

## Chapter 12.02

### STREET AND SIDEWALK EXCAVATION

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#### 12.04.010 Permit required.

No person shall make or cause to be made, any excavation or cut in or under any street, parking, sidewalk, alley or other public property in the city or remove any earth, soil, paving, gravel or other material therefrom without first having obtained a permit therefore from the city. (Ord. 380 § 1, 2002: prior code § 6.0101)

#### 12.04.020 Permit application.

No person shall obtain a permit to make such an excavation or cut without first filing an application which application shall provide:

- A. A statement of where the excavation is to be made, the extent thereof, the names of the adjacent property owners and the purpose of the excavation or cut;
- B. An agreement that the excavation or cut shall be repaired or replaced according to the specifications set out in this chapter and as specified or directed by the city engineer;
- C. An agreement to reimburse the city for the actual cost of all supervision or inspection by the designated city engineer;
- D. An agreement providing a date certain by which time the excavation or cut shall be completed and all required or directed repairs shall be made. This date may be extended upon a showing of good cause, by the common council;
- E. A bond in the amount of five thousand dollars (\$5,000.00) per cut or excavation, to be approved by the mayor of the city guaranteeing the reimbursement of the expenses as provided above, guaranteeing the completion of the work by the date specified, and guaranteeing any repairs

or replacement of the city streets, curbs and gutters or sidewalks necessitated by unsatisfactory work for a period of three years, as provided below;

F. Proof of liability insurance which shall save harmless the city and protect the public and any person from injury or damage sustained by reason of the excavation or cutting or the handling or storing of materials therefore. The minimum protections shall be as follows:

1. Public liability insurance and vehicle liability insurance:

a. Each person	\$1,000,000.00
b. Each accident	\$1,000,000.00

2. Property damage, general liability insurance:

a. Each person	\$1,000,000.00
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(Ord. 380 § 2, 2002: prior code § 6.0102)

**12.04.030 Existing concrete.**

All existing concrete that is to be broken out, shall be sawed where indicated by the city engineer or his or her authorized representative so as to form a smooth, straight joint at the junction of the new and old concrete. The sawed joint shall be at least one and one-half inches deep. Further, the concrete shall be tested by an independent testing company and the results provided to the city.

All Portland cement concrete that is to be replaced shall be constructed and conform with the specifications of the city engineer. All concrete replaced shall be a minimum of six inches of thickness and be high-early strength concrete. (Ord. 380 § 3, 2002: prior code § 6.0103)

**12.04.040 Asphalt streets.**

All asphalt streets shall be restored to a minimum of three inches and replaced according to the city engineer's specifications. The sub-base shall have a minimum of nine inches of crushed gravel. The asphalt used must be a hot mix and must be approved by the city engineer's office. All asphalt streets must be sawcut or cut with a pneumatic spade or blade just prior to placing new asphalt. All concrete streets with asphalt overlays shall be cut, excavated and patched according to the city engineer's specification. (Ord. 380 § 4, 2002: prior code § 6.0104)

**12.04.050 Graveled streets.**

All graveled streets shall be restored with a minimum of six inches of crushed gravel furnished and compacted in place by the contractor. (Ord. 380 § 5, 2002: prior code § 6.0105)

**12.04.060 Seeding or sodding area.**

Contractors who perform work in the parking shall seed or sod the construction area. They shall restore the area back to original condition as determined by the city engineer. (Ord. 380 § 6, 2002: prior code § 6.0106)

**12.04.070 Responsible for roadway.**

The contractor will be responsible for the roadway that the backhoe pads are set on. Any damage done to the existing roadway will be repaired by the contractor to the city engineer's specifications. (Ord. 380 § 7, 2002: prior code § 6.0107)

**12.04.080 Unsatisfactory work.**

If at any time within three years after the issuance of the permit the city engineer shall find that the work has not been satisfactorily done, or has not been properly backfilled, he or she shall notify the person, who has taken out the permit, in writing, that the work must be put in satisfactory condition in one week or the bonding company will be notified. (Ord. 380 § 8, 2002: prior code § 6.0108)

**12.04.090 Excavation supervision.**

The city engineer or his or her authorized representative shall supervise all excavations made for any purpose in the streets, parking, sidewalks, alleys or other public property, and he or she shall require all excavations to be backfilled in a good and workmanlike manner and as herein specified. (Ord. 380 § 9, 2002: prior code § 6.0109)

**12.04.100 Excavation protection.**

Any person receiving a permit to make excavations in or upon any street, parking, sidewalk, alley or other public property shall erect and maintain, around the same both day and night, during the continuance of the work and until the city engineer permits traffic over the excavation, suitable and adequate guards, fences, flares, and signals so as to prevent injury to persons or property because of such excavations. Such protection is to be approved by the city engineer. (Ord. 380 § 10, 2002: prior code § 6.0110)

**12.04.110 Filling of trenches.**

All native material or sand used for backfill shall be free from frozen materials, rocks, foreign material that may decompose, and other materials that may affect the stability of the backfill. All trenches and structure excavations shall be backfilled as soon as the jointing compound, mortar, concrete, etc., has attained a suitable degree of hardness, and this work shall be prosecuted expeditiously until completed.

In the case of excavations for any kind of pipe or conduit, the space between the pipe and conduit and the bottom and sides of the trench shall be packed and compacted as fast as placed, up to the level of the top of the pipe or conduit. The material shall be deposited carefully in the trench to avoid injuring the pipe or conduit and shall be placed in layers not more than six inches thickness, and each layer shall be solidly and carefully tamped with appropriate tools. The filling shall be carried up evenly on both sides. The above method shall be used to cover the pipe or conduit to at least one foot above its top.

All tamping above an elevation of one foot above the crown of the pipe or conduit shall be done with pneumatically operated tampers in layers not more than six inches in thickness, or mechanical

tampers in layers not more than twelve (12) inches in thickness, or mobile trench compactors in layers not more than thirty-six (36) inches in thickness. Other tampers may be approved for use by the city engineer. Tamping with the side or the bottom of an excavating bucket shall not be acceptable. Flushing will not be allowed unless specifically authorized by the city engineer.

When the trench is filled the contractor shall remove all surplus material leaving the street or alley clean and in good order. (Ord. 380 § 11, 2002: prior code § 6.0111)

**12.04.120 Violations--Penalty.**

In addition to the civil liability under their bond as provided above, any person convicted of a violation of this chapter shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). (Ord. 380 § 12, 2002: prior code § 6.0112) (Amended 2007)