

Chapter 515

EXCAVATION IN STREETS, ALLEYS AND SIDEWALKS

Section 515.010. Permit — Required. [R.O. 2012 §515.010; Ord. No. A-6342 §1, 8-9-1996]

- A. No person shall make an excavation within the right-of-way limits of any street, alley or sidewalk without first obtaining a permit from the City Clerk; provided, that in the case of emergency which requires immediate attention to remedy defects in order to prevent loss or damage to persons or property it shall be sufficient that the persons making such excavation or opening in streets, alleys or sidewalks obtain a permit where such permit cannot be obtained immediately and before starting such excavation or opening. The permit, or a copy thereof, shall be kept at the work site and exhibited to any Police Officer, inspector or agent of the City Clerk or Utilities Superintendent asking for same.
- B. For purposes of this chapter, the word "*person*" shall include individuals, agents, corporations, public and private utilities, political subdivisions, departments and agencies of the State of Missouri and the United States government, firms, partnerships, associations and any other group acting as a unit.
- C. Public utilities, political subdivisions, departments and agencies of the State of Missouri and the United States government shall be required to secure permits under the terms of this Chapter but shall be required to post bonds or deposits.
- D. The person securing a permit to make an excavation in any street, alley or sidewalk shall be deemed to be the person making such excavation.

Section 515.020. Permit — Deposit With City Clerk of Surety Bonds. [R.O. 2012 §515.020; Ord. No. A-6342 §1, 8-9-1996]

- A. Where it shall be necessary to make an excavation within the limits of any existing street, alley or sidewalk, the applicant for an excavation permit shall, before receiving a permit, deposit with the City Clerk an amount of money equal to two dollars (\$2.00) per square foot of estimated excavation area.
- B. In lieu of such deposit, the applicant may file with the City Clerk a surety bond sufficient in amount to insure payment for the proper repair of such excavation in accordance with the terms of this Code and other City ordinances and to insure and protect the City from all damages that may arise from such excavation prior to acceptance by the City, after proper backfilling.
- C. Such deposit shall be returned ninety (90) days after the excavation has been backfilled and after a street inspector shall have reported the excavation to have

been properly repaired and payment made therefore and to his/her knowledge no damage to any person or property has occurred by reason of such excavation prior to acceptance by the City.

- D. Any person who is issued a permit under the provisions of this Chapter shall as a condition to the granting of such permit agree to indemnify and hold harmless the City from any claims and damages because of bodily injury, including death, and claims for damages to property which may arise out of and during operations under the permit whether such operations be by the applicant or by any subcontractor or anyone directly or indirectly employed by the applicant.

Section 515.030. Fee For Inspection and Permits. [R.O. 2012 §515.030; Ord. No. A-6342 §1, 8-9-1996]

Every person making an excavation in a street, alley or sidewalk shall pay to the City Clerk for the inspections and permits required in this Section a fee of five dollars (\$5.00).

Section 515.040. Installation of Underground Utilities. [R.O. 2012 §515.040; Ord. No. A-6342 §1, 8-9-1996]

- A. Where an application is made for an excavation permit (excepting for the installation of a sewer or water connection) the applicant shall submit a drawing or plat showing the location where the proposed main or cable is to be placed.
- B. All underground water mains and their lateral lines and valve boxes and all underground gas mains and lateral lines and appurtenances thereto and all underground telephone cables, junction boxes and appurtenances thereto shall, wherever practicable, be placed between the curb line and sidewalk or sidewalk line in the Section of the street known as the parkway. Where the street pavement and the sidewalk occupy the entire street, the underground water, gas mains, telephone cables and lateral lines, valve boxes, junction boxes, and other appurtenances thereto shall, where practicable, be placed under the sidewalk. When any of the aforesaid mains, cables, or appurtenances thereto are placed under the sidewalk, the sidewalk shall be removed to the full width, except where the sidewalk is of such width and construction as to permit removal of a part of the sidewalk to a longitudinal joint.

Section 515.050. Barricades and Lights Required On Excavation. [R.O. 2012 §515.050; Ord. No. A-6342 §1, 8-9-1996]

All excavation shall be barricaded in such a manner as to protect such pedestrians and vehicular traffic. Such excavation and barricades shall be lighted at night with danger signals in such a manner that all traffic may be warned of the existence and location of such excavation and barricades. All surplus excavation materials, tools or supplies at the site of the excavation shall be barricaded and lighted at night in the manner described in this Section. All barricades and lights shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

Section 515.060. Backfills. [R.O. 2012 §515.060; Ord. No. A-6342 §1, 8-9-1996]

At the completion of any work requiring the excavation of a street, alley or sidewalk, such excavation shall be immediately backfilled with material meeting the gradation requirements of Section 02222-Granular Stone Bedding and Backfill as specified in the City of Monett standard construction specifications. All surplus material shall be removed from the area by the person making the excavation.

Section 515.070. Inspection and Acceptance of Excavation After Backfilling and Settlement. [R.O. 2012 §515.070; Ord. No. A-6342 §1, 8-9-1996]

When an excavation has been made within the limits of any street, alley or sidewalk, and after the same has been properly backfilled and opened to traffic, the person making the excavation shall immediately notify the City Clerk that the same is ready for final repair. The Superintendent of Streets or his/her duly authorized agent shall immediately inspect the same, and if he/she finds that such excavation has been properly backfilled and has settled sufficiently to permit final repair, he/she shall accept the same for the City and relieve the person making the excavation from further liability in connection therewith, except for the payment of the charge set out in this Chapter for paving, surfacing or maintenance for a period of ninety (90) days of such street, alley or sidewalk. If requested by the Superintendent of Streets, the person making the excavation shall place a temporary surface consisting of at least one and one-half (1½) inches of cold mix asphalt over the backfill prior to acceptance. After such acceptance, the City shall be solely liable for maintenance and repair of such excavation; except, that on the parkways and the shoulders of unpaved streets, the person making the excavation shall be responsible for the same for a period of ninety (90) days. The judgement of the Superintendent of Streets or his/her duly authorized agent as to when an excavation has been properly backfilled and has settled sufficiently to permit final repair shall be conclusive.

