

**Chapter 12.20
Excavations**

Sections:

- 12.20.010 Permit required.**
- 12.20.020 Fee.**
- 12.20.030 Bond.**
- 12.20.040 Insurance.**
- 12.20.050 Regulations governing street and sidewalk openings.**
- 12.20.060 Excavation in new streets limited.**
- 12.20.070 Emergency excavations authorized.**
- 12.20.080 Permit required.**

12.20.010 Permit required.

No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the village of Oakfield without first obtaining a permit therefore from the director of public works. (Prior code § 6.03(1))

12.20.020 Fee.

The fee for a street opening permit shall be one dollar (\$1.00) and be paid to the village treasurer who shall issue his receipt therefore. (Prior code § 6.03(2))

12.20.030 Bond.

Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the village clerk an indemnity bond, approved by the village president, in the sum of five thousand dollars (\$5000.00) conditioned that he will indemnify and save harmless the village of Oakfield and its officers from all liability for accident and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he

may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the director of public works for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation, or ordinance governing street openings or drain laying adopted by the village board, and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the village. Such bond shall also guarantee that if the village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1st, which shall be conditioned as specified above and in the amount determined by the village board as necessary to adequately protect the public and the village. (Prior code § 6.03(3))

12.20.040 Insurance.

Prior to commencement of excavation work, a permittee must furnish the director of public works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than one hundred thousand dollars (\$100,000.00) for one person, three hundred thousand dollars (\$300,000.00) for one accident and property damage insurance of not less than fifty thousand dollars (\$50,000.00). (Prior code § 6.03(4))

12.20.050 Regulations governing streets and sidewalk openings.

A. Frozen Ground. No opening in the streets or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

B. Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the director of public works no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe laying nor left unfilled more than five hundred (500) feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to person, vehicles or property of any kind.

C. Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original

condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the director of public works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddle or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The village may elect to have the village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening. (Prior code § 6.03(5))

12.20.060 Excavation in new streets limited.

Whenever the village board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the village board, the director of public works shall notify in writing each person, utility, village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work, in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the director of public works and

emergency exists which makes it absolutely essential that the permit be issued. (Prior code § 6.03(6))

12.20.070 Emergency excavations authorized.

In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder. (Prior code § 6.07(7))

12.20.080 Village work excluded.

The provisions of this chapter shall not apply to excavation work under the direction of the director of public works by village employees or contractors performing work under contract with the village necessitating openings or excavations in village streets. (Prior code § 6.03(8))