

Excavation Permit

Approval: _____
Date Issued: _____
Receipt #: _____

Contractor's Name: _____

Contractor's Address: _____

Contractor's Phone: _____

Contractor's Email: _____

Project location: _____

Will this be an **Open Cut** or **Boring** (circle one)

Area to be excavated (check all that apply):

Street Blvd Curb/Gutter Sidewalk Alley Other

Number of traffic lanes that will close: _____

Number of parking lanes that will close: _____

Purpose of excavation (check all that apply):

Water San. Sewer Storm Sewer Gas Electric Communication _____

Other (describe) _____

Estimated Start Date: _____ Completion Date (No More Than 30 Days from Start Date): _____

The undersigned understands and agrees to the following:

1. The permitted work shall comply with all permit provisions and conditions listed in the Excavations and Openings Fact Sheet
2. That insurance requirements shall be met prior to approval either by submitting information with application or by keeping current information on file with the City office
3. The applicant shall contact Abbotsford City Hall and the Police Department 24 hours prior to the closure of any traffic lanes and provide an estimate of the duration of closure. Temporary traffic control shall be provided and maintained by the applicant
4. Once the Excavation Permit Fee has been paid; it may not be refunded
5. All restoration must be completed within 30 days of the start date.

Abbottsford City Hall Phone #: 715-223-3444
Police #: 715-223-2313

I certify that we understand and agree to the conditions listed in the City of Abbotsford Code of Ordinances and the Excavations and Openings Fact Sheet

Authorized Representative

Date

FEE _____

Permit Conditions:

City of Abbotsford **MUST** be listed as an additional insured (see required limits in Ord 6-2-4) and certificate of Insurance **MUST** be submitted with application

If project is over \$5,000 in work; an indemnity bond or cash deposit is required (see limits in Ord 6-2-4)

This document serves as a written guarantee that the Restoration will be guaranteed for one year.

Permits shall be valid for a period of 30 days from date of approval. **All restoration must be completed within 30 days of start date.**

Maximum Depth of Excavation: _____ OUT OF RIGHT-OF-WAY _____ IN RIGHT-OF-WAY _____

The applicant covenants and agrees that in consideration of the issuance of the permit the applicant agrees to and shall:

- (a) Comply with subsection (7) of the Excavation of Public Right-of-Way Ordinance, concerning barricades, so long as the excavation remains a hazard;
- (b) Open the excavation by neat saw joints where the surface course is masonry, concrete or asphalt, with an additional 3 foot cut on both sides of the excavated trench;
- (c) Close the excavation and replace the surface of such street in accordance with subsection (9) of the Right-of-Way Excavation Ordinance;
- (d) Such other requirements or standards as established by the City's Administrator of Public Works;
- (e) Indemnify the City and save and hold the City free and harmless from and against any and all damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any nature which may be sustained, made and/or occasioned to the City at any time by reason of damage or damages or injury to persons or property or death to any person by reason of any other liability imposed by law on the City as the result of and/or pertaining to the excavation which is the subject of this permit and/or as the result of and/or due to anything whatsoever relating to and/or pertaining to the aforementioned excavation. The undersigned agrees that this indemnification and hold harmless specifically applies to, covers and includes within its purview any and all of the City's officers, agents, employees and/or designees. Specifically included within this indemnification and hold harmless are attorneys' fees and other costs of defense which may be sustained and/or occasioned to the City, the City's officers, agents, employees and/or designees;
- (f) Hereby release the City and its officers, agents, employees and/or designees from all damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of

any kind or of any nature whatsoever, which may result from applicant's actions or anyone else's actions or from anything of any nature resulting from and/or pertaining to the excavation which is the subject of this permit;

(g) At its own expense, keep in full force and effect during the term of the excavation work and pertinent work thereto and until all hazards and/or potential hazards to the public have been removed and/or alleviated, a policy of comprehensive and general liability insurance covering personal injury and property damages and such other insurance that may be necessary to protect the City herein from any claims and/or actions, without limiting its ability. Applicant agrees to carry and keep in force a policy of insurance, the limits of which shall be at least \$500,000 for each occurrence and \$500,000 for property damage. Insurance coverage shall include a one-million-dollar excess limit umbrella policy. Insurance coverage shall be to the satisfaction of the City. Any insurance policy obtained for the purpose of complying with this paragraph shall name the City as an additional insured, and shall contain a provision waiving any subrogation right of the insurance company to recover damages against the City by reason of sums paid by the insurance company under the policy. The applicant shall provide the City at the time of application for a permit with sufficient proof that the contractor has in effect the required insurance. Applicant shall provide the City with a certificate of insurance certifying that the insurance is in effect during the entire period of this agreement, and shall furnish additional certification of changes in such insurance, not less than ten days prior to any such change and providing that no cancellation of the insurance shall be effective until after not less than thirty days written notice of such cancellation has been given to the City.

