

Chapter 12.20

STREET WORK PERMITS

Sections:

12.20.010 Permit–Required when–Emergency exception.

12.20.020 Permit–Terms and conditions.

12.20.030 Permit– Fee–Furnishing of restoration specifications

12.20.040 Permit–Issuance–Notice of work completion–Bond forfeiture.

12.20.050 Inspection authorized– Fee.

12.20.060 Performance bond required.

12.20.070 Liability insurance cover.

12.20.080 Permit–Form.

12.20.090 Safety devices required.

12.20.100 Notification of intent to pave–Excavation restrictions.

12.20.110 Pavement cutting– Administrative variance.

12.20.120 Violation–Penalty.

12.20.010 Permit–Required when–Emergency exception. It is unlawful for any person, firm, or corporation to cut up, dig up, undermine, break, excavate, tunnel, or in any way disturb or obstruct any street, alley, or any street pavement or improvement, or owned-owned property in the Town without first having obtained written permission as provided in this chapter; provided however, that in case of an emergency occurring outside of regular office hours, whenever an immediate excavation may be necessary for the protection of life or public or private property, such matter shall be reported immediately to the Public Works Director, who may thereupon grant permission to make the necessary excavation upon the express condition that an application for a permit shall be made in the manner provided in this chapter on or before 12:00 noon of the next following business day. (Ord. 1314 §1(part), 2002).

12.20.020 Permit–Terms and conditions. Such permit shall be granted only upon compliance with the following terms and conditions: (A) The party requesting such permit shall make application in writing and simultaneously therewith file with the Town a plat showing the location and plan of the excavation, cutting, or other work desired to be done, and the street, alley, or place to be so used, together with a full description of the nature of the work. The Public Works Director shall thereupon examine such application and plat, and if the same shall be approved and proper performance bond filed, as hereinafter provided, permits may be issued. (B) Such permit shall specify the place where such acts are to be performed and done, together with a description of the proposed work to be done under such permit and the length of time allowed for the completion thereof. The permittee shall further be required to replace to its former condition whatever portion of the street, alley, pavement, or

improvement that may have been disturbed or affected in any way during such work, and such permit may further specify whether the Town elects to do the work of restoring the surface as provided in this chapter. (C) In making any excavation, cut, or break in any public street, avenue, or alley, the materials thus excavated from the trenches thereof not otherwise suitable for backfilling shall be disposed of as directed by the Town. All such excavations shall be backfilled with approved materials and shall be compacted to a minimum of 95%. (D) The maximum length of any open trench during such work shall at no time exceed 200 lineal feet, except when otherwise granted by special written permission from the Public Works Director. No open ditches shall be left overnight or on weekends. (E) All existing storm sewer facilities and other utilities that were moved or disconnected during such work shall be cleaned thoroughly and swept immediately after backfilling and after completion of compaction. All cuts shall be continuous and shall be made with saws specifically equipped for this purpose. No skip cutting will be allowed. Any pavement that is damaged outside the allowable trench widths, shall be repaired entirely at the contractor's expense. (F) If the Public Works Director so elects, all excavated materials at intersections shall be removed and disposed of, and steel driving plates placed over trenches so as to provide safe and adequate passage for vehicular and pedestrian traffic at all times. (G) In excavating any public street, avenue, or alley, the surface material and earth removed must be kept separate and deposited in a manner that will occasion the least inconvenience to or interference with the public, with adequate provision for proper surface drainage and safe passage for the traveling public. Such surface or pavement, after refilling, shall be placed in as good condition as it existed immediately prior to the excavations. If the permittee shall fail to complete such work and restore such street, alley, pavement, or improvement before the expiration of the time fixed by such permit, the Public Works Director shall, if he deems it advisable, cause such work to be done by the Town or any other party in order to return such street, alley, pavement, improvement, or place to its original and proper condition as it existed immediately prior to such excavation; in such case the permittee shall be liable unto the Town for any and all work performed, and the Town shall have the right to proceed against the performance bond filed by said permittee as provided in this chapter. The Town shall have a right of action against such permittee for all fees, expenses, and costs paid out and incurred in connection with such work, not otherwise covered by said bond. (H) The permittee, as a further condition to the issuance of such permit, shall warrant and guarantee unto the Town the work performed and the restoration of the premises for a period of two years from the date of completion of such work. (I) The Town shall have the right to elect, and to specify such election on the permit to be issued, that the refilling of all trenches made in a public street, alley, or highway, and the repaving or resurfacing thereof, may be done by the Town and any and all costs and expenses in connection therewith be charged to and paid by the permittee and/or the sureties of his/her performance bond. Such bond shall be in an amount not less than one hundred twenty-five percent of the anticipated cost of the work to be done. (J) The Town will not be responsible for locating and/or exposing town-owned or private utilities, storm drains, or any underground facility, except as provided through requests for coordinated underground utility location services organizations; the Town will, however, attempt to the best of its ability to reference, in general, underground facilities. It shall be the sole responsibility of the permittee to use whatever proper precautions are necessary in all excavations with respect to all underground facilities to ensure the prevention of any damage whatsoever, to include the use of hand labor if necessary. (Ord. 1564 §I(part), 2017: Ord. 1314 §1(part), 2002).

