

Exhibit A

ARTICLE IV. - CONSTRUCTION, EXCAVATIONS^{BI}

Footnotes:

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Charter reference— Authority of city to regulate street excavations, § 2.03(f).

Cross reference— Buildings and building regulations, ch. 22.

DIVISION 1. - GENERALLY

Secs. 78-166. - Administrator designated.

The director of public works hereby designates the city engineer to administer and implement this article by granting or denying permit applications in accordance with the provisions of this article.

Secs. 78-167—78-175. - Reserved.

DIVISION 2. - EXCAVATIONS, OPENINGS, OR BORES

Sec. 78-176. - Permit required.

It shall be unlawful for any person or owner of utilities, public or private, to make any excavation, opening, or bore in the city public right-of-way without first obtaining a permit from the city engineer or his designee to perform such work. Such permit must be secured prior to commencement of any work. Issuance of any other type of permit whatsoever does not constitute an interim clearance for excavation, opening, or bore as covered in this article. If emergency repairs, as accepted by the city engineer, are necessary to restore or maintain service by a public utility during other than normal business hours, the utility making the emergency repairs need not obtain a permit in advance of making such repairs, but shall comply with all other applicable provisions of this article. The permit shall be obtained at the first reasonable opportunity after such emergency repairs are made. (Code 1971, § 31-65)

Sec. 78-177. - Required investigations, etc.

It shall be the duty and obligation of all applicants for permits to make all investigations necessary to locate all existing above ground and underground structures, pipelines, conduits, etc., in the area where work is contemplated. Prior to performing any excavation, opening, or bore, the applicant is required to call Louisiana One Call. The applicant must follow all other local, state, and federal laws and guidelines. It shall be the duty and obligation of any person making any excavation, opening, or bore to maintain and protect any and all existing above ground and underground structures, pipelines, conduits, etc. (Code 1971, § 31-66)

Sec. 78-178. - Submission of plans, etc.

~~Secs. 78-166—78-175. - Reserved.~~
~~----- Section Break (Continuous) -----~~

~~DIVISION 2. - EXCAVATION ¶~~

~~It shall be unlawful for any person or owner of utilities, public or private, to make any excavation or opening in any street, alley, sidewalk, banquette, boulevard or planting space in the city without first obtaining a permit from the director of public works or his designee to make such cut or excavation. When the application for such permit indicates that the excavation or opening will be in whole or in part upon a banquette, boulevard or planting space, the director of public works shall forward a copy of the permit to the director of parks and recreation or his designee. If emergency repairs are necessary to restore or maintain service by a public utility during other than normal business hours, the utility making the emergency repairs need not obtain a permit in advance of making such repairs, but shall comply with all other applicable provisions of this article. The permit shall be obtained at the first reasonable opportunity after such emergency repairs are made. ¶~~

~~It shall be the duty and obligation of all applicants for permits to make all investigations necessary to locate all existing underground structures, pipelines, conduits, etc., in the area where work is contemplated. It shall be the duty and obligation of any person making any cut or excavation to maintain and protect any and all existing structures, etc. ¶~~

Any applicant for a permit to make any excavation, opening, or bore in the city public right-of-way shall submit an application with sufficient data, plans, etc., to make a complete review of the proposed work. The city engineer's designee will examine all applications within two business days of submission. If the application does not include all the submittal requirements for the application, the city engineer's designee will reject the application and provide the applicant with the reasons for the rejection. The city engineer's designee will take no further steps to process the application until all deficiencies are remedied. (Code 1971, § 31-67).

Sec. 78-179. - Standards for Making Repairs to Excavations, Pavements, etc.

All repairs shall be done by contractor under the supervision of a city representative. The work shall be completed in accordance with the current edition of the City of Shreveport Standard Specifications for Infrastructure Improvements, City of Shreveport Standard Plans for Infrastructure Improvements, and Pavement Cut and Repair Standards Procedure. This shall include but not limited to backfilling, paving, curbing, curb and gutter sections, sidewalk sections, and unpaved areas.