PLEASE INCLUDE PLANS, A DRAWING, OR ADDITIONAL INFORMATION HERE OR ON A SEPARATE SHEET

APPLICANT SIGNATURE

DATE

APPROVED BY: _____

DATE APPROVED: _____

PERMIT SENT _____

Public Works

City of Abbotsford
PO Box 589, 203 N. 1st Street
Abbotsford, WI 54405
Phone: (715)223-3444 Fax: (715)223-8891

Excavations and Openings Fact Sheet

When is a permit needed?

-Anytime you make any excavation or opening in the Right of Way which includes any street, alley, public way, public ditch, public ground, highway, boulevard or sidewalk.

Cost No Saw Cut-\$25 \$75 if work commenced without a permit

With Saw Cut-\$250 \$300 if work commenced without a permit

Bond When the project will exceed \$5,000 the applicant must execute an indemnity bond or cash deposit

Insurance

- Carry comprehensive General Liability Insurance and completed Operations Insurance.
- A Minimum combined single limit of \$500,000.00 for bodily injury & property damage per occurrence.
- The Certificate of Insurance MUST name the City of Abbotsford as Additional Insured.

The person who does such restoration shall be responsible therefor for one (1) year from the date of completion of the work and shall file a written guarantee or surety bond to that effect with the City of Abbotsford

Regulations

- An applicant who has been issued a street excavation permit shall notify, obtain clearance from, and adhere to the requirements of Digger's Hotline. (800-242-8511)
- No openings when ground is frozen except in emergencies.
- Opening shall be enclosed with sufficient barriers.
- All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property.
- Temporary traffic control shall be provided and maintained by the applicant.
- All materials removed or penetrated must be replaced as soon as possible to their original condition and be maintained for three (3) years.
- In the event of an emergency excavation for the protection of property, life, health, or safety and as authorized in Section 6-2-4(h), there shall be no permit fee (except any actual City expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the Public Works Department Manager within two (2) regular business days of the excavation in accordance with Section 6-2-4(h).

Surcharge	<i>New pavement</i>	<i>5 times permit fee</i>
	<i>1 yr - 2 yr</i>	<i>4 times permit fee</i>
	<i>2 yr - 3 yr</i>	<i>3 times permit fee</i>
	<i>4 yr - 5 yr</i>	<i>2 times permit fee</i>
	<i>more than 5 yrs</i>	<i>no surcharge</i>

Sec. 6-2-3 Curb and Gutter Construction.

All cement curb and gutter hereafter rebuilt or constructed in the City of Abbotsford shall be constructed according to the following specifications:

- (a) **Establishment.** No curb and gutter shall be worked until the grade thereof has been established according to the records on file in the office of the City Clerk-Treasurer. No person shall alter the grade of any curb and gutter within the City of Abbotsford by any means whatsoever, unless authorized or instructed to do so by the Common Council or the Public Works Department Manager.
- (b) **Responsibility for Construction.**
 - (1) **New Curb and Gutter; Reconstruction.** The cost of new or reconstructed curb and gutter shall be as prescribed in Section 6-2-2(c).
 - (2) **Replacement/Repair.** The cost of replacement/repairs for curb and gutter shall be as prescribed in Section 6-2-2(f).
- (c) **Permit Required.** No person shall hereafter lay, remove, replace, or repair any curb and gutter within the City of Abbotsford unless he/she is under contract with the City to do such work or has obtained a permit therefor from the Director of Public Work at least seven (7) days prior to the proposed construction. A fee per Section 1-3-1 shall be charged for such permit.
- (d) **Specifications.** All curb and gutter within the City of Abbotsford hereafter shall be repaired, rebuilt and constructed in accordance with Section 6-2-2(e).

Sec. 6-2-4 Excavations of Streets, Alleys, Public Ways and Grounds.