12.20.030 Permit–Fee–Furnishing of restoration specifications. Each application for a permit shall be accompanied by a permit fee, to compensate the town administrative and inspection costs attributable

to issuance of the permit. The permit fee shall be in the sum of seventy-five dollars (\$75) that includes up to one hour of inspection time. Any inspection time in excess of one hour for any permit shall be charged at forty-five dollars (\$45) per hour rounded to the next highest one-half hour. Any work done under a valid permit that requires the cutting of asphalt or concrete will be charged an additional four dollars (\$4.00) per square foot of asphalt or concrete cut and patched to defray the future maintenance impacts due to the cut. The Public Works Director shall furnish specifications for street alley, and roadway restoration to the permittee. (Ord. 1314 §1(part), 2002).

12.20.040 Permit--Issuance--Notice of work completion--Bond forfeiture. Such permit shall be issued in duplicate and one copy shall be filed with the Public Works Receptionist and one copy with the Public Works Director. Immediately upon the completion of the acts or work allowed under such permit, written notice thereof shall given to the Town by permittee. (Ord. 1314 §1(part), 2002).

12.20.050 Inspection authorized--Fee. The Public Works Director, may, if in his/her judgment the nature and type of work are such as to require inspection thereof, either during the progress of such work or after the premises affected have been restored to its original condition, or at both said times, inspect the same at the expense of the permittee, and said permittee shall pay an inspection fee of \$45.00 per hour for each hour in excess of one hour, rounded to the next highest one-half hour. (Ord. 1314 §1(part), 2002).

12.20.060 Performance bond required. The applicant for any such permit, the issuance thereof as provided in this chapter, shall execute and deliver unto the Town and file with its Clerk a performance bond in such amount as shall be fixed by the Public Works Director, which bond, or any additional bond and/or separate liability insurance coverage elsewhere provided in this chapter shall also provide that the applicant will keep and save the Town harmless from any and all claims, liabilities, judgments, losses, or damage expenses arising from any acts which said permittee may do under the permit, or which may be done by any of his/her agents, servants, representatives, or employees in excavation or disturbing any such alley, street, pavement, or improvement, or by reason of the violation of any of the provisions of this chapter, and to otherwise fully warrant the work and acts required hereunder for a period of two years. (Ord. 1314 §1(part), 2002).

12.20.070 Liability insurance cover. The applicant shall furnish satisfactory evidence of liability insurance in the amounts of \$1,000,000, \$2,000,000, and \$1,000,000. The applicant shall obtain and keep in force during the term of the permit, public liability and property damage insurance in companies and in form to be approved by the Public Works Director. Said insurance shall provide coverage to the applicant, any subcontractor performing work provided by the permit, and the Town. The Town shall be named as an additional insured on said policy insofar as the work and obligations performed under the permit are concerned. The coverage so provided shall protect against claims for personal insurance and injuries, including accidental death, as well as claims for property damages that may arise from any act or omission of the applicant or the subcontractor, or by anyone directly or indirectly employed by either of them. The minimum policy limits of such insurance shall be as follows: bodily injury liability coverage with limits of not less than \$1,000,000 for bodily injury, including accidental death, to any one person, and subject to that limit for each person, in an amount not less than \$2,000,000 for each accident; and property damage coverage in an amount of not less than \$1,000,000 for each accident. (Ord. 1314 §1(part), 2002).

12.20.090 Safety devices required. In case any public street, alley, pavement, improvement, or place shall be dug up, excavated, undermined, cut or disturbed, the permittee shall cause to be erected and maintained around the portion of the street, alley, pavement, improvement, or place so disturbed, such barriers, lights, signs, flagmen, and other safety devices as may be required by the latest, revised Manual on Uniformed Traffic Control Devices and Public Works Director and failure to do so shall constitute a violation of this chapter. (Ord. 1314 §1(part), 2002).

12.20.100 Notification of intent to pave—Excavation restrictions. Whenever the Town Council takes action providing for the construction, paving or resurfacing of any street, the Public Works Director shall promptly mail a written notice thereof to each person or firm owning any utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons or firms that no excavation permit shall be issued for openings, cuts, or excavations in said streets for a period of five years after the date of Council action. Such notice shall also notify such persons or firms that applications for excavation permits, for work to be done prior to such construction, paving, or resurfacing, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than (60) days from the date of Council action. Within said sixty (60) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this chapter, as may be necessary to install or repair conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said 60 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts, or excavations in said street shall be forfeited for a period of five years from the date of Council action. During said five-year period, no excavation permit shall be issued to open, cut, or excavate in said street unless in the judgment of the Director an emergency as described in this chapter exists which makes it absolutely essential that the excavation permit be used. Every town department or official charged with responsibility for any work that may necessitate any opening, cutting, or excavation in said street is directed to take appropriate measures to perform such excavation work within said sixty (60) day period so as to avoid the necessity for making any openings, cuts, or excavations in the new pavement in said Town street during said five year period. (Ord. 1314 §1(part), 2002).

12.20.110 Pavement cutting—Administrative variance. No pavement types shall be cut for a period of five (5) years after the pavement has been constructed or resurfaced. In cases of emergency or construction failures or if all alternatives to pavement cutting have been exhausted, provisions to allow cutting of the pavement may be obtained if approved by the Town. Provisions shall be conditioned on providing a standard asphalt patch and a minimum 150 linear foot full-width overlay for asphalt concrete pavement and bituminous surface treatment pavement or standard cement concrete restoration for cement concrete pavements. (Ord. 1314 §1(part), 2002).

12.20.120 Violation—Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as set forth in Chapter 1.04. (Ord. 1314 §1(part), 2002).