

## ARTICLE IV. - CONSTRUCTION, EXCAVATIONS<sup>[8]</sup>

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

Sec. 78-166. - Administrator designated.

The Director of the Department of Public Works hereby designates the City Engineer and the Department of Engineering and Environmental Services to administer and implement this article on behalf of the Department of Public Works by granting or denying permit applications in accordance with the provisions of this article.

Sec. 78-167 – Territorial applicability

The provisions of this Article apply only within the boundary limits of the City of Shreveport.

Sec. 78-168. – Definitions

The following words, terms, and phrases associated with any excavation, opening, or bore in the city public right-of-way may be used in this chapter, city policies, procedures, and applications and shall have the meaning given below unless the context indicates otherwise. These meanings shall apply whether a word is in italics or not, capitalized or not, or is singular or plural.

*Bore* means a narrow hole made along a prescribed underground path in the ground either vertically or horizontally to install underground utilities such as pipe, conduit, or cables. One bore shall be the segment from the underground entry to exit.

*City* means the City of Shreveport, Louisiana.

*Emergency condition* means a situation which creates a threat to property, public health, welfare, or safety.

*Excavation* means any man-made cut, cavity, trench, or depression in the earth's surface formed by earth removal excluding excavations in non-paved areas that are four (4) inches wide and eight (8) inches deep or less.

*Opening* means an aperture, hole, or gap, especially one allowing access excluding openings in non-paved areas that are four (4) inches wide and eight (8) inches deep or less.

*Project* means work in one local area of the City that does not exceed a time period of four (4) months.

*Public right-of-way* means the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property.

Secs. 78 -169—78-175. - Reserved.

## DIVISION 2. - EXCAVATIONS, OPENINGS, OR BORES

Sec. 78-176. - Permit required.

It shall be unlawful for any person, business, 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.

This article shall not govern Poles and Wires or Barricades. Poles and Wires shall be governed by Chapter 78, Article II, Division 3. Barricades shall be governed by Chapter 78, Article IV, Division 3.

Sec. 78-177 – Emergency Repairs

If there is an emergency condition, as accepted by the City Engineer, when repairs are necessary to restore or maintain service other than during normal business hours, the person, business, or owner of the utilities, public or private 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 applied for within ten (10) business days after such emergency repairs are made.

Sec. 78-178. - 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, wires, etc., in the area where work is contemplated. Prior to performing any excavation, opening, or bore, the applicant is required to contact Louisiana One Call, 811. The applicant must follow all other local, state, and federal laws and guidelines. It shall be the duty and obligation of the applicant making any excavation, opening, or bore to maintain and protect any and all existing above ground and underground structures, pipelines, conduits, etc.

Sec. 78-179. - Submission of plans, 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 to make a complete review of the proposed work which shall include but is not limited to: current permit/agreement that allows the applicant to have facilities in the city right-of-way such as a franchise agreement, plans; maps; major installation activities; beginning and end dates of work; tentative locations of work; names, offices and telephone numbers of contractors acting or working on behalf of applicant, and; proof of comprehensive general liability insurance covering any operations intended to occupy city property. The application shall also show the estimated dimension of each excavation, opening or bore. Application and issuance of this permit does not remove

the obligation of the applicant to follow the traffic control requirements of Chapter 78, Article IV, Division 3.

The City Engineer's designee will examine all applications within ten (10) 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 written reasons for rejection. The City Engineer's designee will take no further steps to process the application until all deficiencies are remedied.

#### Section 78-180. – Applicant's Duty to Supplement

Following the initial submission of an application, applicant shall have a continuing duty to immediately and in writing supplement and update any information that applicant discovers to be missing, changed, incomplete or incorrect prior to approval of the application and during any period in which an issued permit is effective. This obligation shall include but is not limited to applicant's contact information.

