

EXHIBIT A**ARTICLE IV. EXCAVATIONS****§ 99.25. Permit required.**

- (a) No person shall injure or tear up any street, alley, sidewalk, or public ground, or any part thereof, dig any hole, ditch, or drain in, or dig or remove any sod, stone, earth, sand, or gravel from, or dig, place, or construct any tunnel or drive, or bore for any pipe conduit, wire main, or shaft in or under any street, alley, sidewalk, or public ground in the city, without having first obtained written permission from the office of public works given in accordance with the provisions of this subchapter or other ordinances of the city.
- (b) Excavations less than 50 feet in length will be restored by the department of streets and public improvements and paid for by the applicant in accordance with section 99.27. Excavations greater than 50 feet in length will be removed in accordance with section 99.27 and replaced by the applicant in accordance with section 99.32(a) and inspected in accordance with section 99.30.

§ 99.26. Fee.

A fee of \$10 shall be charged and collected for each permit issued for an opening in any street, sidewalk, alley, or public ground.

§ 99.27. Payment of estimated cost of restoration before issuance of permit; division of responsibility.

Before a permit shall be granted to any person to open any street, public ground, roadway, sidewalk, or alley, for any purpose, that person shall pay to the city treasurer the estimated cost of restoring the same to as good a condition as before it shall have been so opened, with a fair additional sum as margin for unforeseen costs and damages, as determined by the director of the office of public works. The permit applicant will remove the pavement in accordance with the specifications of the office of public works, including providing barricades and on paved streets sawing the pavement and providing, a six-inch lip of undisturbed soil on the sides of the trench. The estimated cost determined by the director of the office of public works shall include the cost to the city of inspecting any work done under such permit, removing excavated materials after the person obtaining the permit has made the excavation, backfilling all excavated areas, and restoring the same to its original condition. When the excavation has been made and the utility involved has been connected and inspected, the person making the excavation shall notify the director of the office of public works. The director of the office of public works shall, within a reasonable time thereafter, place around the opening, any barricade, flares, and warning devices necessary for the protection of the public as required by section 99.11 and shall assume responsibility for the continuation of the work, and shall notify the holder of the permit of such action.

§ 99.28. Insurance policy required.

- (a) In addition to the requirements contained in this article, no permit shall be issued to any person permitting or allowing the obstruction, tearing up, removing, or repairing of any sidewalk, street, alley, any other public place, or any part thereof, until the person making application for such permit shall first have furnished to the city all signed statements, insurance coverage and certificates of insurance coverage required in section 99.12 of this chapter.
- (b) The director of the office of public works may require the amount of the insurance to be increased to an amount sufficient to protect the city against any such loss, cost, damage, or expense.

- (c) If any licensed plumber shall have given a licensed plumber's bond to the city, such bond shall be taken as a satisfaction of the requirements of this section, except in cases where the director of the office of public works shall for cause consider the amount thereof insufficient as provided in subsection (b) above.

§ 99.29. Director of the office of public works and adjacent property owner to be advised of opening.

The director of the office of public works shall not issue any permit for the opening of any street, alley, sidewalk, or other public ground by any person until he shall have been fully advised of the time, place, and character of such opening and the purpose thereof. The adjacent property owner shall also be advised of the work by mail or a door hanger which shall include the estimated dates of work and a local contact name and contact information.

§ 99.30. Supervision and inspection of work.

All work done under the authority of a permit under the provisions of this article shall be supervised and inspected by a city inspector to be designated by the director of the office of public works. Such supervision and inspection shall be done at the sole expense of the person securing such permit.

§ 99.31. Cutting new pavements.

Before any street, alley, sidewalk or other public ground shall be paved or resurfaced, notice thereof shall be published by the director of the office of public works at least three times in a newspaper of general circulation published in the city, 30 days or more prior thereto, and copies of such notice shall forthwith be furnished to all public service corporations and to the office of public works. Any wires, pipes, cables, conduits, tunnels, and the like shall be laid and any other underground work installed within 60 days after the giving of such notice. After such pavement or resurfacing shall have been completed, it shall not be cut for any purpose or by any person during the first year thereafter, unless there be paid in advance treble the estimated cost of the restoration of such pavement as determined under section 99.27, and during the third through fifth year thereafter double the estimated cost thereof, and thereafter the estimated cost, provided, however, that only the estimated cost of restoration need be paid if the cut was required for an emergency repair as determined by the office of public works.

