

CHAPTER 4

STREET EXCAVATIONS¹

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7-4-1: DEFINITION:

As used in this Chapter, "location" shall be deemed to be each traverse excavation and each three hundred feet (300') or portion thereof of longitudinal excavation. (Ord. 59, 11-24-1986)

7-4-2: PERMIT REQUIRED:

A. Permit Required: It is shall be unlawful for any person to make or cause to be made an excavation in any street or alley within the City for the purpose of installing water mains, sewer mains, steam or gas mains, or telephone or electric conduits or for any other purpose without having first obtained a permit for the excavation from the City Administrator.

B. Exception: No permit, however, shall be required for any street excavation made under a contract with the City or made by the City itself. (Ord. 59, 11-24-1986)

7-4-3: APPLICATIONS; REGULATIONS:

The Public Works Coordinator shall prepare the necessary application forms for permits required by Section 7-4-2, and shall also prepare such rules and regulations with respect to excavations as are necessary to protect the public from injury, prevent damage to public or private property, and minimize interference with the public use of streets and alleys. (Ord. 59, 11-24-1986; 1996 Code)

7-4-4: PERMIT FEES:

The City Council shall establish the permit fee by resolution. (Ord. 59, 11-24-1986)

1. M.S.A. § 412.221, subd. 6.

7-4-5: BOND REQUIRED:

A. Bond Requirements: Permittee shall file with the Street Superintendent a corporate surety bond in the amount of five thousand dollars (\$5,000.00) conditioned that the permittee will:

1. Perform work in connection with the excavation in accordance with applicable ordinances and regulations;

2. Indemnify and hold harmless the City from all damage caused in the execution of such work; and

3. Pay any and all costs and damages suffered by the City by reason of the failure of the permittee to observe the terms of this Chapter or because of negligence in the execution of the work.

B. Approval Of Bond: The bond shall be approved as to form and legality by the City Attorney.

C. Exception: No bond shall be required in the case of a public service corporation. (Ord. 59, 11-24-1986)

7-4-6: OTHER PERMITS:

The permits required in this Chapter are in addition to utility connection permits required by any other ordinance of the City. (Ord. 59, 11-24-1986)

7-4-7: WRITTEN PERMIT; DISPLAY:

Permits for street excavations shall be in writing and the permit shall be kept on the site of the work while it is in progress in the custody of the individual in charge. Permits shall be displayed upon request made by any City official or police officer. (Ord. 59, 11-24-1986)

7-4-8: GENERAL REGULATIONS:

A. Street Openings: Street openings shall be made in a manner that will occasion the least inconvenience to the public.

B. Surface Water; Vehicular Traffic: Provisions must be made for passage of surface water along the gutters and one-half ($\frac{1}{2}$) of the traveled portion of the street must be at all times in good and safe condition for passage of vehicles.

C. Barricades; Warning Lights: All open excavations must be plainly marked at all times with red flags and protected when work is not actually in progress with barricades or railings, and at night by lanterns or electric flashing devices.

D. Exposure To Freezing:

1. Protection Required: Pipes or mains exposed to frost or freezing temperatures shall be protected in such manner as will prevent freezing of water therein.

2. Responsibility For Damages; Indemnification: In addition to the penalties prescribed by this Code, any person responsible for exposing a City main which shall be damaged by freezing, whether freezing temperature be foreseen or not, shall be liable to the City for all damages caused by such freezing, and shall indemnify the City for any and all damages sustained by others on account thereof for which the City may be liable. (Ord. 59, 11-24-1986)

7-4-9: REFILLING EXCAVATIONS:

A. Restoration Required: Street openings shall be restored promptly after completion to a condition as close to the original as is reasonably practicable. In restoring the opening, original soil shall be used if possible and all soil shall be machine tamped or compacted. The opening shall be topped with a minimum of six inches (6") of class 5 aggregate and four inches (4") of bituminous paving. All dirt and debris from such work must shall be removed immediately from the public street.

B. Notice Of Unsatisfactory Restoration: Following notification by the City that any restoration work has not been completed satisfactorily, the permittee shall have twenty four (24) hours to commence the necessary repairs and shall complete the work expeditiously.

C. Noncompliance: Upon the failure of the permittee to initiate the repairs in a timely manner or to pursue them diligently, the City may complete the necessary work.

D. Costs Incurred By City: All costs incurred by the City in performing such work shall be paid by the permittee. (Ord. 59, 11-24-1986)

7-4-10: COMPLETION OR ABANDONMENT OF WORK:

Work on any excavation shall proceed in an expeditious manner in order to avoid unnecessary inconvenience to the public. If work on any excavation is not performed in accordance with applicable regulations, or is abandoned, the City may, after six (6) hours' notice to the permittee, fill the excavation and repair the street or alley. In such event, the cost of such work by the City shall be the liability of and shall be paid by the permittee. (Ord. 59, 11-24-1986)