- (a) **Permit Required.**
 - (1) **Permit to Be Obtained.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ditch, public ground, public sidewalk or City-owned easement within the City of Abbotsford without a permit therefor from the City Clerk-Treasurer or Public Works Department Manager.
 - (2) **Fee.** The fee each application for a street opening permit shall be as prescribed in Section 1-3-1 plus any actual City expenses. Applications may be made for multiple street openings on one (1) application form, at the required fee; however, each opening must be listed at the time the application is submitted to the Public Works Department Manager for approval. Permit fees shall be paid to the Clerk-Treasurer who shall issue a receipt therefore. If the street opening is made prior to the receipt of an approved street opening permit from the Public Works Department Manager, the application and review fee shall be as prescribed in Section 1-3-1 plus any actual City expenses.

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- (3) **Fee; Emergency Excavation.** In the event of an emergency excavation for the protection of property, life, health, or safety and as authorized in Section 6-2-4(h), there shall be no permit fee (except any actual City expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the Public Works Department Manager within two (2) regular business days of the excavation in accordance with Section 6-2-4(h). If the permit application for the emergency excavation is not filed within two (2) regular business days, the application and review fee shall be as prescribed in Section 1-3-1 plus any actual City expenses.
- (4) **Surcharge.** In addition to any permit fees or City expenses, a surcharge shall be levied for any street opening which is in, or disturbs the paved portion (final surface) of any public street, public alley, public way, public ground, public sidewalk or City-owned easement within the City of Abbotsford. The surcharge shall be determined as follows:

Age of the Final Paving	Surcharge
New pavement to one (1) year	5 times the permit fee
1 year to 2 years	4 times the permit fee
2 years to 3 years	3 times the permit fee
3 years to 4 years	2 times the permit fee
4 years to 5 years	1 times the permit fee
More than 5 years	No surcharge

- (b) **Application for Permit.** The application for a permit shall be in writing and designed by the applicant or his/her agent. The applicant shall submit to the City Clerk-Treasurer or Public Works Department Manager, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The City Clerk-Treasurer or Public Works Department Manager shall determine if sufficient information is submitted.
- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work under the direction of City departments or employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.
- (d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.
- (e) **Renewal of Permit.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the City Clerk-Treasurer or Public Works Department Manager. Permit renewals shall be issued at the discretion of the City Clerk-Treasurer or Public Works Department Manager.

- (f) **City Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (g) **Insurance.** At the time of permit application, a permittee must furnish the City satisfactory written evidence that he/she has in force and will maintain during the life of the permit and the period of excavation, insurance, with the City of Abbotsford named as an additional insured, as follows:
- (1) **Worker's Compensation.** Worker's compensation with limits as prescribed by the State of Wisconsin.
 - (2) **Motor Vehicle Liability.** Comprehensive motor vehicle liability with limits of Five Hundred Thousand (\$500,000.00) for injuries to one (1) person and Five Hundred Thousand (\$500,000.00) for any one (1) accident and property damage of not less than Five Hundred Thousand Dollars (\$500,000.00). Motor vehicle liability shall cover owned, non-owned and hired vehicles.
 - (3) **General Liability.** Comprehensive general liability, with limits of not less than One Million Dollars (\$1,000,000.00) each occurrence. The insurance coverage shall include the acts or omissions of any contractor, his/her employees, agents or subcontractors, and include explosion, collapse and underground liability coverage. A form of blanket contractual liability to indemnify and save harmless the City of Abbotsford, its officers, agents and employees from any and all liability for accidents or damage caused by or arising from any work covered by the permit shall also be included in such insurance coverage.
 - (4) **Completed Operations and Product Liability.** This policy shall provide completed operations and product liability coverage for the period of time set forth in the permit and any extensions thereof and for a period one (1) year after final completion of the work. Limits of liability shall be the same as general liability.
 - (5) **Umbrella Policy.** The limits of liability mentioned above can be provided through split limits or through a combination of underlying an umbrella liability. Limits mentioned are minimum to be provided under any policy or combination of policies.
- (h) **Bond/Cash Deposit.**
- (1) Whenever the Public Works Department Manager estimates that an excavation/opening project will involve over Five Thousand (\$5,000.00) in work and before a permit for excavating or opening any street or public way for such project may be issued, the applicant must execute and deposit with the City Clerk-Treasurer, determined and approved by the Public Works Department Manager, an indemnity bond or cash deposit, as directed by the City, in the sum of not less than One Thousand Dollars (\$1,000.00) up to Ten Thousand Dollars (\$10,000.00), conditioned that he/she will indemnify and save harmless the City of Abbotsford and its officers from all liability for accidents and damage caused by any of the work covered by

his/her permit, and that he/she 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/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Common Council for a period of one (1) year, and that he/she will pay all fines of forfeitures imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Common Council 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 City. Such statement shall also guarantee that, if the City 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 (1) 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 violation of law during the period of excavation for which it is given.

