

**CITY OF LYNN
MASSACHUSETTS
D.P.W.**

**Street Opening
Permit Manual**

**DEPARTMENT OF PUBLIC WORKS
250 COMMERCIAL STREET
LYNN, MASSACHUSETTS 01905**

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I. ACTIVITIES REQUIRING A PERMIT

A street opening permit must be obtained by any person or persons proposing to obstruct, excavate, or perform construction on or under any public road, public park, sidewalk, or waterway owned, controlled, or maintained by the City of Lynn. This shall include any work done to, in or under any street, sidewalk, water, sewer, or drainage system in Lynn. Obstruction of any street or sidewalk for the maintenance, demolition, or construction of any building or structure shall require a street opening permit. Construction of a driveway to access any public way or removal of a street tree shall also require a street opening permit.

City highways have been established and are maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights of way for purposes other than transportation. However, to prevent recurring, dangerous, and annoying interruptions to traffic and pedestrians, and to avoid interference with future road construction and construction methods, it is necessary that strict control be maintained and standard procedures be followed for excavations, construction, and maintenance of City highways.

II. DEFINITIONS

"Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent opening without injury or damage to the public place.

"Public Place" shall mean any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property owned, controlled, or maintained by the City and dedicated to public use.

"City" shall mean the City of Lynn and/or its Commissioner of the Department of Public Works.

"Commissioner" shall mean the Commissioner of the Department of Public Works or his designee.

"Substructure" shall mean any pipe, conduit, tunnel, duct, manhole, vault, buried cable, or wire, or any other similar structure located below the surface of any public place.

"Facility" shall mean any pipe, pipeline stub, main, service, trap, vent, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public place.

"Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

"Standard Specification(s)" shall mean the Massachusetts Highway Department's Standard Specifications for the Construction of Roadways and Bridges, as amended.

"Utility" shall mean a private company, corporation, or quasi-municipal corporation under the direction and control of the Department of Public Utilities.

"Newly Constructed, Reconstructed, or Repaved Streets" shall mean any street which has been newly constructed, reconstructed, or repaved within the past five (5) years.

III. PERMIT APPLICATION

An application for a permit to conduct an excavation or perform maintenance on existing facilities within a public place must be filed with the City of Lynn before preliminary investigation will be made for permit issue. Standard application forms for a permit may be obtained from the Lynn Department of Public Works. Each application form shall be completely filled in, signed, and delivered to the Lynn Department of Public Works. An explanation of the purpose and scope of the application and a sketch of the proposed project shall be made, when required by the Commissioner either in the space provided on the form or a separate sheet, in duplicate, which the Applicant shall attach to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures, and utility poles by number, and the character and extent of the work.

The Applicant will be required to disclose the methods and materials proposed to be used. In the event the Applicant discovers that additional work or repairs not designated in the original permit must be done in the same location, the Applicant shall make an additional application to the City of Lynn for a permit to authorize the additional work in the same manner as the first permit. A determination shall be made by the Commissioner if the additional work shall require an additional permit to be issued or shall be treated as an amendment to the original permit. The Applicant shall be responsible for payment of all additional fees related to the additional work at the time of the determination.

When the work proposed includes excavating in the public way, the sketch will show the proposed cut lines including dimensions and the relation to existing buildings or other features. The application will include sieve analysis and proctor of proposed backfill material meeting Standard Specification M1.03.0, type C.

This permit is issued and accepted on the condition that the person accepting it shall not disturb nor interfere with any conduits, culverts, covers, pipes, drains, storm drains, catch basins, hydrants, or pumping stations belonging to the City or the Lynn Water & Sewer Commission used in the laying out, construction, maintenance, or operation of the water and sewer system or any water and sewer project and shall not interfere with the repair, relocation and flowage of said system nor shall reimbursement be required for any cost of relocation or removal of tracks, conduits, pipes, wires or poles or other property located in the public way or domain of the City or the Lynn Water & Sewer Commission which so interfere.

A. Plans and Specifications

When applications are made for permits involving work of major scope, as determined by the Commissioner, plans certified by a Professional Engineer and specifications must be submitted in duplicate with the application form. They should be detailed so that the exact location of the various parts of the work, the risk of injury to road users, and the probability of damage to trees, highway structures, and private property can be ascertained.

