

CHAPTER 6 EXCAVATIONS

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6-6-1 IMPROVEMENT OF STREETS: UNDERGROUND PIPES. Whenever any portion of any street, highway, avenue or alley in the City is ordered paved or otherwise improved by the Council, it shall be the duty of every person to take notice of such order and forthwith and before any such portion of any street, highway, avenue or alley is improved, to make all excavations necessary for laying water or sewer pipes or any other desirable underground services, in any portion of the street, highway, avenue or alley so ordered improved.

6-6-2 PERMIT REQUIRED. No person shall dig, excavate, set posts or stakes or in any manner break up any improved or unimproved street, highway, avenue or alley including that portion between the traveled portion and property line, in the City unless such person first shall have obtained a permit therefor from the City as hereinafter provided. This section shall apply to any public utility including its authorized employees or agents, when engaged in construction, reconstruction or maintenance of its facilities. Such utilities are also subject to public or private liability as required in 6-6-4 and 6-6-7.

6-6-3 APPLICATION FOR PERMIT. Any person desiring a permit shall make application for the same to the Office of the Clerk stating the place, extent and purpose of such excavation, when the same will be made. The permit shall state that such person will allow the City to recover the cost and expense incurred by him/her in any back filling such excavation and restoring the street, highway, avenue or alley at the place which the excavation was made to its condition prior to such excavation. The City may require a deposit in sufficient amount to cover such costs and expense.

6-6-3B GUARANTEE. The minimum cash deposits required for issuance of permits for excavations or openings in public ways or public places are as follows:

1. For any surfacing on a concrete or asphalt base or a brick pavement on a concrete or macadam base.....\$ 500.00 .
2. For any other surface.....\$ 350.00.

The deposit of a larger sum in any of the above cases may be required if the estimated cost of the replacement and maintenance as determined by the Director of Public Works is greater than the minimum amount as set forth above. The deposit as above set forth shall guarantee the cost of maintenance of the street surface in a condition suitable and safe for traffic, placing barricades and flashers when necessary, for the entire period of time from the date of the issuance of the permit up to the date of the release of the cash deposit by the Director of Public Works. The Director of Public Works shall file at the time of the release a statement of all costs, if any, incurred by reason of the failure of the party holding the permit to comply with any of the above regulations. Said costs shall be deducted from the deposit made at the time of the issuance of the permit. In case the said deposit is not sufficient to cover the said charges, the Clerk shall render a statement to the holder of the permit of the amount due the City for additional costs and expenses. No further permits shall be issued to the said party until said costs have been paid in full. The cash deposit shall in no way be construed to release the party holding the permit from penalties or liabilities for or on account of failure to provide for the public safety, for damage to sewer, utilities or other structures during the progress of the work

(Ord. 972, 5-29-02)

6-6-4 LIABILITY INSURANCE. The City may grant a permit, without cost, to any person making application as aforesaid to dig or excavate in any street, highway, avenue or alley of the City; provided such person shall first show proof of liability insurance with limits of \$250,000 for death or injury to each person and with limits of \$500,000 for each occurrence, and with limits of \$100,000 per accident for property damage, subject to the approval of the City, conditioned that such person shall make such excavation and accomplish the object thereof with all possible dispatch, and report to the City as soon as the excavation is completed and the object thereof attained, and to save the City harmless of any damages occasioned by such digging or excavating. No permit to dig or excavate in the improved street, highway, avenue, or alley of the City shall be granted by the City when the ground is frozen to a depth of twelve inches (12") or more, unless in case of extreme emergency.

(Ord. 972, 5-29-02)

6-6-5 REFILLING: PAVING. All the work of refilling such excavation will be done by contractor with lime, fill sand or aggregate base under City authorization. All work of replacing the paving and restoring the street, highway, avenue or alley to its condition prior to any digging or excavation therein shall be done by the City.

Such work must be approved by the City upon completion. The person requesting such permit shall also be responsible to pay for the cost of any interim maintenance until permanent repairs have been completed.

