

A BILL TO CREATE AN ORDINANCE ENTITLED:

“AN ORDINANCE AMENDING CENTRALIA CITY CODE SECTION 30-12 AND SECTION 30-13 AND ENACTING NEW CENTRALIA CITY CODE SECTIONS 30-13.1, 30-13.2 AND 30-13.3 PERTAINING TO EXCAVATIONS IN PUBLIC RIGHTS-OF-WAY AND ESTABLISHING A REQUIREMENT FOR A PERMIT FOR SUCH EXCAVATIONS.”

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CENTRALIA, MISSOURI, as follows:

SECTION 1. Section 30-12 of the Centralia City Code is hereby changed, altered and amended to read as follows:

SECTION 30-12. PROTECTION AROUND EXCAVATIONS.

Every person and contractor making an excavation in any street, alley or public place, or on any private premises adjacent to any alley, street or public place and not separated by a substantial fence or structure, shall guard and protect the same by barriers. Every person or contractor digging or causing any such excavation to be dug and every person who shall occupy or cause to be occupied any portion of any public street, alley, or highway with building materials or any obstruction permitted by law or ordinance shall cause sufficient warning lights to be securely and conspicuously posted on or near such excavation, building materials or obstructions as will notify travelers of the existence of the same, and shall keep such lights burning during the entire night.

SECTION 2. Section 30-13 of the Centralia City Code is hereby changed, altered and amended to read as follows:

SECTION 30-13. REMOVAL OF EXCAVATED MATERIALS AND GENERAL REQUIREMENTS.

Any person who shall excavate in the paved portion of any public street, roadway, alley or sidewalk pursuant to a permit obtained from the City Administrator or a designated representative, as provided for in this chapter, shall remove all materials excavated and shall dispose of the same as soon as possible and prior to placing any backfill material into such excavations. Excavated materials shall be placed where they will cause the least possible inconvenience to the public. The width of excavation shall be no greater than necessary for doing the work.

SECTION 3. Sections 30-13.1, 30-13.2, and 30-13.3 of the Centralia City Code are hereby enacted, to read as follows:

1.

SECTION 30-13.1. BACKFILLING OF EXCAVATED AREA.

A. *Paved streets*: Any person who shall excavate in the paved portion of any public street, roadway, alley or sidewalk shall backfill such excavation with one-inch clean rock. Backfill material shall be compacted by mechanical tamping or vibration.

B. *Unpaved streets*: Any person who shall excavate in any unpaved portion of any public street, roadway, alley or sidewalk shall backfill such excavations as is provided for backfilling excavations in paved public streets, alleys, and sidewalks or, upon the approval of the City Administrator or a designated representative, the rock or aggregate material removed from such excavation may be used for a portion of the backfill, provided such material is placed in the excavation in lifts not exceeding six (6) inches and each lift being mechanically compacted to a relative density of ninety-five (95) percent. Such backfill shall be inspected by the City Administrator or a designated representative to determine whether the requirements of this section have been fulfilled.

C. *Parkways and grass areas*: Excavations in parkways, outside of the paved area of streets or walks, may be backfilled with earth, and all grass areas shall be returned to their original condition.

D. All backfill and resurfacing shall be in accordance with the City of Centralia's Specifications for Excavation Work, which shall be available from the City upon request.

2.

SECTION 30-13.2. RESURFACING PAVED STREETS AND OTHER PUBLIC WAYS AFTER EXCAVATION OF SUCH PUBLIC WAYS.

Any person who shall excavate in the paved portion of any public street, roadway, alley or sidewalk shall obtain

the approval of the City Administrator or a designated representative, that the backfill meets the requirements of this Article, and shall then resurface such excavation. Such resurfacing shall be subject to the inspection and approval of the City Administrator or a designated representative. Such resurfacing may be performed by the excavator or his contractor; or, at the request of such excavator, such resurfacing may be performed by the Street Department at the cost of such excavator. The surface course shall be at least eight (8) inches thick and shall be placed so as to cover all of the excavation and an area that extends at least one (1) foot beyond the edge of the excavation. Whether the original surface was concrete or asphalt, the replacement shall be a lift of at least eight inches (8") of Portland Concrete Cement prepared to Missouri Department of Transportation standards for rapid curing (otherwise know as "highway early"). Surface replacement for original concrete streets shall be connected to the adjacent pavement by No. 4 rebar pinned at thirty (30) inch intervals. Inspections shall be arranged in advance and shall be conducted during regular City business hours, except as provided below. City inspections requested to be conducted outside of regular business hours shall result in an additional permit fee as set forth in Subsection B of Section 30-13.3.

3.

SECTION 30-13.3.

PERMITS FOR EXCAVATIONS AND REQUIREMENTS FOR ISSUANCE.

