

A. A minimum thirty-foot street width from face of curb to face of curb.

B. A minimum twenty-foot radius on the curb return at the intersections of streets. (Ord. 708 (part), 1990)

12.05.050 Installation responsibility. Installation of street frontage improvements shall be the responsibility of the developer/owner of the parcel for which the issuance of a building permit is being requested. (Ord. 708 (part), 1990)

12.05.060 Conditions of permit issuance--Access easement or right-of-way land dedication requirements. Where it is determined by the city engineering department, after review of survey information or engineered roadway improvement plans, that there is a need for a public improvement on an individual lot, those property owners requesting the issuance of a building permit shall offer a public access easement or dedication of land for right-of-way purposes for those portions of the individual lots to be used for public improvements or street frontage as defined by Section 12.05.040 of this code. Said dedication of public access easement or land for right-of-way shall be a condition of the issuance of a building permit, with no city compensation offered therefor. (Ord. 708 (part), 1990)

## Chapter 12.08

### EXCAVATIONS

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12.08.010 Generally. It is unlawful for any person, firm or corporation to lay down pipes or conduits in the public streets or other public places of the city, to excavate, open or tear up any street or other public place therein, except under the direction of the city engineer of the city in accordance with the regulations adopted by the city council. (Ord. 522 §1, 1976)

12.08.020 Permit--Required. A. It is unlawful for any person, firm or corporation to make or cause to be made any excavation in or under the surface of any public street or other public place for the installation, repair or removal of any pipe, conduit, duct or tunnel, or for any other purpose, without first obtaining from the city engineer a written permit to make such excavation showing the location and dimensions of such proposed excavation, together with any other information or details, directions or regulations which the city engineer may insert in the permit.

B. No person, firm or corporation shall be issued any permit under this chapter unless a written application is filed therefor and the fee paid for such excavation, and unless the special or general deposit or the faithful performance bond has been filed according to the provisions of this chapter. (Ord. 522 §2(A), 1976)

12.08.030 Permit--Application--Fee. A. Any person desiring a permit under this chapter shall file a written application therefor with the city engineer which shall contain the following:

1. The name and address of the applicant;
2. The exact location of the proposed excavation, including a sketch or plat thereof;
3. The dimensions of the excavation, including the width, depth and length thereof;
4. The purpose of the excavation;
5. The date when the work of excavation is to commence;
6. The date when the work of excavation is to be completed;
7. The agreement by the applicant to conform with all of the provisions of this chapter, to the effect they constitute a lawful exercise of the police power of the city, on forms provided by city.

B. Each application filed for a permit under this chapter shall be accompanied by an inspection fee in the sum of fifteen dollars per one hundred linear feet or fraction thereof which shall not be subject to refund for any reason whatever. The inspection fee shall be paid prior to the issuance of the encroachment permit. (Ord. 522 §2(B), (C), 1976)

12.08.040 Permit--Issuance. A. Upon the filing of an application for a permit under this chapter, the payment of the fees and the payment for filing of the deposit or bond for the faithful performance of the excavation and refilling, the city engineer shall issue a written permit to make the excavation requested in the application; provided, that the applicant is authorized by law, or an existing valid franchise to use the street for the purpose shown in the application.

B. Unsigned permits may be furnished to a public utility serving the city to accompany applications made under this chapter and if satisfactorily completed covering specific applications, the city engineer may sign and issue the same. (Ord. 522 §2(D), 1976)

12.08.050 Permit--Limitations. A. Every permit for an excavation in or under the surface of any public street or other public place as required in this chapter shall be issued subject to the right of the city or any person entitled thereto to use that part of such street, alley or other public place which may be lawfully used, which does not comprise any part of the area required for such excavation.

B. Excavations shall be confined to the work described in the permits issued therefor as described in this section. Each permittee shall notify the city engineer when excavation under the permit will be commenced, and such notice shall be given at least eight working hours before such time of commencement, it being understood that the working hours are between nine a.m. and five p.m. from Monday to and including Friday of each week. (Ord. 522 §2(E), 1976)

12.08.060 Excavation prohibited on new improvements. A. Whenever the city council enacts any resolution providing for the paving or repaving of any street, the city engineer or superintendent of public works shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under said street. Such notice shall notify such persons that no excavation permits shall be issued for openings, cuts or excavations in the street for a period of five years after the date of enactment of the resolution. During the five-year period, no excavation permit shall be issued to open, cut or excavate in the street unless, in the judgment of the city engineer or superintendent of public works, an emergency exists which makes it absolutely essential that the excavation permit be issued.