(Amended during 2019 codification)

6-6-6 DISPOSAL OF PROPERTY. No person excavating earth or stone in any public street, highway, avenue, or alley belonging to the City, or any other public place, under contract, without permit from the City, shall sell, or in any other way dispose of the stone and earth so excavated, and any person violating this provision shall pay the City three (3) times the value of such property to be recovered by action of debt in favor of the City.

6-6-7 LIEN. It shall be the duty of the City, upon being notified of any digging or excavating having been completed, to cause, without delay, the paving to be replaced, and the street restored as fully as possible to its former condition, and to keep an accurate account of the expenses incurred by it in such work, and to demand the full payment for such expense from the person holding such permit. If not paid, the City shall proceed to collect the same, and with further provision that such refilling and replacing, when done by the obligor, shall remain in good condition and not settle to become uneven for a period of one (1) year after the acceptance of the same.

6-6-8 DOWNTOWN CURB CUTS. No person shall cut a curb in the Central Business District as described in Section 6-7-1, without first obtaining a permit from the Council. The Council shall obtain the recommendations of the Chief of Police and City Manager and shall consider the public safety and effect on traffic in issuing the permit.

6-6-9 REPAIR OF STREETS. It shall be the responsibility of any person or company who does excavation of City streets, alleys, parking lots and sidewalks to make all the necessary repairs and to return all City facilities to the original condition. It shall be the responsibility of any such person or company to reimburse the City for the costs of making all repairs to City facilities. All such repairs shall be done in accordance with the City's Standard Specification. Contractors who have demonstrated an ability to satisfactorily make repairs to City streets, alleys, parking lots and sidewalks shall be allowed to make these necessary repairs on their own, provided that the required work is completed in accordance with the following sections of the City's Standard Specifications.

Division II - The Following Sections

- 12 Backfilling
- 13 Restoration or Extension of Present Drains or Sewers
- 14 Temporary Surfaces Over Trenches
- 15 Restoration of Surfaced Streets and Roads
- 16 Restoration of Grassed Surface Area
- 17 Cleaning and Maintenance
- 18 Barricades, Guards and Safety Provisions
- 19 Maintenance of Traffic and Closing of Streets
- 20 Construction in Easements
- 21 Contractors Insurance
- 22 Concrete
- 23 Manholes and Valve Boxes to be Adjusted

Division V - Standard Specifications for Pavements - All Sections

6-6-10 MAINTENANCE/PERFORMANCE BOND. Whenever a contractor or person selects the option of making the necessary repairs described in Section 6-6-9, such contractor or person shall furnish the City with a Performance Bond and a signed contract prepared by the City. The contract shall specify the work to be completed and the completion date and shall bind the contractor to cure defects in materials or workmanship that appear within two (2) years of the acceptance of the work by the Council.

Contractor shall purchase a Performance Bond which shall require payment to the City of a penal sum should the contractor fail to complete the work in a manner acceptable to the Council or should defects of workmanship or materials appear within two (2) years of the acceptance of the work by the City Council.

When work done under a contract with the City is substantially complete, the contractor shall notify the City Inspector in writing that the work is ready for final inspection. Within 48 hours of receiving the notice, the Inspector shall inspect the work and shall approve the work for final acceptance by the City Council or shall notify the contractor in writing of defects to be cured before the work can be certified for acceptance by the Council.

6-6-11 **ADDITIONAL PROVISIONS.** Whenever a contractor or person selects the option of making the necessary repairs listed In Section 6-6-9, the following provisions shall also apply:

1. The City Inspector shall be notified and shall be present during backfilling and finishing work.
2. No concrete shall be installed, unless the temperature is 50 degrees (F) or above.
3. The City Inspector may require the use of rebar for concrete repairs where it is deemed necessary in his/her opinion. The rebar shall be installed in accordance with the directions given by the City Inspector.

(Ord. 802, passed 3-1-93)

6-6-12 **COMPLETION BY THE CITY.** Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefore to the permit holder/property owner.

(Ord. 972, 5-29-02)