Sec. 78-180. - Inspections.

This article shall provide for a city representative to act as an aid in accomplishing the results desired as outlined in this division and to inspect the work site of an excavation, opening, or bore to ensure that proper workmanship and materials of acceptable quality are being used in the restoration work. It shall be the duty and obligation of the permit holder to notify the city engineer's designee at least twenty four hours in advance of the time when inspection is desired, and no bore, backfill, or paving shall be made until the city representative has examined the work area. The city representative shall act only as an aid in accomplishing the results as outlined in this division. The presence of a city representative does not relieve the permit holder of the obligation to fully comply with the intent of this article. (Code 1971, § 31-74)

Sec. 78-181. - Inspection fees.

An inspection fee shall be charged to each permit holder in an amount of \$165.00 per inspection. If for any reason an inspection is not approved and a reinspection is required, then a fee of \$165.00 will be charged for each reinspection. The minimum number of inspections for excavations, openings, or bores in different areas shall be:

(1) Excavations or openings in concrete and asphalt street paving, curbing or combination curb and gutter, alley, or sidewalk shall be a minimum of three inspections per excavation or opening area. Three required inspections include inspection of the backfill, inspection of the surface course, and a final inspection.

(2) Excavations or openings in any unpaved area shall be a minimum of two inspections per excavation or opening area. Two required inspections include inspection of the backfill and a final inspection.

(3) Boring a city road shall be a minimum of three inspections per bore. Three required inspections include inspection of the bore, inspection of the backfill, and a final inspection. If

Deleted: Any applicant for a permit to cut in any street, alley, etc., shall submit sufficient data, plans, etc., upon which an estimate may be made to determine the number of square yards, square feet, or other measurements or quantities, necessary for replacements to compute the amount to be deposited as provided in this article. Such permit must be secured prior to commencement of any work. Issuance of any type of building permit whatsoever does not constitute an interim clearance for excavation as covered in this article. ¶

Deleted: Sec. 78-179. - Deposit. ¶

(a) When a permit is issued, the applicant shall make a cash deposit with the city, based upon the estimate of the quantities necessary for replacement and for other purposes as provided in this section: ¶

(1) The deposit for all concrete street paving, concrete base or soil cement base paving replacements shall be charged at the rate of \$31.00 per square yard. The concrete street paving replacements shall be nine inches minimum thickness. All concrete base replacements shall include the necessary cutback, as provided in this article. The minimum deposit shall be \$70.00. ¶

(2) The deposit for all asphalt street paving with a flexible base replacement shall be charged at a rate of \$20.00 per square yard. The minimum deposit shall be \$40.00. ¶

(3) The deposit for all concrete sidewalk replacements shall be charged at the rate of \$19.00 per square yard. The minimum deposit shall be \$45.00. ¶

(4) The deposit for cuts and excavations in any unpaved street, alley, sidewalk, banquette, boulevard or planting space shall be charged at the minimum rate of \$15.00 per square yard. The minimum deposit shall be \$35.00. ¶

(5) The deposit for cutting curbing or combination curb and gutter shall be charged at the rate of \$12.00 per lineal foot. The minimum deposit shall be \$40.00. ¶

(6) The city's department of water and sewerage is authorized to purchase materials necessary for the repair and replacement of such excavations in lieu of payments authorized in this section, provided that such material ... [1]

Deleted: Sec. 78-180. - Repairs. ¶

(a) All street or alley repairs, excluding the backfill, shall be done by contractor or city force under the supervision of the director of public works. This shall include paving, curbing, curb and gutter sections and oiled surfacing. If excavation and/or cutback requirements cause the removal of an expansion joint, reprovisioning of an expansion joint will be accomplished when the surface is repaved. ¶

(b) All other repaving of sidewalks and replacing of materials in banquettes, boulevards, or planting spaces shall be done by the party receiving permit for such work, all in compliance with the provisions provided in this article. ¶

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the excavation is in a paved area, an additional inspection will be required to inspect the surface course. (Code 1971, § 31-73)

Sec. 78-182. - Safety precautions.

