

## Chapter 12.04

### EXCAVATIONS\*

#### Sections:

12.04.010	Permit required.
12.04.020	Notification to superintendent of streets.
12.04.030	Deposit required.
12.04.040	Superintendent of streets.
12.04.050	Backfilling and repaving.
12.04.060	Fees for backfilling and repaving.
12.04.070	Bond in lieu of deposit.

12.04.010 Permit required. It is unlawful for any person to cut, open, excavate or tear up any portion of any street, lane, avenue, public thoroughfare, or other public property within the town, for the purpose of laying, replacing or repairing any pipe, conduit or sewer therein, or for any other purpose whatsoever, without first obtaining a permit therefor and making a deposit with the superintendent of streets. (Prior code §7100).

12.04.020 Notification to superintendent of streets. Any person desiring to cut, open, excavate or tear up any portion of any street, lane, avenue, public thoroughfare or other public property within the town, for the purpose of laying, replacing or repairing any pipe, conduit or sewer therein, or for any other purpose whatsoever, shall, before proceeding with the work, notify the superintendent of streets of the character and extent of the work proposed to be done and obtain from the superintendent of streets a permit to proceed with the work as the same shall be described in the permit. (Prior code §7101).

12.04.030 Deposit required. The superintendent of streets before issuing any such permit shall estimate the area and volume of the proposed cut, excavation, or opening, and shall require from the applicant for the permit a deposit based upon the area and volume at such unit prices as the council may prescribe from time to time by resolution. The deposit shall be held and applied by the superintendent to defray the cost of backfilling and repaving the cut, opening or excavation as provided in this chapter. (Prior code §7102).

12.04.040 Superintendent of streets. The cutting, opening or excavation specified in the permit required by Section 12.04.010, and the laying, replacing or repairing of any pipe, conduit or sewer therein, shall be done by the person receiving the permit, as directed by, and under the supervision and to the entire satisfaction of the superintendent of streets. Immediately upon the

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\* For statutory provisions pertaining to the powers of towns viz. streets and sidewalks, see Gov. C.A. §40401. For state law pertaining to the authority of towns to prescribe the requirements for maintenance of all streets within the limits of the city, see Str. & H. C.A. §1921. See also Ch. 15.24 of this code.

completion of the work by the person doing it, the superintendent of streets shall be notified of such completion and shall make a thorough inspection of the work and certify that it is to his satisfaction. (Prior code §7103).

12.04.050 Backfilling and repaving. All backfilling and repaving shall be performed to the satisfaction of the superintendent of streets, and shall be accomplished in such a manner so as to restore the street, or other public property, to the same condition that it was at the time of the cut, opening or excavation. The superintendent may require that the permittee, or his authorized agent or designee, perform all, or part of, the work involved, or may have the town perform all, or part of, the work. All materials used for backfill shall be of a consistency that will assure ninety percent compaction, and the superintendent may require that a concrete subpavement be laid to insure proper restoration of the pavement. (Prior code §7104).

12.04.060 Fees for backfilling and repaving. The superintendent shall pay the costs of such work as may be performed by the town out of the amount of the deposit received by him upon granting the permit hereinabove provided for. In computing such costs, the superintendent shall charge, as part thereof, such sum for his services as the council may determine from time to time by resolution, the charge to be paid by the superintendent to the town treasurer. All other labor, material and equipment shall be charged for at the reasonable value thereof; and upon completing such backfilling and repaving, the superintendent of streets shall return to the person from whom the deposit was received the balance remaining, if any, after paying the cost of the backfilling and repaving. In the event that the cost of the backfilling and repaving is in excess of the amount of the deposit, the superintendent of streets shall notify the person from whom the deposit was received of the amount of such excess, and such person shall pay the same to the superintendent of streets upon demand. (Prior code §7105).

12.04.070 Bond in lieu of deposit. In the event that the amount of the deposit required should exceed five hundred dollars, and in a case where the superintendent determines that the permittee, or his authorized agent or designee, is capable of, and will perform all of the work involved, " the superintendent may accept or approve, in lieu of a deposit, a performance bond, written by a reputable surety company, in an amount not less than twice the amount of the required deposit. (Prior code §7105.5).