B. Any person, firm or corporation violating any provision of this section is deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars or be imprisoned in the county jail for a period not exceeding one hundred eighty

days, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 608 §1, 1982)

12.08.070 Special deposit--Required when. Unless a general deposit or faithful performance bond is deposited or filed as required by Section 12.08.100 of this chapter, each application for a permit to excavate as required by this chapter shall be accompanied by a special deposit in the amount fixed by the city engineer, to guarantee the faithful performance by the applicant of the completion of all excavation and refilling work required under this chapter, and by the permit when issued, and the payment of all inspection fees charged therefor. No permit shall be granted until the deposit is made. (Ord. 522 §3(A), 1976)

12.08.080 Special deposit--Refund. A. The special deposit required in Section 12.08.070 of this chapter may only be refunded upon written application made therefor not less than twelve months after the completion of the excavation work, and the refilling of the same, and not later than twenty-four months after such completion of work, and upon the written certification by the city engineer that the work was done and completed satisfactorily, and in the manner required by this chapter.

B. Upon the failure to claim such refund or deposit within the period, the same shall be forfeited to the city. In the event the work is not completed to the satisfaction of the city engineer, and in accordance with this chapter, the city shall have the right to complete such work and charge the cost thereof against the deposit, and hold the person depositing the same liable for any deficiency between the cost of the work and deposit. (Ord. 522 §3(B), 1976)

12.08.090 Special deposit--Exemption. A. The provisions of Section 12.08.070 of this chapter shall not apply to any public agency or public utility having lawful authority to occupy the city streets or other public places which is authorized by law to establish or maintain any works or facilities in, under or over any public street or other public place.

B. The city engineer may require of any such applicant a bond in a sum not to exceed five thousand dollars. If such applicant has in fact prior to such application failed to comply with the provisions of this section or with the provisions of a previous permit.

C. No special deposit or faithful performance bond shall be required of any individual owner-builder. (Ord. 629 §2, 1984; Ord. 522 §3(D), 1976)

12.08.100 General deposit or bond--Required. In lieu of the special deposit required under Section 12.08.070 of this chapter, any applicant for the permit required by this chapter may make and maintain with the city a general deposit in the sum of one thousand dollars, or may file with the city clerk a corporate faithful performance or license bond, approved by the legal counsel of the city, covering all work performed by such applicant for a period of one year, and by so doing shall not be required to accompany applications with the special deposits; provided, however, that if the total area of excavation work covered by any single application shall cover an area of excavation work which would require a special deposit under Section 12.08.070, in a total sum in excess of one thousand dollars, then such applicant depositing the general deposit or filing the faithful performance or license bond shall be required to increase the deposit or bond in an amount sufficient to bring the total thereof up to the total amount of the special deposit, which would otherwise be required at such time. (Ord. 522 §3(C), 1976)

12.08.110 General deposit--Refund. The general deposit required in Section 12.08.100 of this chapter shall only be refunded upon written application made therefor not less than twelve months after the completion of all excavation work and the refilling of the same, and not later than twenty-four months after completion of the work and upon the written certification of the city engineer that such work was done and completed satisfactorily and in the manner required by this chapter. Upon failure to claim the refund within the period, the same shall be forfeited to the city. (Ord. 522 §3(E), 1976)

12.08.120 Bond--Cancellation. A. Any bond deposited as described in Section 12.08.100 of this chapter shall be noncancelable, unless or until the city is given written notice of cancellation thirty days in advance thereof.

