

ORDINANCE NO. 929

AN ORDINANCE AMENDING 8-1-5 TO REQUIRE PERMITS FOR AN
EXCAVATIONS, BORINGS, OR EARTH REMOVAL IN A PUBLIC EASEMENT
OR RIGHT OF WAY; REQUIRING WARRANTY FOR WORK PERFORMED;
REQUIRING REMOVAL OF EXISTING LINES; REQUIRING PROVISIONS OF
MAPS; AND DECLARING AN EMERGENCY

A. Excavations; Borings; Earth Removal: Permit and Other Requirements:

1. It shall be unlawful for any person to cut, dig, bore, blast, excavate, produce or in any other manner make or cause to be made, any hole, opening, ditch, displacement, depression or impairment of the surface of any street, paving, paving curb, crossing or walk, easement, right-of-way in any street, alley or sidewalk within the city without first making written application for a permit so to do on a form prescribed by the city clerk, to be approved by the city engineer or the city manager or his designee; and first making a cash deposit with the city in an amount named by him to guarantee the replacement, repair and restoration thereof to its former condition; and also first securing from the city permit clerk a written permit.
2. The work, repair or replacement shall be done under the supervision and direction of the city engineer or the city manager or his designee. (1991 Code § 19-11)
3. Said repair or replacement will be guaranteed, or warranted by the permitted party for a period of one (1) year from the date of the project completion.

B. Excavations Guarded:

1. All excavations upon the front or side of any lot adjoining a street, avenue, alley, easement, right-of-way, or under any sidewalk, in the city shall be securely and properly guarded and protected by the person having charge of the same, so as to prevent the same being or becoming dangerous to life or limb. (1991 Code § 19-7)

C. Removing Street, Sidewalk, Other Materials, or Boring By-Products:

1. It shall be unlawful for any person to injure, remove or displace any earth, stone, gravel, sand or other material forming a part of any public highway, street, alley, sidewalk, road, crosswalk, easement, or right-of-way within the city without permission from the city manager or his designee. (1991 Code § 19-8)
2. It shall be unlawful for any permitted party to replace pipe, or line without first removing the pipe, or line to be replaced.

D. Plans, Maps, and Inventories:

1. The city requires the following specific information about the permitted excavation, boring, or earth removal site and the applicant's system design for current and future facilities within the corporate boundaries of the city.
 - a. An inventory and map of existing facilities that are within the city including specific information about the location, depth, and design of each installation within the easements, and rights-of-way of the city
 - b. A vicinity map and scaled set of plans identifying the exact placement of the improvement or replacement within the easement or right-of-way.
 - c. A report by a properly licensed professional, certifying that the proposed improvement or replacement meets or exceeds the current code of the city.

WHEREFORE, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately from and after its passage and proof of publication.

Passed and approved this _____ day of _____, 2010.

Allen Bryson, Mayor

ATTEST:

Lisa Anders, City Clerk