§ 99.32. Pavement restoration for conduit installation with lengths in excess of 50 feet.

At locations where conduit, wires, tunnels, and any other underground work is to be installed in a continuous length in excess of 50 feet, the backfill and the pavement replacement will be made in accordance with the specifications of the office of public works and the surface will be replaced in the following manner:

- (a) Bituminous concrete surface restoration. The restoration area shall be removed to a minimum depth of 1½ inches. The width of the removal and replacement shall be such that an approved bituminous concrete paving machine together with approved rollers can be used to produce a smooth uniform surface. The width of the replacement will be approved by the office of public works and will vary between eight feet and 12 feet in order to accommodate the pavement structure and the traffic flow needs. The bituminous mix will be approved by the office of public works.
- (b) Portland cement concrete surface restoration. The restoration area shall be removed and replaced to a depth of the existing pavement using an approved installation procedure, mix, finish, and curing procedure. The width of removal and replacement will be determined by the office of public works to accommodate the pavement structure and the traffic flow needs of the particular street to be excavated.
- (c) Brick surface restoration. The restoration area will be removed to a width as required to accommodate the underground installation with the required lip of undisturbed soil and replaced with Portland

cement concrete with the requirements of the above subsection (b) to a depth as required by the office of public works.

- (d) Unpaved surface restoration. The restoration area shall be removed and replaced to a width as required to accommodate the underground installation. The pavement restoration will consist of an approved eight-inch compacted aggregate base course with two inches of approved bituminous concrete mixture surface course installed to the specifications of the office of public works.

§ 99.33. Pavement restoration for excessive utility cuts in bituminous concrete pavement.

When any utility company has made more than six utility cuts over their main in any bituminous concrete paved street within a distance of 350 feet, the utility company will be required to restore the pavement in accordance with section 99.32(a). The timing of the restoration will be approved by the office of public works.

§ 99.34. Lawn restoration.

At locations where it is necessary to excavate in lawns that are in public right-of-way the persons making the excavation will also make the backfill in the following manner.

- (a) Backfill. The excavated material or granular backfill material can be used to fill the excavation, however, either material will be compacted to the satisfaction of the office of public works, to prevent settlement, this shall be done within 48 hours after the work is completed.
- (b) Turf or grass areas. At the request of the city and the adjacent property owners, sod of the type and quality that existed prior to excavation, will be replaced, this shall be done within one week after the work is completed.
- (c) Decorative rock and miscellaneous landscaping material. At the request of the city and the adjacent property owners, decorative rock, and other landscaping material of the type and quality that existed prior to excavation, will be replaced, this shall be done within two weeks after the work is completed.
- (d) Trees and shrubs. At the request of the city and the adjacent property owners, trees and shrubs of the type and quality that existed prior to excavation will be replaced, this shall be done within three weeks after the work is completed. Trees and shrubs damaged during excavation shall, after the damage becomes apparent and at the request of the city and the adjacent property owners, be removed or removed and replaced with the type and quality of trees and shrubs that existed prior to excavation; this shall be done within three weeks after notice is provided by the city.

§ 99.35. Return of surplus payment on completion of work.

After completion of the work under the provisions of this subchapter, the director of the office of public works shall certify to the chief fiscal officer the amount of any surplus remaining from the amount paid under section 99.27 after payment for the work done by the city, or the amount of any surplus remaining from the amount paid under section 99.31 after payment of treble or double the cost of the work done by the city, as therein required, and such surplus shall be paid over to the proper claimant. If for any reason the amount of such payment shall be insufficient to cover the cost of such work, or treble or double the cost of work done under section 99.031, or if any damage shall have been done to any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the chief fiscal officer, who shall collect the same from the person to whom the permit was issued.