It shall be the duty and obligation of the permit holder to safeguard the public in every manner by maintaining the necessary guards, barricades, and safety lights for such protection during construction, while on-site and not on-site, and by maintaining the public right-of-way area in a good and safe condition free of mud and debris until beginning repair or repaving work. The permit holder shall hold the city harmless from any claim for damages or personal injury as a result of such work by the permit holder. (Code 1971, § 31-75)

Sec. 78-183. - Correction of unacceptable work.

(a) Should any person or owner of utilities fail to replace materials, fail to restore areas to their original conditions, or in any way fail to comply with the conditions of this division, after he has been notified by the city engineer or his designee that such work is unacceptable, the city shall have the right to perform the necessary work or restoration to original condition and charge the cost, plus a 25 percent administrative charge, to the permit holder doing the excavation, opening, or bore work. It is provided, however, that no such work shall be undertaken by the city until the permit holder doing the excavation, opening, or bore work shall have had an opportunity to do the work himself within at least ten days after notice has been given to him. Proper notice shall consist of notification by certified mail or by personal delivery.

(b) When the party doing the excavation, opening, or bore work fails to respond to proper notice as set forth in subsection (a) of this section and the city is required to perform the necessary work of restoration to original condition, the actual cost to the city, plus a 25 percent administrative charge in having to perform the work, is declared to be the obligation of the permit holder doing the excavation, opening, or bore work. After the city has performed the necessary work of restoration to original condition, the city shall invoice the permit holder doing the excavation, opening, or bore work for the actual cost of the work performed, plus a 25 percent administrative charge, and the permit holder shall have ten days in which to pay the invoice in full. If the permit holder fails to pay the invoice in full within ten days, the city shall have the right to enforce collection of the actual cost, together with the cost of prosecuting the suit, in any court of proper jurisdiction.

(c) In addition thereto, the city engineer or his designee shall have the right to revoke a permit issued under this division upon any violation by the permit holder of this division, and the city engineer or his designee shall also have the right to refuse a future permit to a person or owner of utilities who has, in the past, failed to comply with all the requirements of this division.

Sec. 78-184. - Failure of work.

(a) Should settlement occur over excavation, opening, or bore or should there occur any other failure due to the work performed by the permit holder, it shall be the obligation of the permit holder who did the work to correct the settlement and/or failure, including but not limited to removing and replacing backfill, repaving, resodding, and reseeded.

Deleted: Sec. 78-181. - Standards for making excavations. ¶

(a) It shall be the duty and obligation of any person to make all excavations, where possible, with vertical walls, to make backfill of any trench or opening with good, sound materials, free from all mulch, wood, trash or other foreign materials, and to replace backfill material in not more than six-inch layers, moistened if necessary, and well compacted to 95 percent density until backfill is completed. This method of backfill shall be strictly adhered to in replacing all excavations in streets or alleys, paved or unpaved, and on any public property for which a permit is issued. Material removed from excavated areas may be used if it will meet the foregoing standard. If it does not meet those requirements, then select material must be used. ¶

(b) In all unpaved streets and alleys after backfill is completed, public works maintenance crews shall replace the surface material with whatever type of material existed on such street or alley when excavation was made, and shall finish such surface and connections with the adjacent surface material in a manner satisfactory to the director of public works, and, where appropriate, the inspector for the city forestry commission. ¶

(c) In all unpaved sidewalk, banquette, boulevard or planting space areas, after backfill is completed, such areas shall be replaced in the condition that existed prior to making such excavations, particularly regarding sod or grass, and proper elevation of finished surface. All excess material will be removed and over-graded to assure no obstructions to mowing operation. In planting areas, no trench or excavation shall be made that will remove ... [2]

