

## CHAPTER 81 EXCAVATIONS

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**81.010. Permit; Required.** It shall be unlawful for any person to cut, break, dig up, damage in any manner, undermine or tunnel under any public street or alley without first obtaining a permit therefor. (Ord No. 3378)

**81.020. Application.** Applications for permits required by the preceding section shall be in the form prescribed by the director of public works and shall specify the name and address of the applicant; the date of the application; the name of the street or alley to be cut or tunneled under; the nature of the street surface or pavement involved; the purpose of the work; the size and nature of the cut or excavation; the number of days required to complete the work; and, an agreement to deposit such security as required by the director of public works, to comply with the provisions of this chapter and with the specifications of the director of public works pertaining to the conduct of the work, to save the city and its employees harmless against any injury or damages that may result from the acts of the applicant, and to file a report of the work done within 48 hours of its completion. Applications shall also contain or be accompanied by such maps, plans, information, and stipulations as may be required by the director of public works, together with fees as prescribed by resolution of the council to cover the full cost of plan review services or permit issuance and inspections. (Ord No. 162-68; Ord No. 107-84; Ord No. 51-91; Ord No. 51-96)

**81.030. Issuance; Contents.** If the director of public works is satisfied that the excavation, cut, or tunnel covered by an application for a permit under this chapter is feasible and proper, that the application has been made in due form and that adequate security has been filed, as required by the provisions of this chapter, he shall issue a permit which shall designate: The name and address of the person to whom the permit is granted; the date of the issuance of the permit; the street to be cut or tunneled under; the nature of the street surface or pavement involved; the purpose of the work; the size and nature of the cut or excavation; the estimated cost of restoration; the nature and amount of security deposited; the time within which the work is to be completed, as determined by the director of public works; and, such other restrictions as may be deemed necessary or proper by the director of public works for the safety of the public and the protection of public interests. (Ord No. 3378)

**81.040. Controls as to Work Undertaken.** No work shall be undertaken other than that specified in the application and permit for the particular cut or excavation. (Ord No. 3378)

**81.050. Exhibition of Permit.** Upon demand of the director of public works or any police officer, the

permit issued under this chapter shall be produced at the place where the work is in progress, or such work shall be stopped until the permit is produced. (Ord No. 3378)

**81.060. Security Required; Exceptions.** Before the issuance of any permit under this chapter, the director of public works shall require the applicant to file with him, as security, either:

(a) A surety bond in the amount fixed by the director of public works, but not to exceed five hundred dollars, conditioned that the applicant will, immediately upon the completion of the work, remove all surplus earth, rubbish, or other material and replace the pavement cut or undermined in a condition as good or better than it was before, and keep the same in good repair, at his own expense, for a period of time to be designated by the director of public works, but not to exceed one year from the completion of the work;

(b) Cash or certified checks in an amount equal to twice the estimated replacement value of the pavement to be cut, together with the cost of reexcavation and refilling with proper material, if necessary, as determined by the director of public works, to be held and returned subject to the same conditions as set forth above in the case of surety bonds; or

(c) A blanket surety bond to cover all street cuts made by any particular applicant for a period of one year in an amount to be fixed by the director of public works, but not to exceed five thousand dollars and subject to the same conditions as stated above with reference to bonds for particular street cuts.

In lieu of a surety bond required by this section, applicant may make an assignment of equivalent cash in bank account, savings certificates, treasury notes, or other securities having the approval of the city attorney.

In the case of unimproved streets, no security shall be required, unless, in the opinion of the director of public works, such security is necessary for the protection of the public interest. (Ord No. 3378; Ord No. 41-87)

**81.070. Conduct of Work Generally.** All work under a permit obtained as required by this chapter shall be done in conformity with the provisions of this chapter and the terms of the application and permit and under the supervision and subject to the approval of the director of public works. (Ord No. 3378)

**81.080. Barricades, Lights, and Watchmen.** Whenever any person shall, under authority of this chapter, or otherwise, place any obstruction in any street or alley or make any excavation therein for any purpose whatsoever, it shall be the duty of such person to keep such obstruction or excavation properly safeguarded by substantial barricades and to display lighted red lanterns or other lights or flares from dusk until daylight in conformity with such regulations as may be specified by the director of public works.

Whenever, in the opinion of the director of public works, the public safety is so seriously endangered by such cuts or excavations as to require constant supervision from dusk to daylight to insure that all barricades are in proper condition, that all warning lights are burning, and that traffic is properly routed around such barricades, the person to whom the permit for the work has been granted shall be responsible for furnishing a night watchman for that purpose. (Ord No. 3378)

**81.090. Completion Report.** Within 48 hours of the completion of any cut or excavation authorized under this chapter, the person to whom the permit to do such work has been issued shall report to the director of public works, stating that such work has been completed and give such other information as may be required by the director of public works. (Ord No. 3378)

**81.100. Removal of Earth, Rubbish.** Upon completion of the excavation, cut, or tunnel authorized by a permit issued under this chapter, all surplus earth, rubbish, or other material shall be removed immediately and the street or surface shall be replaced in as good as or better condition than it was before. (Ord No. 3378)

**81.110. Maintenance and Repair of Surface Generally.** All persons to whom permits are granted under this chapter shall be personally responsible for the maintenance and repair of the street surface or pavement cut, dug up, damaged, tunneled under, or undermined under the provisions of such permits, in as good as or better condition than before such work was undertaken, at their own expense and for such period of time as may be required by the director of public works, but not to exceed one year. (Ord No. 3378)

**81.120. Repairs and Replacements by City.** Whenever, in the opinion of the director of public works, it would be to the best interests of the city for the city itself to replace or repair the street surface or pavement cut, dug up, damaged, tunneled under, or undermined under the provisions of this chapter, such work shall be done by the city under the direction of the director of public works and the cost of such work shall be either charged to the person to whom the permit for the cut or excavation was granted or deducted from the security deposited by him with the director of public works. (Ord No. 3378)

**81.130. Liability for Accidents.** Every person having occasion to place any obstruction in any street or alley or to make any excavation therein under the provisions of this chapter shall be responsible for any injury to any person by reason of the presence of such obstruction or excavation in the public highways and also shall be liable to the city, in the event that the city shall be held responsible for any accident claims or otherwise arising out of the presence of any such obstruction or excavation. (Ord No. 3378)

**81.140. Applicability of Chapter to City and Public Utilities.** The provisions of this chapter shall not be deemed to apply to the construction or maintenance of pavement by the city, by its employees, or by persons operating under contract with the city, nor to cuts or excavations made by the employees of the public works department, nor to public utility corporations operating under the provisions of franchises regulating street cuts or excavations by such corporations; but, both the employees of the city and all public utility corporations shall give prior notice to the director of public works of all street cuts which would otherwise be subject to the provisions of this chapter. (Ord No. 3378)

**81.990. Violations.** Violation of any of the provisions of this chapter is an infraction. (Ord No. 193-79)

