

CHAPTER 2  
**STREET EXCAVATIONS**

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7-2-1: **PERMIT REQUIRED; FEE:**

- A. Permit Required: No person, except an authorized City employee or a contractor performing work under a contract with the City, shall make any excavation in a street, alley, sidewalk, or public ground without first having secured a permit therefor from the City Council or its designee.
- B. Fee; Exception: The fee for such permit shall be established by Council resolution for each location covered by the permit, but no fee shall be required for an excavation made pursuant to a permit for sewer or water construction. (1986 Code § 301)

7-2-2: **APPLICATION:** The Clerk shall prepare the necessary application forms and permits required under Section 7-2-1 of this Chapter. (1986 Code § 303)

7-2-3: **BOND:**

- A. Bond Required; Exceptions: Any permittee except a public utility corporation or a bonded plumber shall file with the Clerk a corporate

surety bond in the amount as established by the Council by resolution, conditioned that the permittee will:

1. Compliance With Applicable Ordinances And Regulations: Perform work in connection with the excavation in accordance with applicable ordinances and regulations;
  2. Indemnification: Indemnify the City and hold it harmless from all damage caused in the execution of such work; and
  3. Costs And Damages: Pay all costs and damages suffered by the City by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations or because of negligence in the execution of the work.
- B. Approval Of Bond: The bond shall be approved as to form and legality by the City Attorney.
- C. Proof Of Insurance; Exception: Any permittee except a public utility corporation shall furnish proof that the permittee has in existence an insurance policy protecting him from liability to the public, including the City, to an amount equal to the maximum claim the City might be required to pay under Minnesota Statutes chapter 466. (1986 Code § 305)

7-2-4:       **RULES AND REGULATIONS:** The Council shall prepare such rules and regulations with respect to excavations as it finds necessary to protect the public from injury, prevent damage to public or private property, and minimize interference with the public use of streets, alleys, sidewalks, and public grounds. Any person making an excavation covered by this Chapter shall comply with such rules and regulations. (1986 Code § 303)

7-2-5:       **GENERAL REGULATIONS:**

- A. Street Openings: Street openings shall be made in a manner that will cause the least inconvenience to the public.
- B. Passage Of Water, Traffic: Provision shall be made for the passage of water along the gutters and at least one-half ( $1/2$ ) of the traveled portion of the street shall be left open and in good condition for the safe passage of vehicles.

- C. Barriers; Warning Devices: Open excavations shall be guarded with substantial barriers and marked with red flags and at night with red lights or flashing devices.
- D. Pipes Or Mains:
  - 1. Exposure To Freezing: Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing.
  - 2. Liability For Damages: Any person responsible for exposing a City main or pipe so that it might be damaged by freezing shall be liable to the City for all damages caused by such freezing and all damages sustained by others by such freezing for which the City may be liable. (1986 Code § 307)

**7-2-6: REFILLING EXCAVATIONS:**

- A. Required On Completion: Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the City Engineer.
- B. Removal Of Dirt And Debris: All dirt and debris shall be removed immediately.
- C. Failure To Comply: Any person who fails to comply with these requirements within twenty four (24) hours after notice from the City shall be liable to the City for the full cost incurred by the City in remedying the defect and restoring the street, sidewalk, alley, or public ground to its proper condition. The cost shall be an obligation of the surety on the bond of the permittee. (1986 Code § 309)

**7-2-7: MAP OF SUBSURFACE INSTALLATIONS:** The City Engineer or other appropriate official shall maintain a map showing the location of all utility and other installations made beneath the surface of any public street, grounds or right of way. The information on the map shall be sufficiently complete and accurate to permit any one making an excavation in a public place having any underground installation to avoid damage to any existing underground installation and to properly locate any new underground facilities and shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of City underground installations. (1986 Code § 311)