- (2) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Public Works Department Manager as necessary to adequately protect the public and the City.
 - (3) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Public Works Department Manager shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
 - (4) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount determined by the Public Works Department Manager.
 - (5) Whenever the Common Council shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor or to his/her surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.
- (i) **Public Utilities.** All public utilities as defined in Sec. 66.0801 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-5, any and all subparagraphs thereunder, except that a public utility as defined within this Section shall not be required to post the indemnity bond.

Sec. 6-2-5 Regulations Governing Excavations and Openings.

- (a) **Notification.** An applicant who has been issued a street excavation permit shall notify the City of the date on which work will begin and the period of time required to complete the project. No excavation authorized under this Chapter may be initiated until such notification has been made by the applicant.
- (b) **Digger's Hotline.** An applicant who has been issued a street excavation permit shall notify, obtain clearance from, and adhere to the requirements of Digger's Hotline. No excavation authorized under this Chapter may be initiated until such notification has been made and clearance has been obtained.
- (c) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and May 1st except where it is determined by the Public Works Department Manager or his/her designee to be an emergency excavation.
- (d) **Protection of Public.**
 - (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Public Works Department Manager and in accordance with Section VI of the "Manual of Uniform Traffic Control Devices". Sufficient warning lights shall be kept on from sunset to sunrise. No open flame warning devices shall be used. Except by special permission from the Public Works Department Manager, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
 - (2) All barricades shall comply with the following standards:
 - a. Barricades and construction warning signs shall be erected, marked and reflectorized in conformance with the "Manual of Uniform Traffic Control Devices," latest edition and revisions.
 - b. All barricades used at night shall be lighted with an average of one (1) flasher per barricade.
 - c. A construction warning sign, illuminated with at least one (1) flasher, shall be placed adjacent to the roadway approximately two hundred (200) feet in advance of the barricaded area.
 - d. Each barricade shall have the excavating contractor's name, address and telephone number marked prominently thereon or that of an authorized barricade rental agency. The telephone number shall be such that the contractor or an authorized representative can be reached twenty-four (24) hours a day.
 - (3) All necessary precautions shall be taken to guard the public effectively 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 City 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/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
 - (4) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide

reasonable access to all properties adjacent to his/her project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.

- (5) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Public Works Department Manager twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).
 - (6) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-4(g).
 - (7) Trenches adjacent to the roadway left open during non-working hours shall be protected with snow fence along the entire trench edge and shall be marked with flashing barricades at each end.
 - (8) No equipment or construction materials may be stored during non-working hours within City roadway right-of-way.
 - (9) No steel track construction equipment may be driven on or over paved City roadways without authorization from the Public Works Department Manager.
 - (10) Prior to beginning any work on City roadways, the City Clerk-Treasurer's office and Public Works Department Manager shall be given the names and telephone numbers of at least two (2) contractor employees who may be contacted during non-working hours.
 - (11) Construction materials spilled or tracked on pavement shall be swept off by power broom equipment as soon as practical.
 - (12) No excavated materials may be stored temporarily or permanently within City roadway right-of-way.
 - (13) The City may elect to have the City or an outside contractor 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 (1) year shall be charged to the person making the street opening.
- (e) **Pavement Removal.**
- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his/her work and in accordance with all applicable codes and regulations.
 - (2) Precautions shall be taken to prevent damage to road pavements. Sheathing and bracing or the use of a portable trench box should be used to prevent undermining of

material below the existing pavement. If damage is done to the pavement, it shall be restored.