B. Upon filing a notice of cancellation of bond under this chapter the surety shall not be liable on account of any excavations commenced more than thirty days after filing such cancellation notice. Upon filing a cancellation notice of bond, the permit for which the same was issued shall become null and void on and after the effective date of cancellation, unless prior to the date the permittee shall have caused another bond, approved by the legal counsel of the city, to be filed in the place of the cancelled bond. (Ord. 522 §3(F), 1976)

12.08.130 Refilling--Supervision and inspection. A. All excavations made under this chapter shall be refilled only under the supervision of the city engineer, who shall cause such refilling to be inspected during the course

thereof. The city engineer shall be notified by the owner of the permit under this chapter when such refilling work is to commence.

B. All refilling of excavations shall be done and completed and inspected under the supervision of the city engineer and shall be done in the following manner:

1. No excavation shall be made on any street for a distance ahead of backfill, which in the opinion of the city engineer creates a traffic hazard. The length of opening shall be limited to two blocks, not to exceed six hundred feet from pavement breaking to pavement replacement.

2. The material used for backfilling shall be sand or other materials approved by the city engineer. All backfill shall be deposited in layers not to exceed six inches in thickness, each layer being thoroughly compacted by such method or manner as is designed and approved by the city engineer.

3. Care shall be taken to carry the backfill materials up evenly on both sides of the pipe so as to keep an even pressure around the pipe.

4. Wherever existing pavements have been cut, in order to construct excavations made pursuant to the permit issued under this chapter, the backfill shall be thoroughly compacted, and the pavement shall be restored to the condition in which it was before the excavation was made.

5. Excess materials which have been excavated from trenches, and which cannot be utilized for backfill, or spread adjacent to the work shall be removed from the location by the permittee.

6. Pipes or conduits broken, bent or otherwise injured by excavation shall be replaced by the permittee at his expense, the same to be inspected and completed to the satisfaction of the city engineer. (Ord. 522 §4(A), 1976)

12.08.140 Refilling--Guarantee. The person by whom any excavation shall be made in any public street or other public place shall be deemed and held to guarantee the work of refilling and repair thereof, for a period of one year after the refilling of such excavation, against all defects in workmanship and materials, whenever, within such period of one year, any public street or other public place so guaranteed becomes in need of repairs by reason of any defect in workmanship or material used in the work or refilling or repair, the city engineer, shall serve on the person, firm or corporation by whom the excavation was made, a written notice stating the repairs necessary and requiring such repairs to be commenced within three days after the service of such notice, and prosecuted diligently until completed. Such notice shall be served in the same manner as provided in Section 12.08.170 of this chapter and if the same is not complied with as required by the city engineer, he shall complete or cause the work to be completed, and charge the

cost thereof to the holder of the permit required by this chapter and the deposit made therefor as required by Section 12.08.070 of this chapter. (Ord. 522 §4(B), 1976)

12.08.150 Timely completion required. A. After any excavation is commenced, the work of making and refilling the same shall be prosecuted with due diligence, and so as not to obstruct the public street or other public place or travel thereon, more than is actually necessary therefor. If the work is not so prosecuted, or the work of refilling does not, in the judgment of the city engineer comply with the terms of this chapter. The city engineer shall notify the person named in the permit required by Section 12.08-.020, in writing, that the work is not being prosecuted with due diligence, or that the refilling of such excavation has not been properly done, and shall require such person, within three days, after the service of such notice, to proceed with diligent prosecution of such work or properly complete the same, as the case may be.

B. If the notice is not complied with, the city engineer may do or cause such work as may be necessary to refill such excavation, and to restore the public street or other public place, or part thereof excavated, to as good a condition as the same was in before the excavation was made. (Ord. 522 §5(A), 1976)

12.08.160 Extension of time limits. Upon application in writing by the holder of any permit issued under Section 12.08.020 of this chapter, the city engineer may, by permit in writing, extend the time for completion of excavation and backfill upon proof of extreme hardship. (Ord. 522 §5(B), 1976)

12.08.170 Completion by city. A. Upon the failure to complete to the satisfaction of the city engineer the excavation and refilling required under the permit issued in accordance with Section 12.08.040 of this chapter, or to pay the inspection fees therefor mentioned in Section 12.08.030, within two weeks after the excavation has been commenced, or prior to the expiration of any extension granted therefor, the city shall have the right to complete the work or cause it to be completed, and deduct the cost thereof, including inspection fees, from, and charge the same against, any deposit made under the permit.