#### Sec. 78-181. – Standards for Making Repairs to Excavations, Pavements, etc.

All repairs shall be done by the permit holder or their designated contractor acting or working on the behalf of the permit holder. 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, Pavement Cut and Repair Standards and the Americans with Disabilities Act. This shall include but not limited to backfilling, paving, curbing, curb and gutter sections, sidewalk sections, and unpaved areas. All sites shall be fully restored to the same or better conditions of the site prior to the work. All excavations or openings must be backfilled within a reasonable time after the completion of the work on the infrastructure. The site shall be fully restored within 30 days of the excavation, opening or bore.

#### Sec. 78-182. – Excavations, Openings and Bores in Grass Areas; Disturbance of Plants

- (a) Grass Areas - Excavations, bores and openings in grass areas or planting spaces shall be replaced in a condition close substantially similar to that which existed prior to the excavation, opening or bore, particularly regarding sod or grass and proper elevation of the finished surface. All excess materials following excavation, opening or bore shall be removed to ensure no obstructions to mowing operations.
- (b) Plants - In planting areas, no excavation, opening or bore shall be made that will remove or endanger any shrubbery, flowers, trees or other planting. Should it be determined that an excavation, opening or bore would cause removal of or endanger any planting, special arrangements shall be made with the City for the work prior to making any excavation, opening or bore.

#### Sec. 78-183. – City Entry and Observations.

The permit holder must make all sites accessible at all times for City entry and observation. The presence of a city representative does not relieve the permit holder of the obligation to fully comply with the intent of this article. After the completion of work, the permit holder shall submit the following

items to the City: results of geotechnical testing, photos and GPS coordinates of each excavation, hole or bore fully restored, test results for compaction and as built drawings. Photos shall show restored excavation relative to surrounding areas in order for the City to be able to determine the location of each. Each photo shall be assigned a GPS coordinate. This data shall be collected and delivered in a system determined by the City.

Sec. 78-184. - Permit fees.

The applicant must pay a permit fee of \$100 per excavation, hole or bore or \$400 for an entire project.

Sec. 78-185. - Safety precautions.

It shall be the duty and obligation of the permit holder to safeguard the public in every manner by maintaining the necessary traffic control, guards, barricades, safety lights, etc. 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 work is complete. Barricades shall be in accordance with the Manual on Uniform Traffic Control Devices as permitted by Public Works Traffic Engineering (Chapter 78, Article IV, Division 3). By acceptance of any permit issued pursuant to this Article, 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.

Sec. 78-186. - Correction of unacceptable work; Notice

(a) Should the permit holder 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 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 pursuant to subsection (b) of this section. 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 (10) days after notice has been given to him.

(b) When the permit holder 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 (10) days in which to pay the invoice in full. If the permit holder fails to pay the invoice in full within ten (10) days, the city shall have the right to enforce collection of the actual cost plus a 25% administrative charge along with court costs, attorney's fees and to stop all work and permitting until payment.

(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. 78-187. - Failure of work; Notice.

(a) The owner of the utility and the permit holder are responsible for the quality of the work in perpetuity. Should settlement, any other failure, premature degradation or any other defect occur over or near excavation, opening, or bore due to the work performed by the permit holder as determined by the City Engineer or his designee, 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 reseeding.

(b) The City Engineer or his designee may notify the permit holder of any condition due to settlement and/or any other failure of restoration. The permit holder shall have ten (10) 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 Pursuant to Section 78-186.

(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, business or owner of utilities, private or public, who has, in the past, failed to comply with all the requirements of this division.

Sec. 78-188. - Starting work prior to obtaining permit.

Any person, company 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 secure site and stop work, apply for a permit and will be subject to penalties.

Sec. 78-189. – 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 or other allowance as approved by the City Council.

Sec. 78-190 - Penalties

If the City Engineer or his designee determines that any permit holder or non-permit holder has performed or is responsible for unacceptable work pursuant to this ordinance, failure of work pursuant to Section 78-187, starting work prior to obtaining permit pursuant to Section 78-188 or any other violation of this ordinance a monetary penalty will be charged to the utility owner or plumber. The penalty for the first offense shall be \$1,000. The penalty for any second offense shall be \$5,000. The penalty for any subsequent offense shall be \$10,000.

Secs. 78-191—78-205. - Reserved.