- A. Except as provided below, no person shall make or cause to be made within the City any excavation in any public street, place, walkway, right-of-way or easement unless and until written permit for such excavation has been obtained from the City Administrator or a designated representative in accordance with the provisions of this article. No exception to the requirements shall be permitted except:
- (1) Public work done by authority of the Missouri State Highways and Transportation Commission, or by authority of the Board of Aldermen, and
 - (2) Emergency work done under the provisions of Section 30-13.3(H).
- B. Application for an excavation permit shall be made in writing to the City Administrator. The application shall contain such information as the City Administrator may require regarding the purpose, location and size of the proposed excavation and the approximate time when the work thereon will be commenced and completed. A separate permit shall be required for each excavation and a fee of twenty dollars (\$20.00) shall be paid by the applicant to the City for each such permit issued. When work performed under a permit requires that inspection or inspections be performed outside of regular City business hours, the fee shall be doubled to forty dollars (\$40.00).

C. Franchise utility services making several excavations as a part of a larger project shall have the option, with the permission of the City Administrator or a designated representative, to apply for a general permit for the entire project for a fee of twenty dollars (\$20.00). Application for such a general permit shall include a set of plans, site plans, and specifications as used by the utility's employees or contractors for said project. Franchise utility services having occasion to make frequent excavations in any public place, street, walkway, right-of-way or easement, shall not be required to pay the permit fee each time an application is made therefore, but may be billed on a monthly basis for such fees and costs.

D. Every applicant for an excavation permit shall register with the City Clerk proof that the applicant is maintaining liability insurance in the sum of three hundred thousand dollars (\$300,000.00) covering liability for death, bodily injury and property damage attributable to the excavation or resurfacing work done under a City permit or in consequence of any neglect in safe-guarding such work. Such liability insurance shall be in such form as to hold harmless and indemnify the City from all claims and damages arising from any cause of action for such excavation and resurfacing work and activities incident thereto. The insurance policy shall list the City as an additional named insured, shall be carried with an insurance company which has been licensed or permitted to carry on such business in the State of Missouri, and shall be kept and maintained continuously in force and effect so long as the excavation and resurfacing work shall be in process. Before issuance of the excavation permit, the applicant shall furnish the City with a certificate of the insurer that the policy is in full force and effect and that the policy will not be altered, amended, or terminated without notice having been given to the City prior thereto. The proof of insurance required for issuance of a plumber's license pursuant to Section 23-65 shall be deemed to satisfy the requirements of this subsection.

E. In lieu of the insurance as provided above, the applicant may deposit a surety bond satisfactory to the City Administrator in the sum of three hundred thousand dollars (\$300,000.00), conditioned that the applicant will pay any judgment recovered by any person by reason of death, bodily injury or property damage attributable to the excavation or resurfacing work done under a City permit or in consequence of any neglect in safeguarding such work; Such bond shall be in such form as to hold harmless the City from all claims and damage arising from any cause of action for such excavation and restoration work and activities incident thereto.

F. If the insurance policy provided for in this section lapses and is not immediately renewed, or any bond terminates in any manner whatsoever and a substitute in lieu thereof is not deposited, the permit for the excavation is hereby revoked.

G. When the resurfacing work referred to in Section 30-13.2 is done by the person making, or causing to

be made, the excavation, the street surfacing so replaced shall, for a period of one (1) year following the date of restoration, be the responsibility of the excavator, who shall bear all costs of maintenance on the repaved portion for such time. Failure to comply with the requirements of this section shall constitute a violation thereof, and the City may, in addition to prosecution for violation, properly maintain or repair any unsatisfactory replacement of street surface and charge the excavator for the cost and labor of such work, and no further excavation permits shall be issued by the City to any person who has not corrected any deficiencies or paid such costs.

H. In case of an emergency where the public safety is in danger and the office of the City Administrator is not open, the provisions of this article relating to the issuance of permits prior to commencement of work of excavation shall not apply. In such case the person making the excavation shall notify the Centralia Police Department dispatcher that the emergency work is being commenced and the location thereof and the work may proceed immediately, following the provisions set forth in this article. Final surfacing or temporary patches shall not be applied to the excavations until such time as the City Administrator or a designated representative has inspected and approved the backfill and issued a permit therefore. Application for the permit shall be made on the first day on which the office of the City Administrator is open after the work is commenced.

I. No application for an excavation permit shall be required for excavations made to install utilities and other features within any proposed public lands or rights-of-way of any proposed subdivision until a final plat for said subdivision is approved by the City and recorded with the Boone County Recorder of Deeds.

SECTION 4. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

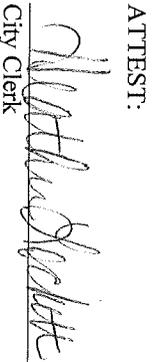
SECTION 5. This ordinance shall take effect and be in full force and effect from and after the date of its passage and approval.

PASSED this 16th day of December, 2013.

ATTEST:



Mayor



City Clerk

This ordinance approved by the Mayor this 16th day of December, 2013.

ATTEST:



Mayor



City Clerk

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