B. If a faithful performance or license bond has been filed for the permit, and the excavation and refilling work has not been completed, and the inspection fees paid within a period of two weeks after the excavation has been commenced, or prior to the expiration of any extension granted therefor, the city shall notify the surety on such bond to complete the work and if it is not completed and the inspection fees therefor paid within two weeks thereafter, the

city shall have the right to complete the work or cause it to be completed, and charge and collect the cost thereof, including inspection fees, from the permittee or the surety on the bond. (Ord. 522 §5(C), 1976)

12.08.180 Public safety measures. It is the duty of every person, firm or corporation making any excavation in any public street or other public place to provide flagmen as determined necessary by the city engineer, and to place and maintain barriers at each end of such places as may be necessary along the excavation to prevent accident, to place and maintain lights at each end of the excavation, and at distances of not more than fifty feet along the line thereof, from sunset each day to sunrise of the next day, until such excavation is entirely refilled. (Ord. 522 §5(D), 1976)

12.08.190 Fencing off excavated materials on sidewalks. If the public street is not wide enough to hold excavated materials without using a part of the adjacent sidewalk, a board fence and sidewalk upon or along such sidewalk shall be erected and maintained so long as materials remain along the sidewalk. (Ord. 522 §5(E), 1976)

12.08.200 Off-street storage of materials and equipment. A. All off-street storage areas for materials and equipment used or needed for work or job projects covered by the provisions of this chapter shall be approved by the city council for location and dates of use.

B. The applicant must obtain the approval in writing of the owner of the property sought to be used for storage, and submit it to the city council in addition to the application for approval of the storage site. (Ord. 538 §1, 1977)

12.08.210 Maintenance of trafficways, fire hydrants and gutters. A. It shall be the duty of every person, firm or corporation making any excavation in any public street or other public place to maintain safe crossings for vehicle traffic at all street intersections, and safe crossings for pedestrians at intervals of not more than three hundred feet.

B. If any excavation is made across any public street or other public place, at least one safe crossing shall be maintained at all times for vehicles and pedestrians.

C. Free access must be provided to all fire hydrants and water gates.

D. All gutters shall be maintained free and unobstructed for the full depth of the adjacent curb, and for at least one foot in width from the face of such curb at the gutter line. Wherever a gutter crosses an intersecting

public street, an adequate waterway shall be provided and at all times maintained. (Ord. 522 §5(F), 1976)

12.08.220 Liability and property damage insurance. A. No person, firm or corporation shall be entitled to permits under this chapter unless and until he or it has filed and maintained on file with the city engineer, a certificate showing and certifying that such person, firm or corporation carries public liability and property damage insurance, issued by an insurance carrier determined reliable by the city engineer, insuring the applicant and the city against the loss by reason of injuries to or death of persons, or damages to property, caused by the applicant, its agent or employees in performing any work under the permit.

B. The certificates of insurance required hereunder shall include a rider containing the agreement of the insurance carrier to give to the city written notice of cancellation of such insurance at least ten days in advance. (Ord. 522 §5(G), 1976)

12.08.230 Emergency excavations. Nothing in this chapter shall be construed to prevent any person, firm or corporation maintaining any pipe or conduit in any public street or other public place by virtue of any law, ordinance or permit, from making such excavation as may be necessary for the preservation of life or property when such necessity arises; provided, however, that the person making such excavation shall obtain a permit therefor within twenty-four hours thereafter, exclusive of intervening Saturdays, Sundays or legal holidays; and provided further, that all refilling shall be done in accordance with this chapter. (Ord. 522 §6, 1976)

12.08.240 Exceptions. None of the provisions of this chapter shall apply to any work done or to be done along, in or upon any public street or other public place pursuant to any law of the state providing for the improvement thereof, or any work done or to be done along, in or upon any public street or other public place pursuant to any action for the improvement of such street or other public place authorized by the city council; provided, however, that the provisions contained in Sections 12.08.130 and 12.08.140 shall apply to all such work and to all excavations to be made along, in or upon any public street or public place. (Ord. 522 §7, 1976)