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Deleted: Sec. 78-182. - Removal of old paving. ¶
After backfill is completed to subgrade or to the bottom of paving slab or foundation in all paved streets or alleys, it shall be the duty and obligation of the holder of a permit to make a cutback and remove the paving material beyond the outside vertical line or wall of trench, and beyond any wall line that should develop due to the caving or sliding of the original trench wall, in the following manner: ¶

(1) *Surface ten or more years old.* The cutback of paving material shall be 12 inches on each side of trench or excavation on all m ... [3]

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Deleted: Sec. 78-183. - Sidewalk excavations. ¶
Whenever cut or excavation is made in a concrete sidewalk, after backfill is completed to subgrade, it shall be the duty and obligation of the holder of a permit to make a cutback and remove the concrete sidewalk material beyond the outside vertical line or wall of trench 12 inches on each side when the sidewalk is constructed on the entire area between curbline and property line, but should cutback line fall within less than 12 inches of the lines of block marking the entire block shall be cut and replaced. However, on all sidewalk ... [4]

(b) The city engineer or his designee shall notify, by certified mail or by personal delivery, the permit holder of any condition due to settlement and/or any other failure of restoration. The permit holder shall have ten days after receipt of the notice to make the necessary corrections, including but not limited to removing and replacing backfill, repaving, resodding, and reseeding.

(c) If the permit holder fails to respond to proper notice as set forth in subsection (b) of this section, the city shall have the right to perform the necessary corrective work. If the city performs the necessary corrective work, the actual cost, plus a 25 percent administrative charge to the city in having to perform the work, is declared to be an obligation of the permit holder who did the excavation, opening, or bore work. After the city has performed the necessary corrective work, the city shall invoice the permit holder for the actual cost, plus a 25 percent administrative charge, and the permit holder shall have ten days in which to pay the invoice in full. If the permit holder fails to pay the invoice in full within ten days, the city shall have the right to enforce collection of the actual cost, plus a 25 percent administrative charge, plus all costs of prosecuting the suit, in any court of proper jurisdiction.

(d) In addition thereto, the city engineer or his designee shall have the right to revoke a permit upon any violation by the permit holder of this division, and shall also have the right to refuse a future permit to a person or owner of utilities who has, in the past, failed to comply with all the requirements of this division.

Sec. 78-185. - Starting work prior to obtaining permit.

Any person or owner of utilities, private or public, who commences any excavation, opening, or bore in the city public right-of-way before obtaining the necessary permit from the city engineer shall cause the cost of resulting inspection fees to be doubled. On the second offense and thereafter, the person or owner of utilities, private or public, shall be fined \$5,000 for each occurrence. (Code 1971, § 31-81)

Sec. 78-186. - Excavations or Openings in newly constructed, reconstructed or resurfaced streets.

Excavations and openings will not be permitted in newly constructed, reconstructed or resurfaced streets for a period of three years after substantial completion of the work unless it is an emergency condition as accepted by the city engineer. An emergency condition is a situation which creates a threat to public health, welfare, or safety.

Secs. 78-187—78-205. - Reserved.

DIVISION 3. - BARRICADES^[9]

Footnotes:

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Cross reference— Buildings and building regulations, ch. 22; traffic and vehicles, ch. 90.

Deleted: Sec. 78-184. - Inspections. ¶
It shall be the duty and obligation of the holder of a permit to notify the director of public works, or the city engineer, at least four hours in advance of the time when inspection is desired, and no backfill shall be made until the city inspector has examined the excavation and has authorized the backfill; but should the inspector order the paving material cut back due to tunnelling, or due to walls caving or not being vertical, the holder of the permit shall follow such instructions, and call for another inspection before backfilling is started. In order to protect and safeguard the public from the dangers inherent in open excavation, the director of public works or the city engineer will make every reasonable effort to have the inspector at the site conduct the inspection within four working hours. ¶
(Code 1971, § 31-74)

