

Chapter 93 - Excavations

93.010 **Permit Required.**

1. Except in the case of public works done by authority of the Board of Aldermen, no person or entity shall make or cause to be made any opening or excavation in any public street, sidewalk, tree lawn, parkway, or right-of- way unless a permit is first obtained therefore from the City.
2. In the case of platted single-family lots, curb cut permits shall not be required when a site plan has been approved by the architectural review process.
3. The provisions of Subsection 1 of this Section requiring a permit before any excavating is commenced shall not apply in emergencies where the public safety or welfare is endangered, provided such permit is applied for as soon as practicable after the work is commenced.

93.010 **Application.**-All applications for permits required by this Chapter shall be made in writing to the City Clerk, which application shall state the location and size of the proposed excavation and when the work is to be commenced.

93.020 **Fees.**-Except as otherwise expressly provided in this Chapter, before any permit required by this Chapter is issued by the , the applicant therefore shall pay a permit fee of Twenty-five Dollars (\$25.00) for each one hundred (100) lineal feet of excavation or part thereof.

93.030 **Deposits.**

1. Except as provided in Subsection 3 of this Section, before any permit required by this Chapter is issued by the City, the applicant therefore shall deposit with the City:
 - a. For each excavation up to ten (10) square feet, the sum of One Hundred Fifty Dollars (\$150.00).
 - b. For each excavation of more than ten (10) square feet, and less than fifty (50) square feet, the sum of Five Hundred Dollars (\$500.00).
 - c. For each excavation in excess of fifty (50) square feet an additional Twenty-five Dollars (\$25.00) for each ten (10) additional square feet or fraction thereof.
2. If, within ten working days (10) after the issuance of permit, the permittee restores the pavement in satisfactory form such deposit shall be refunded to him; otherwise the City shall use the deposit for the purpose of employing others to restore the pavement or other surface.
3. In lieu of the payment of the deposit required by Subsection 1 of

this Section, any person having occasion to make frequent openings or excavations, may post bond with the City in the amount deemed proper by the City. Such bond shall be conditioned that said person shall restore the pavement or surface in satisfactory condition within the time specified in an approved permit. In such case, permits shall be issued for work from time to time upon application therefore.

93.040 Reconstruction standards.

1. The work shall be carried out with minimum interruptions or inconvenience to motorists or pedestrians. The permittee shall supply all necessary equipment signs, lights, safety vests, flagmen and other personnel and warning devices to adequately warn motorists and pedestrians of the construction activity. All warning devices shall be moved periodically as construction advances to maintain a consistent warning distance.

2. The permittee shall also provide the necessary barricades and warning devices of the project for all excavated areas that may create a hazard for both vehicle and pedestrians.

3. Where poor visibility or sight lines exist on a road the speed limit shall be reduced to insure that motorists can maintain safe vehicle speeds. "Men at work" warning signs shall be posted where practical at least 150 feet in either direction of the street cut. The permittee shall at all times take the necessary precaution to protect the life and health of all persons employed on the work site.

4. The permittee shall conduct the work in a manner that will insure the least obstruction of traffic and shall provide for the convenience and safety of the general public.

5. Patching of all types of existing pavements shall be performed in accordance with Moscow Mills City Code and the City of Moscow Mills Street and Sidewalk Construction Standards.

6. Testing: Both compaction and compression tests will be required. Failure to obtain the required compaction or compression results may result in the removal and replacement of the patched area.

7. Cross section construction details shall be supplied on request.

93.050 Barricades; lights to be erected.-No person shall make any opening or excavation, driveway, curb cut and the like with or without a permit, in any street, sidewalk, parkway, tree lawn or other public place in the City without providing during the progress of the work and until said excavation has been back-filled and the surface restored, barricades around the same as a warning to the public, and between sunset and sunrise, lights or red lanterns around said excavation, lighted and sufficient in number, placed in such a manner as to be clearly visible in all directions.

93.060 **Revocation and/or extensions.**- Any permit issued pursuant to this Chapter may be revoked for good cause or extended for a thirty (30) day period by the City.

93.070 **Boring under streets.**-The City of Moscow Mills reserves the Authority to require the permittee to bore under its streets, in lieu of open excavation. The casing shall be minimum schedule 40 steel and be a minimum of six (6) inches larger in diameter than the carrier pipe. Casing must be from ditch line to ditch line or from three (3) foot behind curb to three (3) foot behind curb.

93.080 **Penalties.**-Any person in violation of this Chapter shall be guilty of a misdemeanor and be punished by a fine of not more than Five Hundred Dollars (\$500.00) and/or imprisonment of not more than ninety (90) days in jail.

Adopted by Ordinance 6/14/93. Amended by: Ordinance #489, 7/13/09.