Section 515.080. Final Repair of Excavations — Specifications. [R.O. 2012 §515.080; Ord. No. A-6342 §1, 8-9-1996]

- A. After inspection and acceptance of excavation by the Superintendent of Streets, he/she shall proceed with the final repair of such excavations in the following manner:
 1. *Paved streets.* If the excavation is in the paved area of any street, alley or sidewalk:
 - a. For concrete streets, the backfill shall be removed to a depth equal to the thickness of the existing concrete. For streets surfaced with asphalt or other material, the backfill shall be removed to a depth of six (6) inches below the lower side of the surface course.
 - b. The existing paving shall than be broken out and all materials removed to the above depth and for a distance of twelve (12) inches on each side of the original excavation. The paving shall be broken with care so as to insure a straight edge and a uniform patch. Concrete streets shall be patched with Portland cement concrete of the same thickness but not less

than six (6) inches. Other types of pavement may be patched with a two (2) inch layer of bituminous surface over a six (6) inch Portland cement concrete base.

2. *Streets with bituminous seal coat or oiled surface.* If the excavation is within the limits of any street with a bituminous seal coat or oiled surface, the Superintendent of Streets shall remove the top two (2) inches of the backfill and refill the same with plant mix bituminous surface to the level of the existing surface.
3. *Parkways.* The person making the excavation shall be responsible for the protection and private property adjacent to the work and shall exercise due caution to avoid damage to such property. The person making the excavation shall repair or replace all existing improvements (e.g., curbs, sidewalks, driveways, fences, wells, signs, utility installations, etc.), which are damaged or removed as a result of these operations. Repairs and replacements shall be at least equal to existing improvements and shall match them in finish and dimension.
 - a. Trees, lawns and shrubbery shall be protected from damage or injury. If damaged or removed because of the operations, they shall be restored or replaced in as near the original condition and location as is reasonably possible. After the backfill has settled sufficiently at least six (6) inches of topsoil shall be replaced on excavated areas, removing backfill material as necessary in order that the final surface may match the previously existing grade. The disturbed area shall be fertilized with a mixture consisting of thirteen (13) pounds of soluble nitrogen phosphoric acid and potash per one hundred (100) pounds of mixture. The area shall then be raked to a smooth even surface, the soil loosened to a depth of at least one (1) inch and seeded. The seed shall be a mixture containing fifty percent (50%) Park's Kentucky Bluegrass, forty percent (40%) Creeping Red Fescue, five percent (5%) Dutch White Clover, and five percent (5%) Annual Rye Grass. The seed shall be free from Johnson Grass, Canadian Thistle or field bindweed seed and shall not contain more than two percent (2%) of other weed seeds. The seed shall be evenly distributed over the area at a rate of three (3) pounds per one thousand (1,000) square feet. On areas subject to wash or on slopes steeper than three (3) to one (1), the seeded areas shall be covered by straw approximately one quarter ($\frac{1}{4}$) inch in depth. The area shall be maintained by the person making the excavation for a period of ninety (90) days.
4. *Unsurfaced or aggregate surfaced streets.* If the excavation is within the limits of any unsurfaced or aggregate surfaced street, the same shall be maintained by the person making the excavation for a period of ninety (90) days. Should the person making the excavation fail to properly maintain it for such period, then the City will assume the responsibility of the maintenance

and a charge for such maintenance will be made as provided in Section 515.090 of this Chapter.

Section 515.090. Final Repair — Charges To Person Making Repairs. [R.O. 2012 §515.090; Ord. No. A-6342 §1, 8-9-1996]

A. Upon completion of the repairs to excavation, the Superintendent of Streets shall compute the area of patch work done by the City in repairing such excavation and the person making the excavation shall pay the City Clerk for such repairs in accordance with the following schedule of prices:

1. Six (6) inch Portland cement concrete, per square foot (SF) \$4.50
2. Portland cement concrete, per inch over six (6) inches, per SF 0.50
3. Four (4) inch concrete sidewalk, per SF 4.00
4. Two (2) inch bituminous mix, per SF 2.00
5. Concrete curb and guttering, per lineal foot (LF) 9.00
6. Saw cutting, per LF 8.00
7. Maintenance, per LF 1.50
8. Inspection, per LF 30.00
9. Permit for excavation in surfaced R/W, each 5.00
10. New residential driveway permit (improved) 30.00
11. New commercial driveway permit (improved) 35.00
12. New commercial driveway permit (unimproved) 35.00

Section 515.100. Penalties. [R.O. 2012 §515.100; Ord. No. A-6342 §1, 8-9-1996]

Failure of the person making the excavation to comply with the provisions of this Chapter shall be deemed cause for revocation of the bond or deposit. Failure of the person making such excavation to make corrections to comply with the provisions of this Chapter within three (3) days after notice being given of the defect, shall constitute cause for the City to refuse to issue further excavation permits to such person until the failure is corrected. Any person who shall violate any provisions of this Chapter shall, upon conviction, be punished as provided in Section 100.080 of the Monett City Code.