Deleted: Sec. 78-185. - Inspection fees. ¶
(a) An inspection fee shall be charged to each permit holder in an amount of \$45.00; provided, however, that should it become necessary for the city to maintain an inspector on the job for a full day or more, in order to properly inspect the work, then the charge shall be \$125.00 per day for each inspector furnished by the city department of public works. ¶
(b) When the work is approved by the inspector as complying with the provisions of this article, the director of public works will authorize the return of any funds deposited in excess of the total costs incurred. In the event of an overrun of cost, the permit holder will be billed for the difference. ¶

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Deleted: Sec. 78-186. - Preparation for repaving; safety precautions. ¶
It shall be the duty and obligation of the holder of a permit to excavate in any paved street or alley to notify the director of public works by a call to street maintenance that they have completed the backfill and cutback, according to the provisions of this article, and that such cut or excavation is ready for repairs or repaving by city or contractor forces. It shall be the duty and obligation of the holder of a permit to safeguard the public in every manner by maintaining the necessary guards, barricades and safety lights, in accordance with the Traffic Barricade Manual, Ordinance No. 6 of 1971, as adopted January 26, 1971, and any revisions thereto, for such protection during construction and by ... [5]

Deleted: Sec. 78-187. - Covering work. ¶
The director of public works is hereby authorized, should he consider it necessary for the protection of vehicle and/or pedestrian traffic, to order the holder of a permit to construct a cover for any trench or excavation after backfill is completed, consisting of not less than two-inch planking well fastened together, the top to be smooth and all edges to be bevelled, and such cover to be at least six inches longer than the dimensions of the trench or excavation, and laid over the trench or excavation, and maintain such cover in a ... [6]

Sec. 78-206. - Submission of plan.

Any person who shall undertake to perform any work upon, in, under, above or about any street, alley, curb, gutter, sidewalk, or any public right-of-way within the city shall, as a condition upon the issuance and continuation of a permit for such work, furnish to the department of traffic engineering prior to the issuance of any permit as required by this Code, for such work, a scale plat or sketch on forms furnished by the city showing the work area, the space within the right-of-way required for the work and a proposed plan for the use of barricades, signals, signs, flags, flares, and other traffic control and safety devices about the work area, which plan, referred to in this division as the "Barricade Plan," shall conform to the requirements of this article and any regulations or standards established by the department of traffic engineering, and shall be deemed a part of such permit. This section shall not apply to utility companies or the city when engaged in work involving overhead signals, communications and/or electric circuits. However, adequate warning devices shall be used in the performance of this work.

(Code 1971, § 31-141)

Sec. 78-207. - Requirements of barricade plan.

The department of traffic engineering shall have the power to make reasonable regulations for barricading of construction areas within public right-of-way. The city may require as part of any barricade plan, that the applicant maintain such barricades, signals, signs, or other traffic control or safety devices according to such regulations. The city may further require that work be done only at certain hours during the day or night, that materials or equipment used in such work and dirt and materials removed from any excavation be located other than adjacent to the work area where feasible, and that any excavation be covered with materials of sufficient strength and construction to permit vehicular traffic to pass over such excavation at peak traffic hours, where such requirements shall be deemed necessary in the interest of safety and to avoid traffic congestion.

(Code 1971, § 31-142)

Sec. 78-208. - Violations and penalties; stop orders; correction of deficiencies.

- (a) *Penalty.* Any person who shall perform work on or about a public right-of-way and who shall violate any provision of this division or fail to comply with the barricade plan made a part of such permit shall cause such work to be subject to a stop order until this division or the barricade plan, or both, shall be complied with, or may be fined a sum of not less than \$25.00 nor more than \$100.00, or both, subject to a fine and a stop order, and each day in which a violation of this division shall occur shall constitute a separate offense. Any person apparently in charge of the work, or any officer of a corporation responsible for the conduct of any work done in violation of this division may be deemed the responsible party for purposes of arrest and of imposing any fines under this section and of receiving any stop order issued by the city.
- (b) *Action by city to correct deficiencies.* If a stop order is issued, the person holding the permit and engaging in the work shall restore the work area to its proper condition as called for in the barricade plan and permit upon demand by the city, and, if such is not done within 24 hours from receipt of notice to do so, the city shall be authorized to and may, at its election, take charge of the work and restore the premises to the condition called for in the barricade plan and permit and shall be entitled to receive from the contractor by civil action twice the actual expense incurred by the city in so acting, including, but not limited to, cost of labor, materials, overhead, and reasonable rental of any equipment used by the city in restoring the site, and, for such purposes, the city shall have a right of action against any bond in effect running from the holder of the permit to the city, conditioned upon compliance with the ordinances of city in the performance of such work.

