

COVER PAGE FOR EXCAVATION TOWN STREETS AND ROAD ORDINANCE

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EARTH EXCAVATION (SEE ZONING ORDINANCE)

CHAPTER 20

EXCAVATION TOWN STREETS AND ROADS

20.01 EXCAVATIONS IN STREETS - PERMIT REQUIRED.

No person shall tunnel under or excavate, dig, upon or in, remove any tree or remove any material from any street, alley, sidewalk or other public place in the Town without having obtained a permit as is herein required, and having first paid to the Town Building Inspector the requisite fee. The excavation permit shall be obtained by the contractor or person performing the work and a separate permit shall be obtained for each property owner benefited by the work to be performed and for each street involved.

Those individuals required to obtain a permit as set forth herein, shall bear personal responsibility for noncompliance with the provisions of this Ordinance. The excavation permit shall be void if the work for which the permit is issued is not started within 15 days or completed within 30 days from the date of issuance of the excavation permit.

20.02 FORM OF APPLICATION.

An application for such permit shall be made to the Town Building Inspector and shall provide for the following information as shall be required:

- A. The purpose of the proposed excavation.
- B. Location (legal description or street number) of the premises for the benefit of which the excavation is to be made.
- C. The name and residence of the owner of the premises.
- D. The type of surfacing on the street in which the excavation is proposed to be made.
- E. The maximum depth of the proposed excavation.
- F. The name and address of the applicant.

20.03 AGREEMENT OF APPLICANT.

The application shall contain and it shall be the duty of the applicant and owner to comply with the following provisions:

"The undersigned applicant understands and agrees that if permission to excavate shall be granted pursuant to this request, then in consideration thereof, we will:

A. Place or cause to be placed suitable and adequate warning and safety devices, barricades and lights in such places in such quantity and of such kind or nature as stipulated in the Town Code so long as such excavation is unsurfaced or remains a hazard to traffic of any kind upon such street.

B. Open the excavation by neat 1" saw joints through masonry or asphalt surface course.

C. Indemnify and hold harmless the Town of New Denmark from all costs, damages, and liabilities of every kind including all expenses and costs of defending any suit for damages on account of any claims, valid or otherwise, as to which it is claimed or alleged by any claimant that said excavation was the sole or a contributing cause.

D. Close and backfill such excavation and replace the surface of the street in accordance with the Town Code.

E. Upon demand by the Town Board keep in effect until all hazard to traffic caused by such excavation has been removed and terminated a bond or a policy of insurance against liability to third persons for any damage growing out of negligence in the making, guarding, backfilling or resurfacing of the excavation with limits of at least \$100,000 for any one person and \$300,000 for any one accident and \$25,000 property damages.

F. Agree to assume personal responsibility for noncompliance with the provisions of the Town of New Denmark Ordinance entitled EXCAVATIONS IN STREETS.

20.04 NOTIFICATION OF ROAD INSPECTOR.

An applicant who has been authorized to excavate or dig in accordance with the terms of this Section shall notify the Town Road Inspector of the date on which he/she will begin excavation and the period of time he/she will require to complete work in the street. No excavation authorized under this Chapter may be initiated until such notification has been made.

20.05 REPORT OF UTILITY CONDUIT.

Whenever any person while so excavating, digging in or upon, or removing any material from any public right-of-way as aforesaid, shall uncover, strike, disturb or discover any pipe, conduit, casing or other object used to transmit gas, water, sewage, storm water, or electrical current, he/she shall report the fact to the Road Inspector before progressing further with the excavation or removal. It shall be the duty of the Road Inspector, upon receipt of such report, to inspect the excavation and determine what damage, if any, has been done to the pipe or casing and notify the proper owner or department maintaining same if the pipe or casing has been damaged or appears to have been damaged.

20.06 BOND.

In lieu of the fee required above, any utility may execute and file with the Town Clerk a surety bond in the sum of at least \$1,000 with the corporate surety conditioned upon the timely and faithful performance of all conditions prescribed in this Section except that all utilities shall

be required to replace permanent type pavement. The fees reflecting Town replacement of permanent pavements shall be waived for all utilities and a nominal filing fee of \$1.00 charged per application.

20.07 APPEAL TO THE TOWN BOARD.

In case any applicant shall be aggrieved by any Section in connection with the issuance of a permit, or the refund of a deposit, or in connection with the application of this Chapter, he/she shall have the right to appeal to the Town Board by filing notice of appeal containing his/her post office address within 10 days after such action.

