARLY)

Application Date \_\_\_\_\_  
Contact Person \_\_\_\_\_ Telephone# \_\_\_\_\_  
Contact Address \_\_\_\_\_  
Contractor \_\_\_\_\_ Phone \_\_\_\_\_  
Contractor Address \_\_\_\_\_ Contractor Phone \_\_\_\_\_  
Location of Work: \_\_\_\_\_  
Brief Description of Work \_\_\_\_\_  
\_\_\_\_\_

Attached applicable  
Utility permits required  Washington Gas  Pepco  
 Communications  WSSC

Length of utility cut in right of way \_\_\_\_\_  
(Permit fee Based on \$0.6 per linear foot of cut in roadbed and \$0.30 per linear foot of cut elsewhere in right of way)

Estimated Construction Cost \_\_\_\_\_  
Contractor to post performance bond in the amount of 50% of the construction cost

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Section 12-104. - Permit required for grading and construction in the public right-of-way.

A. *Permit Required.*

1. No person shall grade, construct, cut or excavate any street, road, highway, alley, driveway apron, sidewalk, right-of-way, curb or gutter or begin any of the work of such grading or construction, without first obtaining a permit from the City.
2. No person, including any utility company, shall cut any road or public right-of-way for the purpose of installing or connecting underground power, communication lines, water or sewer lines, cable television wires, or for any other purpose without first obtaining a permit from the City.
3. In the event of an unexpected repair or emergency, a utility company may commence such repair and emergency response work as required under the circumstances, provided that the utility company shall notify the City as promptly as possible of such repair or emergency work and shall obtain a permit from the City for such work as soon as possible.
4. A violation of this section and any regulations adopted to implement or enforce this section is a municipal infraction.
5. In addition to all other means of enforcement provided for by law and in this section, the City Manager, Public Works Director or designee, City Code Enforcement Officers or police officers may issue a stop-work order to any utility company or person who violates any provision of this section or any regulations adopted to implement or enforce this section. Any utility company or person who receives such a stop-work order shall immediately cease the work which constitutes the violation. The utility company or person shall comply with all terms and conditions imposed by the stop-work order before the work may resume.

B. *Permit and inspection fees.*

1. Before any street, sidewalk, gutter, curb or drainage project may be begun on a road or street or within the boundaries of a dedication to public use, the applicant for a permit to undertake the project shall pay a fee for road construction, right-of-way openings, pavement cuts, excavations, and other disturbance work within a public right-of as set forth in the City of Mount Rainier Fee Schedule.
  - (i) For disturbance activities within the roadbed: Sixty cents (\$0.60) per linear foot.
  - (ii) For disturbance activities outside of the roadbed: Thirty cents (\$0.30) per linear foot.
2. In addition to the permit fee, a permittee shall reimburse the City, on an hourly basis, for reasonable engineering and staff expenses related to the review and inspection of construction within a public right-of-way. The hourly rates for such engineering and staff time shall be established by regulations promulgated by the City Manager or designee.
3. In all cases in this section, the City Manager or his/her designee may require that an escrow deposit or a bond to cover costs of possible damage or related problems to public property be paid to the Treasurer. The amount of the escrow deposit or bond shall be determined by the City Manager or his/her designee based on the project and shall be refunded after completion of the project with the approval of the City Manager or his/her designee.
4. The permit is non-transferrable and automatically expires in 6 months from the date of issuance unless extended by the City Manager or designee.

(Ord. 32-97, 1/6/98; Ord. No. 5-2018, 6/5/18)

**Section 3-110. - Construction bonds or deposits.**

A performance bond executed by the insurance company according to forms approved or provided by the City, letter of credit executed by the bank in the form approved or provided by the City, or cash deposit in the form of cash, check, or money order, may be required when, in the judgment of the building inspector, there is a possibility of damage to sidewalks, curbs, storm drains, streets, retaining walls, rights-of-way or other public property during any construction and to ensure completion of the work as specified in this building code, the City building permit, and all other laws and regulations governing performance of the work. The building inspector shall determine the amount of the required bond, letter of credit, or cash deposit amount and notify the permit applicant. When notification is received, the permit applicant shall submit the bond, letter of credit, or cash deposit amount to the City prior to the issuance of the required permit. If the permittee does not complete the construction work or fails to properly repair any damage to public property caused by the work, then the City shall seize the funds from the bond or deposit to complete the work and/or repair or replace any damage to public property. The bond, letter or credit, or cash deposit shall be released after construction is completed and a satisfactory final inspection by the building inspector