

**Sec. 214-29. - Excavation permit required.**

**A. General requirements.**

- (1) No person except duly authorized officers, agents, permittees or employees of the city shall make any openings or excavation, install or remove curbing and driveways or perform other construction which will alter any sidewalk, street or public square in the city without first having obtained a written permit to do so from the City Engineer.
- (2) No person shall begin work under a permit issued by the City Engineer until the street opening permit has been approved by the Director of Operations of the city. The Director of Operations or his designate shall require such measures to be performed by the permittee as are necessary in his opinion to assure the safe passage of traffic through or around a work area. The Director of Operations may require signs, barricades or trafficmen and/or limit the hours of operation of such permitted work to ensure safety and minimize congestion on the streets.
- (3) Any permit which is exercised without such approval of the Director of Operations shall be deemed null and void, and any violation of regulations imposed on a permit shall be deemed a violation of this section.

**B.** Every construction permit shall state the purpose of the proposed construction, the location thereof, the name of the person to whom it is issued and other information deemed necessary by the City Engineer.

**C.** Every permit issued under the provisions of this section shall expire on a date set by the City Engineer. All excavations or other work under this permit shall be properly backfilled, compacted and repaired before the expiration date in accordance with standards and specifications as issued by the City Engineer.

~~**D.** The City Engineer shall charge a minimum fee of two hundred and fifty dollars (\$250.00) per permit for every "standard utility opening" permit.~~

**D. 1.** The City shall charge the following fees for every "standard utility opening permit":

<b><u>Street Classification</u></b>	<b><u>Amount of Fee</u></b>	<b><u>Plus Square Footage Fee</u></b>
1. <u>Local</u>	\$250.00	\$1.00 per square foot
2. <u>Collector</u>	\$375.00	\$1.50 per square foot
3. <u>Minor Arterial</u>	\$625.00	\$2.50 per square foot
4. <u>Major Arterial</u>	\$875.00	\$3.50 per square foot

The street classifications shall be determined by the Director of Operations. The Director of Operations shall notify the Board of Representatives of all street classifications within ten (10) days of the effective date of this Ordinance, and with any changes to any street classification

within ten (10) days of such change. A list of street classifications shall be available to the public in the office of the Director of Transportation.

There shall be an additional fee of \$100.00 per cut for cutting into sidewalks.

2. There shall be a separate permit issued and a separate fee charged for each section of roadway upon which excavation is performed. For the purposes of this Ordinance, a "section of roadway" shall mean that portion of a roadway from one intersection to the next intersection.

3. The fee for the Permit shall be for a period of fourteen (14) calendar days. If construction activities exceed fourteen (14) calendar days, the party performing the excavation shall be obligated to pay to the City an additional fee of twenty five percent (25%) of the total fee paid for the initial fourteen (14) day period, for each ensuing seven (7) day period until construction activities have concluded.

4. Final patch must be completed within six (6) weeks after the date of the end of the Construction Period stated in the Street Opening Permit. Failure to complete final patch within such time period shall constitute an offense within the meaning of Subsection E of this Ordinance.

E. Each violation of any provision of this section shall constitute a separate offense. All persons, as principals, agents or permittees, causing, participating in or in any way responsible for any violation of this section, shall be severally guilty of such violation and shall each be fined not less than four (4) times ~~the normal permit fee~~ the cumulative permit fee. Additionally, in the event ~~permanent repairs have not been completed by the expiration date of the permit or trenches are not backfilled properly and properly maintained with temporary asphalt,~~ construction activities have not been completed by the time periods sets forth in Subsection D above or trenches are not backfilled properly and properly maintained with hot mix asphalt, the permittee shall be fined at a rate equal to ten percent (10%) of the ~~specific~~ cumulative permit fee per calendar day and no additional permits shall be issued to the offender until the existing condition is rectified to the satisfaction of the City Engineer. Failure to comply with specified requirements may result in revocation of any existing permits, and no further permits shall be issued for ninety (90) days for the first offense, one (1) year for the second offense and the third offense may result in permanent denial of any street opening permit. Notwithstanding, the fines mentioned above still apply.

F. No permit shall be granted under the provisions of this section until fees on all permits previously issued, together with charges for street or sidewalk repairs in connection with such permit, shall have been paid.