B. Rejection of Application

- 1) When it appears that the work called for in an application would not conform to City regulations, or cause substantial or needless damage to a highway, or create excessive disturbances to traffic, or exceptionally dangerous conditions not commensurate with the benefits to the Applicant, the request for a permit shall be denied.
- 2) The Commissioner may refuse to issue a permit to any person, company, or utility when, in his opinion, work performed under a permit previously issued to the Applicant has not been properly executed, or when said Applicant has failed to reimburse the City for recoverable charges billed under terms governing a previous permit.

IV. BOND REQUIREMENTS

Prior to the issuance of a permit, the Applicant shall deposit with the City a Bond in an amount and form as shall be determined by the City of Lynn. The Bond amount may be established separately for each permit so that the City will be protected against loss in the event of the failure of the permit holder to complete the work or to reimburse the City for restoration involving the work or encroachment authorized by the permit.

The amount of Bond shall be computed on the basis of cost required to make proper restoration or repairs. (Addendum A). An annual blanket bond, acceptable to the Commissioner, may be deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested. The Bond shall be released to the permit holder upon the expiration of the guarantee period. The guarantee period shall be for a period of three (3) years following the placement of the permanent patch. During the guarantee period, the Applicant shall be responsible for the restoration, repair, and maintenance of his work.

V. INSURANCE REQUIREMENTS

Prior to the issuance of the permit, an applicant for a permit to work within a Public Place shall furnish to the City certificates of minimum insurance including automobile, property damage liability, bodily injury liability, and workmen's compensation insurance in the amounts determined by the City of Lynn. Insurance coverage shall be reviewed and updated periodically. These certificates shall contain a provision that the insurance company will notify the certificate holder, by registered mail, at least 15 days in advance of any cancellation or material change. (Addendum A)

VI. FEES

The Department of Public Works shall levy charges and fees as determined by the City of Lynn.

- A.** Administrative Processing Fee: An Administrative charge for processing will be required for all permit requests. This fee is outlined in Addendum A.
- B.** Unless otherwise exempted, an inspection fee will be charged for all street openings. The inspection fee will be determined by the area of the proposed excavation and will be remitted at the time the permit application is filed. Subsequent to completion of work, the inspection fee will be adjusted based upon the actual area of excavation and fees remitted prior to the release of the performance bond. Inspection fees are outlined in Addendum A.

VII. ISSUANCE OF PERMIT

A permit shall be issued:

- A.** After completion of all aspects of the application for permit.
- B.** Upon receipt of a Bond and insurance in the correct amounts; and approval of said bond and insurance by the City Solicitor.
- C.** After payment of all applicable fees; administrative and inspection, as required.
- D.** Approved permits will be issued by the Department of Public Works within five (5) full working days after the application for a permit has been received in good order. A permit must be signed by the Commissioner or his designee before it becomes valid.
- E.** The term of a permit is to be determined by the Commissioner, or his designee. Permits shall be issued for a time period not to exceed ninety (90) days; however, all permits will expire on November 15th.
- F.** The Applicant is forbidden to commence work until the above mentioned items have been completed, and the Applicant has notified the Engineer's Department at least twenty-four (24) hours in advance of the exact date and hour he proposes to begin work.

VIII. EMERGENCY PERMITS

Nothing in this manual shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property, provided that the person making such excavation shall apply to the City for such permit on the first

working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities and the City for on the spot locations.

IX. REVOCATION OF PERMITS

Any permit issued by the City of Lynn is revocable immediately upon written notification to the Applicant.

X. DISPLAY OF PERMITS

A copy of the Permit shall be at the job site at all times for inspection by local Department of Public Works personnel, police, and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Commissioner or his designee. This regulation shall apply to subcontractors performing work on behalf of the Applicant.

XI. EXTENSION OF TIME

All required work shall be completed in a manner satisfactory to the City before the expiration date shown on the permit except in cases where permanent repairs, such as loaming and seeding, must be made at a future date. Otherwise, the permit holder shall make written request to the City to allow for an extension of time. An extension of time may be granted, at the discretion of the Commissioner, upon written request by the Applicant stating the reason(s) for the request.

