

CITY OF DANUBE

ORDINANCE NO. 75

AN ORDINANCE RELATING TO STREET OPENINGS AND EXCAVATION, PERMIT REQUIREMENTS AND VIOLATIONS.

THE CITY COUNCIL OF THE CITY OF DANUBE DOES ORDAIN AS FOLLOWS:

Section 1 - Definitions. For the purpose of this ordinance, the following words are defined as follows:

- (1) City Street - Any public thoroughfare, street, avenue and boulevard which has been dedicated or deeded to the public for public use and street purposes.
- (2) Public Utilities - All water mains, sanitary sewers, storm sewers, electrical transmission lines, together with appurtenances, including, but not limited to, house service connections, valves, hydrants, man holes, catch basins and outlets.
- (3) Private Utilities - All gas mains, cable T.V. lines and telephone lines together with all appurtenances, including, but not limited to, buried pipe, cable, conduit, wire, valves, man holes, house service connections, poles, overhead wires, cables and conduits.
- (4) Excavation - Any disturbance of the soil for construction purposes or any unearthing of the soil below one-foot level of the ground surface, including, but not limited to, excavation for footings, basements, grading of lots, sewer and waterline instalation.

Section 2 - Excavation Permit and Fee.

Subdivision 1. Permit Required. No person shall make any excavation within the city limits without first having secured a permit therefor from the city. Application for said permit shall be made in writing on the form approved by and provided by the city. Said application shall be completed by the owner of record of the real property involved, or his authorized agent, and shall be submitted to the clerk for approval.

All applications for excavation permits shall be accompanied by the prescribed fee and street opening fee, if necessary. No fee shall be required if the proposed excavation will not disturb the city street surface. The application shall be approved and a permit issued by the clerk, which permit shall be signed by all of the utility department heads listed on the application. The application must be completed in all respects, and the permit must be issued prior to the commencement of any excavation.

Subdivision 2. Permit Fee. Prior to excavation of a permanent type roadbed surface, the permittee shall pay to the city a street opening fee in an amount required under the street opening fee schedule as established from time to time by resolution of the council. The street opening fee shall be used to pay the Danube Maintenance Department for labor performed and materials used to restore the street surface to its required condition and with any surplus to be returned to the permittee.

Section 3. Notice to City. A minimum of twenty-four hour notice (excluding weekends and holidays) shall be given to the Maintenance Department, or his representative, before any excavation and/or backfilling shall take place and the maintenance department or his representative shall be allowed to be present and inspect during the time of such excavation and/or backfilling.

Section 4. Excavation Standards.

Subdivision 1. Permanent Roadbeds. All trenches in permanent type roadbed surfaces shall be cut in a straight and squared-off method. This shall be done by use of a jackhammer, saw or other approved means. Said trenches shall be backfilled in one-foot compacted layers with granulated materials, and with the top foot to be backfilled and compacted with Class 5 base material up to the original road grade surface. All compaction shall be by city approved mechanical or hand methods. The maintenance department will replace the blacktop wearing surface.

If excavation causes any other disturbance or damage to adjoining public right-of-ways, such as, but not limited to, sidewalks, curbs, grass, trees and shrubs, the permittee shall restore the affected areas to its original condition within thirty days after the completion of excavation. The permittee shall also pay all costs and expenses incurred in making this restoration.

Subdivision 2. Non-Permanent Roadbed. All trenches in streets without permanent type roadbed shall be backfilled in one-foot compacted layers, and with top foot to be backfilled and compacted city Class 5 base material up to the original road grade surface. All compaction shall be by city approved mechanical or hand methods.

Section 5. Damage to Adjoining Property. If the excavation causes any other disturbance or damage to adjoining right-of-ways, such as, but not limited to, sidewalks, curbs, grass, trees, and shrubs, the permittee shall restore the affected area to its original condition within thirty days after completion of the excavation. If the permittee doesn't restore affected areas within thirty days, the city may do so and the permittee shall pay all costs and expenses related to such work. The city may apply any remaining balance of the street opening fee obtained under this ordinance to the cost of such restoration and no refund will be made to the permittee until all restoration work is complete.