20.08 BARRICADES.

Barricades shall be placed at excavations in compliance with the following standards:

A. Barricade shall consist of one or more horizontal nominal two by eight inch or two by ten inch rails spaced vertically at approximately 20 inches center to center, with upper edge of the top rail at a height of approximately 3 to 5 feet above the roadway level. Barricades may be made of variable length as required.

B. Each barricade rail shall be marked with alternate black and white stripes of 4 to 6 inch width at an angle of 45 degrees with the vertical slanting downward toward the side on which traffic is to pass.

C. All barricades used at night shall be effectively lighted with a minimum of one light or flasher for each 8 feet of length of barricade.

D. A construction approach warning sign lighted with at least one light or flasher shall be placed adjacent to the roadway approximately 150 feet in advance of barricade installations.

E. Each barricade shall have the contractor's name, address and telephone number and shall be such that the contractor or his/her authorized representative can be reached 24 hours per day.

20.09 EXCAVATION WORK.

No person shall tunnel under, or excavate, dig upon or in, remove any tree or remove any material from any street, alley, sidewalk or public place unless the excavation is accomplished as follows:

A. Pavement excavated shall be outlined with neat 1" deep saw joints. These saw joints shall be placed at least one foot away from the edge of the proposed trench.

B. The excavation shall not in any case be larger beneath the ground surface than at the surface of the excavation itself. Undercutting of any pavement courses shall be avoided.

C. Access to fire hydrants and other street equipment shall be maintained at all times.

D. Adjoining private property shall be protected by providing foundations and bracing and other suitable measures for this purpose.

E. All gutters shall be maintained free and unobstructed.

F. The excavator shall not begin any excavation on any through street in travel lanes within the Town before 9:00 a.m. and shall have such excavation backfilled and complete with the asphaltic interim pavement before 4:00 p.m. and barricades removed. If underground work cannot be completed by 4:00 p.m., excavator shall make provisions to place a temporary bridge over excavation that will allow traffic to utilize the travel lane.

20.10 TRENCH BACKFILLING.

The trench backfill of any street excavation shall be accomplished as follows:

A. The backfill from the bottom of the conduit to a point one foot above the conduit shall be fine granular material carefully placed by hand and well tamped to fill completely all the spaces under and adjacent to the conduit so as to form a bed that will preclude subsequent settlement.

B. The remainder of the backfilling shall consist of granular materials known as 3/4" stone. This backfilling shall be made immediately after placing the hand backfill and shall be accomplished by placing and compacting in layers not to exceed 8 inches in depth.

20.11 RESURFACING.

Pavement removed for any street excavation shall be restored in the following manner:

A. On streets surfaced with gravel the contractor shall complete the compacted backfill to a point 6 inches below the finished street grade and immediately place 6 inches of compacted gravel surface course equal in quality to that which is existing.

B. On streets surfaced with asphalt, concrete or brick, the excavator shall complete the compacted backfill to a point 3 inches below the finished street grade and immediately place a minimum of 3 inches of compacted asphalt surface course thereon.

C. Immediately after placing of the surface course the area shall be cleaned and left in a safe and satisfactory manner and the street opened to traffic.

D. The contractor shall, after trenches have been stabilized, remove interim asphaltic pavement between the saw joints. The contractor will then adjust the granular subbase to permit placement of the permanent type pavement equal in depth and material to original conditions.

20.12 SUPERVISION.

The Road Inspector shall from time to time inspect all excavations and tunnels being made in or under any public street, alley or other public place in the Town to see to the enforcement of the provisions of this section.

20.13 EMERGENCY ACTION.

Nothing in this Section prohibits the making of such excavations as may be necessary for the preservation of life and property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavations shall apply to the Town Clerk for such a permit on the first working day after such work is commenced.

20.14 NONCOMPLIANCE PENALTY.

Should repairs required under this Ordinance not be completed within the specified deadlines, or should the repairs undertaken not comply with the provisions of this Ordinance, the permit applicants shall each be personally responsible for a forfeiture of not more than \$300 and be jointly responsible for the actual cost of repairs ordered by the Town Road Inspector and/or Town Board following said applicant's noncompliance with the provisions hereof. In addition, the permit applicants shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation. Each day that the violation continues to exist shall constitute a separate offense.

20.15 ENFORCEMENT.

Enforcement of this Chapter will be the responsibility of the Town Board or its designee, Building/Road Inspector, Zoning Administrator, and/or Police Department.