(Code 1971, § 31-143)

Sec. 78-209. - Provisions supplemental to building code.

The provisions of this division are to be construed as supplemental to and together with any provisions of the building code of the city insofar as such building code may have provisions relating to this general subject matter.

(Code 1971, § 31-144)

Sec. 78-210. - Indemnification of city.

At all times during which any work under this division is being performed, and until such work is completed and accepted and approved by the public works inspector, the contractor shall and will indemnify and save harmless the city from and against any and all actions and claims and against all costs, damages and expenses to which the city may be put to by reason of any injury or alleged injury to any person or property resulting or alleged to result from or to be occasioned by any act, negligence, carelessness or want of skill in connection with or in the conduct of any of such work, or in guarding the work, or from any improper methods, tools, implements or materials used in prosecution or by or on account of any alleged act or omission whatever of the contractor or his agents, employees or servants; and the contractor or person doing such work under the permit as provided for in this article shall make payment of any and all sums so recovered against the city in any suits on account of such alleged injuries to which the city may be a party, together with all such costs, damages and expenses as may be suffered by the city, all in such manner as to save the city whole and harmless from all such actions or claims.

(Code 1971, § 31-145)

Secs. 78-211—78-230. - Reserved.

Sec. 78-179. - Deposit.

- (a) When a permit is issued, the applicant shall make a cash deposit with the city, based upon the estimate of the quantities necessary for replacement and for other purposes as provided in this section:
- (1) The deposit for all concrete street paving, concrete base or soil cement base paving replacements shall be charged at the rate of \$31.00 per square yard. The concrete street paving replacements shall be nine inches minimum thickness. All concrete base replacements shall include the necessary cutback, as provided in this article. The minimum deposit shall be \$70.00.
 - (2) The deposit for all asphalt street paving with a flexible base replacement shall be charged at a rate of \$20.00 per square yard. The minimum deposit shall be \$40.00.
 - (3) The deposit for all concrete sidewalk replacements shall be charged at the rate of \$19.00 per square yard. The minimum deposit shall be \$45.00.
 - (4) The deposit for cuts and excavations in any unpaved street, alley, sidewalk, banquette, boulevard or planting space shall be charged at the minimum rate of \$15.00 per square yard. The minimum deposit shall be \$35.00.
 - (5) The deposit for cutting curbing or combination curb and gutter shall be charged at the rate of \$12.00 per lineal foot. The minimum deposit shall be \$40.00.
 - (6) The city's department of water and sewerage is authorized to purchase materials necessary for the repair and replacement of such excavations in lieu of payments authorized in this section, provided that such materials shall be of a quality deemed acceptable by the director of public works.
- (b) In lieu of the foregoing schedule of deposits, any regulated public utility may post a performance bond in the amount of \$5,000.00, in a form acceptable to the city. The cost of these repairs shall be billed by the city to the applicant but shall in no event exceed the amount set forth in the schedule of costs in the preceding subsections.

(Code 1971, § 31-68)

Sec. 78-181. - Standards for making excavations.

- (a) It shall be the duty and obligation of any person to make all excavations, where possible, with vertical walls, to make backfill of any trench or opening with good, sound materials, free from all mulch, wood, trash or other foreign materials, and to replace backfill material in not more than six-inch layers, moistened if necessary, and well compacted to 95 percent density until backfill is completed. This method of backfill shall be strictly adhered to in replacing all excavations in streets or alleys, paved or unpaved, and on any public property for which a permit is issued. Material removed from excavated areas may be used if it will meet the foregoing standard. If it does not meet those requirements, then select material must be used.
- (b) In all unpaved streets and alleys after backfill is completed, public works maintenance crews shall replace the surface material with whatever type of material existed on such street or alley when excavation was made, and shall finish such surface and connections with the adjacent surface material in a manner satisfactory to the director of public works, and, where appropriate, the inspector for the city forestry commission.