XII. INDEMNIFICATION

The Applicant agrees as a condition governing the issuance of a permit, that he will hold harmless the City of Lynn, the Commissioner of Public Works, and his agents and employees from any and all claims and actions whatsoever arising from the experience of said permit.

XIII. CLEARANCE FOR VITAL STRUCTURES

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops, and all other vital equipment as designated by the City.

XIV. PROTECTIVE MEASURES & TRAFFIC CONTROL

Arterial Streets

Permits issued on arterial streets, City Squares or other City designated areas, as highlighted and listed on Addendum C or as otherwise designated by the Commissioner, may have additional restrictions or requirements beyond those on permits normally issued.

Safety to Traffic

It shall be the duty of the Applicant to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the Commissioner, the traveled path shall not be obstructed. Storage of material and equipment shall not be allowed within the traveled way. The portions of the highway which are excavated, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by barricades or traffic barrels with flasher beacons, or other warning devices approved by the Commissioner. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of uniformed police officers, as determined by the Chief of Police or his designee, shall be employed by the Applicant to direct the traffic safely through the areas. The work shall, if possible, be planned to avoid such conditions. A traffic management plan may be requested by the Commissioner as a condition of a permit.

Detours

When, in the opinion of the Commissioner of Public Works, a City highway may be obstructed by the permit applicant's proposed operations to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a parallel City road detour may be designated. A City approved traffic management plan shall be required in order to establish such a detour. All expenses incurred by the Applicant as a result of the establishment, use, and restoration of said detour shall be the entire responsibility of the Applicant. The Applicant shall notify the Police and Fire Departments of the layout and expected time of the use of the detour. The Applicant shall supply, install, and maintain such signs at his expense as may be necessary to clearly outline the detour. Prior to the detouring of traffic over a road bypass, an inspection shall be made by the Applicant and a representative of the City to determine the adequacy of the signs and the structural condition of the road involved. A second inspection shall be made when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be made by the Applicant to restore the conditions equal to those existing prior to the establishment of the detour.

Protective Measures and Routing of Traffic

The Applicant shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions are as near normal as possible, and shall be maintained at all times so as to minimize inconvenience to the occupants of

the adjoining properties and to the general public. The Applicant shall, in general, maintain safe crossing for two (2) lanes of vehicular traffic at all street intersections where possible, and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. Adequate crossings shall be maintained for vehicles and pedestrians when an excavation is made across any public street, alley, or sidewalk. When an excavation on any roadway takes up more than one-third (1/3) of the roadway, and is to remain open overnight, steel bridging of sufficient strength will be required to maintain a normal traffic flow. Steel bridging shall be recessed to the level of the existing pavement and sufficiently secured if bridging is to be left in place longer than twenty-four (24) hours.

When traffic conditions permit and, in the opinion of the Commissioner, it is necessary, and with the approval of the Police and Fire Departments, the Commissioner may permit the closing of streets and alleys to all traffic for a period of time prescribed by him. The approval of the Commissioner shall be in writing (or by verbal approval in cases of emergency) and may require that the Applicant give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In cases of an emergency on week nights, weekends, or holidays, the facility owner having such emergency shall contact the Police and Fire Departments by phone before closing a street to traffic. Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street. Cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Commissioner, after his review of the proposed traffic control measures for the project.

XV. RELOCATION AND PROTECTION OF UTILITIES

The Applicant shall not interfere with any existing facility without the written consent of the City and the owner of the facility. No facility owned by the City shall be moved to accommodate the Applicant, unless the cost of such work be borne entirely by the Applicant. The cost of moving privately owned facilities shall be similarly borne by the Applicant unless it makes other arrangements with the person owning the facility. The Applicant shall support and protect to the satisfaction of the owner of the facility, all pipes, conduits, poles, wires, or other apparatus which may in any way be affected by the excavation work, and do everything necessary to support, sustain, and protect them under, over, along, or across said excavation work. The Applicant shall secure approval of the method of support and protection from the owner of the facility. If any of said pipes, conduits, poles, wires, or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the Applicant shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them, and the expense of such repairs shall be charged to the Applicant. It is the intent of this paragraph that the Applicant shall assume all liability for damage to facilities and injury to persons. The City shall not be made a party to any action because of this paragraph. The Applicant shall inform himself as to the existence and location of all underground facilities and protect the same against damages. Any traffic loops damaged by the Applicant are to be replaced and/or repaired within twenty-four (24) hours.

