

ORDINANCE NO. 22

AN ORDINANCE RELATING TO EXCAVATIONS IN THE CITY, PERMITS THEREFOR AND PENALTIES.

Be it ordained by the governing body of the City of Westwood Hills:

REPEAL OF SECTION. Section 1. Section 4-200 and 4-201 (Sections 6 and 7 of Ordinance No. 9) are hereby repealed.

ARTICLE I. EXCAVATION IN PUBLIC PLACES.

7-101 EXCAVATIONS. Section 2. No person shall make or cause to be made any cut or excavation in, through, or under any street, sidewalk, alley or other public place in the city for any purpose whatsoever without a permit therefor first being obtained from the city.

7-102 APPLICATION FOR PERMIT. Section 3. No permit shall be issued unless an application be made in writing by the person desiring to make the cut or excavation, accompanied by a map or diagram showing the location of the proposed cut or excavation, to be made in such a manner that the house number or lot number in front of which, and the side of street upon which, the same is proposed to be made, shall be plainly indicated. The map or diagram shall also show the dimensions and character of the proposed cut or excavation. The application shall set forth the purpose for which the cut is made and any other information demonstrating the need for such cut. The application for permit shall also be accompanied by certificates of insurance insuring the applicant with minimum limits as follows:

Public Liability - - - \$20,000.00 to any one person, and  
\$50,000.00 for any one accident.

Property Damage - - - \$ 5,000.00.

7-103 PERMIT. Section 4. The sum of \$5.00 may be charged by duly authorized inspectors as inspection fees for each and every permit. The further sum of \$10.00 per square yards for cuts through surface material of a permanent nature not larger than 5 square yards, and \$6.00 per square yard for cuts through surface material of a permanent nature larger than 5 square yards, shall be deposited with the City Clerk to cover the cost of replacement of paving by the city, and to be figured from and to opposite edges of cut through the surface wearing course after the same has been prepared for resurfacing as set forth in Section 7-106. The cost of resurfacing shall be paid by the applicant and upon receipt of payment thereof the deposit shall be returned by the City Clerk to the applicant. The City Clerk

shall issue the permit after the inspection fee and deposit herein set forth have been paid, and the requirements in Section 7-101 have been met. Said permits shall not be assignable.

7-104 CUT, PAVEMENT, AND EXCAVATIONS. Section 5. The person making the cut or excavation in any street, sidewalk, alley or public place shall cause the same to be done with the least possible injury to streets, sidewalks, alleys or public places and shall place excavated earth therefrom in such a manner as to cause the least inconvenience to the public, and to permit the uninterrupted passage of water along the gutters. Broken pavement shall be completely removed from the site of the work. The excavation or trench shall have straight vertical sides and shoring, siding and bracing shall be employed where necessary to prevent cave-ins.

7-105 REFILLING OF EXCAVATION. Section 6. The refilling of all cuts or excavations made in any street, sidewalk, alley or other public place in the city shall be made by the person making the cut or excavation, by one of the following methods:

- (a) Refilling with clean unfrozen earth, free of trash or rubbish or rocks of 3 inches in maximum diameter, in layers of not exceeding 6 inches in height and compacting each layer thoroughly.
- (b) Refilling with clean unfrozen earth, free from trash or rubbish or rocks of 3 inches maximum diameter, properly jetted or puddled with water to produce maximum compaction, provided said earth is of a type suitable to obtain thorough compaction by such method.

7-106 PREPARATION OF CUT OR EXCAVATION FOR RESURFACING. Section 7. Preparation for resurfacing the cut or excavation in any street or alley in the city shall be made by the person making the cut or excavation in the following manner:

- (a) The cut through the sub-base material of the permanent material shall be removed 6 inches beyond the edges of the cut or excavation in such manner as to leave the sub-grading undisturbed.
- (b) The surface wearing course of the permanent surface material shall be removed 6 inches beyond the edge of the cut through the pavement sub-base material.
- (c) All cuts shall be vertical and along straight lines on each side of the excavation.

The replacement of all pavement, including the base course, shall be performed by the City of Westwood Hills.

7-107 PROTECTIVE MEASURES. Section 8. Every person who shall for any purpose make or cause to be made any excavation in, upon, under, or adjoining any street, sidewalk, alley or other public place and shall leave any part or portion thereof open, or shall leave any part or portion thereof obstructed with rubbish, building or other material during the night time, shall cause the same to be enclosed with good, substantial and sufficient barriers not less than three feet high and shall cause one red light or pot torch to be securely and conspicuously posted in or near such excavation, building material, or obstruction, providing such obstructions do not extend more than ten feet in length and, if over ten feet and less than fifty feet in length, two red lights or pot torches, one at each end, shall be so placed, and one additional light for each additional fifty feet or part thereof, and shall keep such lights burning from sunset to sunrise.

Whenever a person shall excavate the full width of any street, alley, sidewalk or public place, it shall be his duty to maintain a substantial walkway or driveway across said excavation until it is refilled.

## ARTICLE 2 PUBLIC UTILITIES.

7-201 UTILITIES. Section 9. Any utility company or person furnishing electricity, gas, or water to the inhabitants of the city may, in lieu of compliance with Article 1 herein, deposit with the city a cash bond in the penal sum of \$ 100.00 in a form approved by the city attorney, conditioned that the principal thereunder will refill all cuts or excavations made in the city and resurface all such cuts through surface material of a permanent nature in a proper manner and according to the specifications that may be required by the city from time to time. Any unusual cracking, settling below the street surface, or rut or bump upon the resurfaced cut, shall be presumptive of improper resurfacing. This cash bond shall remain with the city at least one year after the last excavation was made thereunder.

7-202 BOND OF INDEMNITY. Section 10. Each person or company qualifying under Section 7-201 herein shall also deposit with the city a bond in the penal sum of \$25,000 in a form approved by the City Attorney, conditioned that the principal thereunder shall save harmless and indemnify the city on account of damages to persons or property occurring by reason of any excavation made by the principal.

## ARTICLE 3 CONNECTING TO STORM SEWERS IN CITY.

7-301 CONNECTION TO STORM SEWERS IN CITY. Section 11. Every person who shall make or cause to be made a connection with storm

sewers in the city for any purpose whatsoever must first obtain a permit therefor from the city.

7-302 APPLICATION FOR PERMIT. Section 12. No permit shall be issued unless application be made in writing by the person desiring to make the connection stating the location of the sewer, its size, and whether or not the sewer is located under street pavement. No permit shall be issued until the person desiring same shall first have applied, and secured a city permit for excavation.

7-303 CONNECTING TO SANITARY SEWERS. Section 13. No person shall make or cause to be made a connection between a storm sewer and sanitary sewer.

ARTICLE 4 PENALTIES FOR VIOLATION OF ARTICLES 1 AND 2.

7-401 PENALTIES FOR VIOLATION OF ARTICLES 1 AND 2. Section 14. Any person violating any of the provisions of Articles 1 and 2 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00 and not more than \$100.00 and costs, or confinement in jail for not more than 30 days.

TAKE EFFECT. Section 15. This ordinance shall take effect and be in force from and after its publication.

Passed by the City Council this 6 day of June, 1950.

Approved by the Mayor this 6 day of June, 1950.

*O. Chamberlain*  
Mayor

ATTEST:

*Ora M. Amburg*  
City Clerk

Published: June 15, 1950

Journal Entry at Page 41

*Ora M. Amburg*  
City Clerk