- (c) In all unpaved sidewalk, banquette, boulevard or planting space areas, after backfill is completed, such areas shall be replaced in the condition that existed prior to making such excavations, particularly regarding sod or grass, and proper elevation of finished surface. All excess material will be removed and over-graded to assure no obstructions to mowing operation. In planting areas, no trench or excavation shall be made that will remove or endanger any shrubbery, flowers, trees or other planting, but should it be determined that a trench should be excavated at a location that would cause removal or endanger any planting, special arrangements shall be made with the city forestry commission for such work prior to making excavation. No trenching or excavation shall be made that will endanger rose beds in banquette areas, prior to making special arrangements with the public works street maintenance division.
- (d) Any trench that is excavated in the banquette space in rear of curb shall be so located that the wall of the ditch or excavation shall be 24 inches or more from the back line of such curb. When any utility line, pipe or conduit is to be laid in a ditch or trench under circumstances and conditions that result in the ditch or trench wall being less than 24 inches from the rear line of curbing, the applicant for a permit shall apply for a special permit from the director of public works, and the applicant shall furnish the city an agreement or a cash bond in the amount of \$2,000.00, satisfactory to the director, which agreement or cash bond guarantees that the applicant will be responsible for the replacement of the paving slab, curbing or curbing and gutter according to the city's standard plans and specifications and at the expense of the applicant. This agreement or cash bond shall be waived in cases where the applicant has posted the \$5,000.00 bond referred to in section 78-179.

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Matthew Redmon

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Sec. 78-182. - Removal of old paving.

After backfill is completed to subgrade or to the bottom of paving slab or foundation in all paved streets or alleys, it shall be the duty and obligation of the holder of a permit to make a cutback and remove the paving material beyond the outside vertical line or wall of trench, and beyond any wall line that should develop due to the caving or sliding of the original trench wall, in the following manner:

- (1) *Surface ten or more years old.* The cutback of paving material shall be 12 inches on each side of trench or excavation on all minor traffic streets and alleys. When trench, cut or excavation is made in a major traffic street, avenue or alley, the cutback described in this subsection shall be made 24 inches on each side of the trench or excavation. The director of public works or city engineer shall designate whether a street is a major traffic street or a minor traffic street for the purposes of this section.
- (2) *Surface four to ten years old.* Whenever trenches or excavations are so located in paved streets and alleys and the proper cutback in the paving would cause the limits of such cutbacks to fall within 24 inches or less of each other or within 48 inches or less of a contraction or construction joint, the remaining space of old paving shall be removed and the replacement made continuous, and such replacement charged to the applicant at the rate specified in this article. The director of public works or city engineer shall have the option to designate the removal of an entire bag (slab) if deemed necessary, and replacement by contractor or city forces.

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Matthew Redmon

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Sec. 78-183. - Sidewalk excavations.

Whenever cut or excavation is made in a concrete sidewalk, after backfill is completed to subgrade, it shall be the duty and obligation of the holder of a permit to make a cutback and remove the concrete sidewalk material beyond the outside vertical line or wall of trench 12 inches on each side when the sidewalk is constructed on the entire area between curbline and property line, but should cutback line fall within less than 12 inches of the lines of block marking the entire block shall be cut and replaced. However, on all sidewalk replacements, the cutback shall be made in compliance with instructions from

the inspector for the director of public works, and all sidewalk replacements shall be made by the contractor in compliance with the standard specifications of the city.

(Code 1971, § 31-72)

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Matthew Redmon

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Sec. 78-186. - Preparation for repaving; safety precautions.