XVI. PROTECTION OF PUBLIC PROPERTY

The Applicant shall not remove, even temporarily, any trees, shrubs, traffic signs or survey bounds which exist in the street area without first obtaining the written consent of the appropriate City department or City official having control of such property

XVII. REPAIR OF ROADWAY EXCAVATIONS

Temporary Repairs

As soon as the excavation has been backfilled and compacted, the Applicant shall place a temporary patch on the excavation. The patch shall be placed as outlined in Addendum B.

It is the Applicant's responsibility to have all excavation patched or plated by the end of every working day. Open trenches will not be allowed overnight.

Permanent Repairs

The Applicant shall complete all permanent repairs in the timeframe as outlined in Addendum B. The method of permanent patch is at the discretion of the Commissioner or his designee. The Applicant is responsible for maintenance of all permanent patches for three (3) years from completion of the pavement patch. The patch shall be placed as outlined in Addendum B.

The City may waive permanent repairs where resurfacing or overlays are planned or where in its opinion they are not necessary.

The City may, at any time, conduct tests to determine if the Applicant has complied with its specification on patching.

XVIII. DRIVEWAY OPENING

The approval of a permit application for driveway construction shall be contingent on the following conditions:

a. That the driveway opening approval shall be used strictly to provide access to adjoining property and not for the purpose of parking or servicing vehicles within the City right-of-way.

b. The driveway shall be constructed in accordance with standard details and specifications for driveway openings and such changes as may be necessary to fit a particular condition. (See typical detail drawing III)

c. Existing driveway openings fronting the property and which will not be in use shall be reconstructed to a normal sidewalk and curb cross section where such sidewalk and curb exists.

d. No more than one combination entrance and exit shall be allowed for any property the frontage of which is less than sixty (60') feet. Parcels having a frontage from sixty (60') feet to one hundred (100') feet will be permitted two (2) entrances if a minimum of ten (10') feet is used as a channelizing island. Driveway layouts for lots with a frontage greater than one hundred (100') feet for which more than two (2) entrances are requested shall be reviewed separately by the Commissioner and a decision made based on the circumstances of each case. Driveways shall not have a greater width than thirty (30') feet (not including splays).

e. The driveway within the limits of the City right-of-way shall slope towards the gutters.

f. Gutters or drainage channels shall not be altered or impeded in any way. Where a driveway shall cross an open channel, the Applicant shall provide suitable drainage structures as determined by the Commissioner.

g. When existing sidewalk or curbing has to be removed to construct a driveway, such sidewalk or curbing shall be removed to its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing will not be permitted. All curbing removed is the property of the City of Lynn and must be returned to the City's storage yard. New sidewalks and curbs shall be constructed with materials consistent with that of the adjoining sidewalk and curb area.

h. Under unusual circumstances as decided by the Commissioner, the above regulations may be varied.

i. If, in the opinion of the Commissioner, a proposed driveway will jeopardize public safety, the request may be denied.

XIX. PROMPT COMPLETION OF WORK

After an excavation has commenced, the Applicant shall prosecute with diligence and expedition all excavation work covered by the excavation permit, and shall promptly complete such work and restore the street as specified herein. The Applicant shall perform such restoration so as not to obstruct, impede, or create a safety hazard to either pedestrian or vehicular traffic.

No excavation may be left uncompleted for more than five (5) working days without applying a temporary patch. No open trenches are to be allowed overnight. All open trenches will be patched or plated at the close of the working day.

On Arterial Streets and City Squares, or other designated areas, all work will not be left uncompleted for more than one (1) day. Plated excavation will not be allowed for more than one (1) day before work is to be completed and a temporary patch is to be made.

XX. NOISE, DUST, DEBRIS

Each Applicant shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring property. The Applicant shall take appropriate measures to reduce, to the fullest extent practicable, noise, dust, and unsightly debris between the hours of 6:00 P.M. and 7:00 A.M. He shall not use, except with the express written permission of the City or in case of an emergency as herein otherwise provided, any tool, appliance, or equipment producing noise of sufficient volume to disturb the sleep of the neighboring properties.