- (3) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Public Works Department Manager or his/her designee shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.
 - (4) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
 - (5) The Public Works Department Manager or his/her designee may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.
- (f) **Excavation.**
- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.
 - (2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.
- (g) **Backfilling.**
- (1) Trench backfilling shall be accomplished as follows:
 - a. The backfill from the bottom of the utility pipe/conduit to an elevation one (1) foot above the pipe/conduit shall be fine granular material carefully placed by hand and well-tamped to fill completely all the spaces under and adjacent to the pipe/conduit so as to form a bed that will preclude subsequent settling. Compaction shall achieve a ninety-five percent (95%) of maximum dry density at optimum moisture as determined in accordance with "Method of Test for the Moisture-Density Relations of Soils, AASHTO Designation T 180-74".
 - b. The remainder of the backfill may consist of suitable native soils with proper moisture content for maximum compaction. The contractor shall have and use at the job site a vibrating compactor before starting to backfill. The backfill shall be uniformly compact to at least ninety-five percent (95%) maximum dry density at optimum moisture as determined by the "Method of Test for Moisture-Density Relations of Soils, AASHTO Designation T 180-74".

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- (2) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than six (6) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Public Works Department Manager or his/her designee, is unsuitable.
 - (3) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Public Works Department Manager or his/her designee, hauled in.
 - (4) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
 - (5) The City may perform compaction control tests at such frequency and at such depths as it deems necessary to verify compliance with the compaction requirements of state highway construction standards.
 - (6) All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.
 - (7) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.
- (h) **Notice.** It shall be the duty of the permittee to notify the Public Works Department Manager and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The Public Works Department Manager shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (i) **Pavement Replacement and Sidewalk, Curb and Gutter and Driveway Restoration.**
- (1) Backfill material shall be left below the original surface to allow for five (5) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.
 - (2) Bituminous pavement shall be placed the full depth of the existing pavement or three (3) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of one and one-half (1-1/2) inch layers with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface

- irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge. If hot mix is temporarily not available, the hot mix shall be temporarily replaced with cold mix. The cold mix shall be removed and replaced with hot mix upon availability.
- (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the Public Works Department Manager or his/her designee.
 - (4) All permanent restoration of street, curb and gutter shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter. Existing grass and terrace areas shall be covered with a minimum of four (4) inches of topsoil. Topsoil shall be seeded with perennial grass seed at a rate of two (2) pounds per one thousand (1,000) square feet.
 - (5) All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the City Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.
 - (6) Sidewalks shall be replaced the full width of the walk and minimum length shall be sixty (60) inches. All replaced walk shall be four (4) inches thick, except at driveways where it shall be six (6) inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
 - (7) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three and one-half (3-1/2) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.
 - (8) When a street is reconstructed, utility laterals shall also be installed, including sump pump laterals, even if not immediately needed.
- (j) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his/her agents and employees make take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit,

provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify City officials immediately.

- (k) **Excavation in New Streets Limited.** Whenever the Common Council 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, the City shall notify in writing each person, utility 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 or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Common Council, or committee thereof, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.
- (l) **Repair by City.** The City may elect to 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. In the event such charges are not paid within ninety (90) days of actual notice of the same having been furnished the applicant and owner of the premises for which said permit was issued, it shall become a lien against said premises and thereafter be assessed and collected as a special tax.
- (m) **Settlement of Work Performed.** Settlement of the street surfacing, curb and gutter and/or driveway approaches, irregardless of who installed such the same, within one (1) year from the date of trench backfilling shall be construed as evidence of inadequate compaction and the contractor who backfilled the trench and the surety shall be responsible for the replacement of the street surfacing. Each successive replacement by the contractor shall be subject to satisfactory performance for a period of one (1) year.

Sec. 6-2-6 Obstructions and Encroachments.

- (a) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he/she is the owner or occupant. Examples of prohibited encroachments or encumbrances include private underground utility installations such as sprinkler systems and "invisible" dog fencing; as well as decorative berms or plantings within the road right-of-way. Exceptions are provided in Subsections (b) and (c).
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
 - (1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to Sec. 66.0425, Wis. Stats.

- (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.
- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-12 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty

(20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Common Council from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.

- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks.

Sec. 15-1-13 Discharge of Clear Waters.

- (a) **Discharge.** No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into a sanitary sewer.
- (b) **Nuisance.** The discharge into a sanitary sewer from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the City and to the protection of the property.
- (c) **Groundwater.** Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where the building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch, gutter, dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (d) **Storm Water.** All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging storm waters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.
- (e) **Sump Pump Discharge.**
- (1) All sump pumps installed for the purpose of discharging clear water from foundation drains, basement drains and ground infiltration shall within sixty (60) days of installation discharge into a storm sewer wherever available. Storm sewers shall be considered "available":
 - a. In existing streets with storm sewers when storm sewer laterals are installed.
 - b. In non-existing streets and in existing streets without storm sewers when storm sewers are installed.