KINGSBURY COUNTY
PERMIT FOR
SELF-APPLICATION OF DUST CONTROL

NAME OF APPLICANT:_____

ADDRESS:_____ PHONE:_____

_____

The undersigned hereby applies for permission, pursuant to Kingsbury County's Policy and Procedures, to apply dust abatement to a Kingsbury County Road.

ROAD NAME:_____ ROAD#.....

LOCATED IN THE_____QUARTER OF SECTION_____

TOWNSHIP _____, RANGE._____APPROXIMATELY

____ FEET D NORTH, ☐ SOUTH, ☐ EAST, D WEST OF_____

_____(LANDMARK).

The estimated date or time required for completion of the work is_____ _____ The petitioner further agrees to proceed with diligence and speed and with due regard for the rights, interest, safety, and convenience of the public. The petitioner further agrees to perform the work in strict compliance with the provisions and conditions enumerated below and states that he/she has read and will adhere to the Policy, Procedure and Rules as stated in this permit.

It is the policy of Kingsbury County that the County will not undertake any dust control measures involving the application of dust palliatives on gravel roads. The County will allow, by permit, private individuals or corporations to contract said work under the following Procedures and Rules.

Procedures and Rules:

1. Private individuals or corporations must obtain a Permit to Apply Dust Control from the Kingsbury County Highway Superintendent prior to commencement of dust abatement application.

2. The applicant, designated herein as the "grantee", his successors and assigns, shall ask to have the right and privilege to enter upon the right-of-way of the county road as indicated above for the purpose of applying dust control under the conditions indicated in this permit; such work to be done at the sole expense of applicant.

3. The grantee shall notify the Kingsbury County Highway Department a minimum of 5 working days prior to the application of dust control. The Kingsbury County Highway Department shall grade the road to be treated as necessary to insure a smooth surface prior to commencement of the work. The application of the dust abatement shall commence within a reasonable time of the County's preparation of the roadway surface; the County shall only prepare the road surface once.

4. Dust abatement materials to be used shall be specifically made for dust abatement. Dust oils shall be virgin oil products and shall conform to DOT and EPA standards. Used oils and/or waste products are prohibited.

5. Prior to the application of dust abatement products on a County Road a MSDS (Material Safety Data Sheet) shall be required and a copy shall be submitted to the Kingsbury County Highway Superintendent.

6. The dust location shall be marked with four 12"x12" orange flags at all corners at the end of the dust control area.

7. During the application of the dust abatement grantee shall be responsible for taking all necessary steps to insure the safety of the traveling public.

8. The grantee shall leave the County Road in as good and safe condition in all respects as it was before commencement of the work.

9. In case of any damage to the County Road of any kind on account of said work done by the grantee, he/she shall at once repair said damage at his/her sole cost and expense.

10. Necessary maintenance of a County Road, treated with dust abatement, due to roughness, poor drainage, or other problems may be done at any time following the application of dust abatement. The determination of necessary maintenance shall be made by the Kingsbury County Highway Superintendent or his/her representative.

11. The Kingsbury County Highway Superintendent may revoke, annul or terminate this permit if grantee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or through willful or unreasonable neglect, fails to heed or comply with notices given him/her or if work herein permitted, is not applied in conformity herewith or at all.

12. The grantee is responsible for any damage to vehicles or property or any personal injury caused by the dust control or the application of such dust control.

13. In accepting the permit, the grantee hereby agrees and undertakes to apply such dust abatement herein referred to in such a manner as to avoid injury to persons and to property and to protect all users of the county road upon which the same is applied and hereby agrees and undertakes to defend, indemnify, and hold harmless Kingsbury County, its officers, employees, agents, and representatives from and against any and all liability, claims, damages, actions, judgment, losses, costs, and expenses, including costs obligation and attorney's fees, whether at law, in equity before an administrative agency or otherwise, on account of any injuries or damages received or sustained by any person, structure, or property by reason of or incidental to the application of such dust abatement herein referred to.

14. All commercial applicators of dust abatement/dust control products doing business in Kingsbury County on Kingsbury County roads shall maintain General Liability Insurance in the amount of at least $1,000,000.00, which insurance shall name Kingsbury County as an additional named insured.

15. It is expressly understood by the said grantee that the permission herein granted is not a permanent or perpetual permission, easement, or franchise, but that the permission herein granted is a permission by sufferance only and that Kingsbury County reserves the right in the granting of this permission to at any time and for any reason revoke and terminate the same.

This permit shall be void unless the work herein contemplated has been completed before _____, 20__

ACCEPTED BY:

APPROVED BY:

_____	_____	_____	_____
Owner	Date	Kingsbury County Highway Superintendent	Date
_____	_____		
Contractor/Applicator	Date		

It is the responsibility of the applicant to notify all utilities and private property owners when their property is liable to injury or damage through the performance of the above work, and the applicant shall make all necessary arrangements relative to the protection of such property and/or utilities.