XXI. PRESERVATION OF MONUMENTS

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the City shall not be removed or disturbed without first obtaining permission, in writing, from the City to do so.

Permission to remove or disturb such monuments, reference points, or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the City is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing, that the Applicant for such permission shall pay all expenses incidental to the proper replacement of the monument by the City.

XXII GRANITE AND CONCRETE CURB AND COBBLESTONES

No person or utility shall remove, damage, haul away, or cause misalignment of any granite curbing, concrete curbing including radius curb and catch basin throat-stones, or cobblestones, for any reason whatsoever without first receiving permission from the Commissioner.

XXIII PERMANENT PAVEMENT MARKINGS

Any permanent pavement markings disturbed by the Applicant shall be replaced, as per City of Lynn Specifications, within ten (10) days of completion of work.

XXIV EXCAVATION DURING WINTER

No person or utility shall be granted a permit to excavate or open any street or sidewalk from November 15th of each year to April 1st of the next year unless an emergency or special condition exists and permission is obtained, in writing, from the Commissioner. Controlled Density Fill (CDF) will be mandatory back fill between these aforementioned dates. Any person or utility wishing to obtain an excavation permit between the aforementioned dates shall first explain fully, in writing, the nature of the emergency situation to the City before permission is granted. If a hazardous condition, which would endanger life and/or property exists, excavation work shall not be delayed by this section of the manual. However, a written explanation shall be delivered to the City as soon as possible and an excavation permit obtained for the opening made. If

plates are to be used, they shall be recessed and secured and will be maintained so as to allow snow plowing should a snowstorm occur. If not maintained contractor will be responsible for snow removal. It is the Applicant's responsibility to have all excavations patched by the end of every working day. Open trenches will not be allowed overnight.

XXV. INSPECTIONS

The City shall make such inspections as are reasonably necessary in the enforcement of these regulations. The City shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary.

XXVI. EXCAVATION ON A RESURFACED STREET

Whenever the City has developed plans to reconstruct a street, the City, or its representative, shall give written notice thereof to all public and private utilities which have, or may wish to, lay pipes, wires, or other facilities in or under the roadway. Upon receipt of such written notice, such person or utility shall have thirty (30) days in which to repair, replace, install or lay any such facility. If an extension of time is needed by a person or utility for the repair, replacement, or installation of such facilities, the person or utility shall make a written application to the City explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five (5) years, unless an emergency condition exists or the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. If a permit is granted, the City may impose extraordinary conditions on the Applicant to preserve the structural condition of the pavement.

CDF (Control Density Fill) shall be mandatory for all resurfaced streets and shall conform to the Massachusetts Highway's standard specifications for highways and bridges, dated 1995, as amended. CDF shall meet the requirements of section M4.08.0.

Multiple trenches within fifteen (15) feet of each other shall be combined and paved within seven (7) days. The method employed shall be as follows.

The outer edges of the trenches shall be squarely saw cut and extend ten (10) feet each side of the trench line. The pavement between the adjacent trenches shall use a grind and overlay method.

A list of streets that have been resurfaced within the past five years will be published and available at the Department of Public Works (D.P.W.) as of April 1st of each year.

XXVII. PENALTY

Any person, firm, or corporation who violates any of the regulations of this manual shall be guilty of a misdemeanor and upon conviction thereof, shall be fined by a non-criminal disposition as provided in the General Laws, chapter 40, 21D according to the following schedule:

First Offense.....	\$50.00
Second Offense.....	\$150.00
Third Offense.....	\$300.00

Each day such violation continues, shall constitute a separate offense.

If the work, or any part thereof, mentioned in the preceding sections shall be unskillfully or improperly done, the City shall cause the same to be skillfully and properly done, and shall keep an account of the expense thereof; and, in such case, such person or utility shall pay the City an amount equal to the whole of said expense incurred by said City with an additional amount of 50% to cover indirect costs. Thereafter, upon completion of the work and the determination of the costs thereof, the City shall issue no further permits to any person or utility until it shall receive payment of said costs.

Any person or utility who continues to violate any regulation of this manual shall receive no further permits until such time as the City is satisfied that the person or utility shall comply with the terms of this manual.