Section 6. Time of Excavation. The clerk shall not issue any excavation permits for street openings from November 1st through April 1st unless an emergency exists as determined by the clerk with concurrence from utility departments.

Section 7. Charges to Public Utilities. Public utility agencies requiring street openings shall bear the cost of the blacktop and any other materials used in repair of said street opening. The application for the permit must be made in writing at the clerk's office but no permit fee or street opening fee shall be required of the public utility agency if a waiver thereof is approved by the council.

Section 8. Protection of existing Improvements. Before commencing an excavation, the permittee shall determine what improvements exist within the limits of the construction area and shall make detailed arrangements with the owner's thereof for the protection or replacement of such improvements and include in the application a description of the plans. The permittee shall bear full responsibility for any damage to improvements resulting from operations conducted under the issued permit and shall either repair or replace the same within thirty days or pay all costs and expenses related to the repair or replacement. The clerk may require that an additional fee, to be held by the city and applied to such costs and expenses, in an amount determined by the clerk based on any reasonably anticipated damages.

Section 9. Blasting. No blasting shall be undertaken unless the permittee has received the written approval of the council. Approval may be granted only when the council has determined there is a need, and the permittee has submitted satisfactory evidence of proper qualifications, experience, knowledge or current codes and safety procedures, and insurance coverage. Permittee shall assume full responsibility for any damage caused by blasting and shall repair or replace any damage caused by the blasting within thirty days or pay all costs and expenses related to repair or replacement. The clerk may require an additional fee be paid, to be held by the city and applied to such costs and expenses, in an amount determined by the clerk based on any reasonable anticipated damages.

Section 10. Other Utilities of Governmental subdivisions. The issuance of a permit under this ordinance in no way relieves the permittee from obtaining permits and approvals from other individuals, agencies or units of government having jurisdiction over the affected area.

Section 11. Violations. Violations of this ordinance shall constitute a misdemeanor.

Section 12. This ordinance shall be effective upon passage and publication.

Passed by the City Council of the City of Danube this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

ATTEST:

CITY OF DANUBE

Sharon Schendel, City Clerk

BY:

Harvey Kleinhuizen, Mayor

CITY OF DANUBE  
EXCAVATION PERMIT APPLICATION

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ Excavation Permit Fee: \_\_\_\_\_

Please consider my request to excavate at \_\_\_\_\_

If the excavation takes place in a City bituminous surfaced street, alley, etc., a \$200.00 deposit is hereby attached and I understand the excavated spot must be backfilled with gravel and compacted to the satisfaction of the Maintenance Department. The cost of the repair of excavation will be taken from the \$200.00 and the remainder refunded to me. If the repair costs should exceed \$200.00, the City reserves the right to bill me for the excess amount.

I understand that I will notify Northern States Power, Great Plains Gas, Danube Telephone Company, Cable T. V. and Northwestern Bell of the proposed digging and will provide a diagram of the area.

This application will remain in the City Office, and when the above mentioned utility companies sign this application and the applicable fees are paid, the digging permit will be issued.

Signed by: \_\_\_\_\_ Utilities in area  YES  
Maintenance Dept.  NO

Signed by: \_\_\_\_\_ Utilities in area  YES  
N S P 1-800-892-0343  NO  
OR 1-612-255-8686

Signed by: \_\_\_\_\_ Utilities in area  YES  
Great Plains Natural Gas  NO  
1-612-564-4211

Signed by: \_\_\_\_\_ Utilities in area  YES  
Danube Telephone Company  NO  
1-612-826-2404

Signed by: \_\_\_\_\_ Utilities in area  YES  
North American Cable  NO  
1-800-247-1586

Signed by: \_\_\_\_\_ Utilities in area  YES  
Northwestern Bell - Dial 0  NO  
Ask for Zenith 2345

I acknowledge that I am also required to comply with Danube City Ordinance No. 75 in all respects.

\_\_\_\_\_  
Signature of Applicant Date