It shall be the duty and obligation of the holder of a permit to excavate in any paved street or alley to notify the director of public works by a call to street maintenance that they have completed the backfill and cutback, according to the provisions of this article, and that such cut or excavation is ready for repairs or repaving by city or contractor forces. It shall be the duty and obligation of the holder of a permit to safeguard the public in every manner by maintaining the necessary guards, barricades and safety lights, in accordance with the Traffic Barricade Manual, Ordinance No. 6 of 1971, as adopted January 26, 1971, and any revisions thereto, for such protection during construction and by maintaining the street or alley surface in a good and safe condition free of mud and debris until the city or contractor forces begin such repair or repaving work, and to hold the city harmless from any claim for damages or personal injury as a result of such work by the permit holder.

(Code 1971, § 31-75)

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Matthew Redmon

2/3/2020 11:01:00 AM

Sec. 78-187. - Covering work.

The director of public works is hereby authorized, should he consider it necessary for the protection of vehicle and/or pedestrian traffic, to order the holder of a permit to construct a cover for any trench or excavation after backfill is completed, consisting of not less than two-inch planking well fastened together, the top to be smooth and all edges to be bevelled, and such cover to be at least six inches longer than the dimensions of the trench or excavation, and laid over the trench or excavation, and maintain such cover in a good and safe condition until the city forces begin repairs or repaving, and the holder of the permit shall hold the city harmless from any claim for damages or personal injury as a result of such work by the permit holder.

(Code 1971, § 31-76)

~~Sec. 78-188. - Failure to restore area.~~-----Section Break (Continuous)-----

Should any person fail to replace materials, fail to restore areas to their original condition, or in any way fail to comply with the conditions of this article, within one hour after they have been notified by the director of public works or the city engineer that such work shall be done, the city through the director of public works shall have the right to do the necessary work of restoration to original conditions and charge the cost of such restoration to the party doing such excavation work.

(Code 1971, § 31-77)

~~Sec. 78-189. - Liability of excavator.~~-----Section Break (Continuous)-----

This article shall provide for a city inspector to act as an aid in accomplishing the results desired as outlined in this division; however, the presence of a city inspector does not relieve the applicant of the obligation to fully comply with the resolutions and the intent of this article. It shall be the duty of any applicant, and any holder of a permit, to make such replacements in such manner as to prevent

settlements in the paving over of such excavations. Should settlement occur over such trenches or excavations within a period of one year after paving is relaid, it shall be the obligation of the holder of the permit to pay the entire expense of correcting such settlement, and all expense of opening, refilling, tamping and repaving, and all costs incidental to such replacements, should such method be necessary, in the opinion of the director of public works and/or the city engineer, to prevent a future or continual settlement or failure.

(Code 1971, § 31-78)

~~Sec. 78-190 -- Notice of noncompliance~~-----Section Break (Continuous)-----

The director of public works and/or the city engineer shall notify the holder of a permit for trench or excavation of any condition due to settlement or noncompliance with this article, giving such holder of permit the opportunity to observe and examine the condition referred to, and, after such examination, the director shall have the necessary repairs or replacements made and charge the expense to the holder of permit.

(Code 1971, § 31-79)

~~Sec. 78-191 -- Penalty for violations of division~~-----Section Break (Continuous)-----

Whoever shall violate any of the provisions of this division shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$100.00. In default of payment of fine, the person in default may be ordered to work out the same on the streets and alleys of the city or other public works at the rate of \$5.00 per day for each day of labor performed.

(Code 1971, § 31-80)

~~Sec. 78-192 -- Starting work prior to obtaining permit~~-----Section Break (Continuous)-----

Any person or owner of utilities, private or public, who commences any opening or excavation in any street, alley, sidewalk, banquette, boulevard or planting space in the city before obtaining the necessary permit from the director of public works shall cause the cost of resulting fees for repairs to be doubled.

(Code 1971, § 31-81)

~~Secs. 78-193 -- 78-205 -- Reserved~~-----Section Break (Continuous)-----

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