

Chapter 14.70

EXCAVATIONS

Sections:

14.70.010	Permit to Excavate.
14.70.015	Permit Conditions.
14.70.020	Permit Requirements.
14.70.030	Excavations, Lights, and Barricades.
14.70.040	Excavation and Backfill.
14.70.050	Replacement of Roadway Surfaces.
14.70.060	Location of Improvements.
14.70.070	Restoration of Work Site.
14.70.080	Operating Agreement.

14.70.010 Permit to Excavate.

It shall be unlawful for any person, firm, or corporation, other than duly authorized employees or contractors of the City, to make any opening, cut, trench, or excavation in or under the surface of any street, alley, or other public space of the City without first obtaining a written permit to do so from the Department of Building and Safety. Application for the required permit shall be made in writing by the person desiring the permit upon forms furnished by the Department of Building and Safety. The applicant for each such permit shall pay to the Department of Building and Safety a permit fee as set by the Mayor by executive order. Said permit shall be valid for a period of sixty days from the date of issuance. There shall be no refunds or credits given on unused permits. The applicant shall notify the City Department of Building and Safety when actual excavation is to begin.

If work is to be performed in an arterial street, the applicant shall notify and obtain permission from the Director of Public Works and Utilities. The Director of Public Works and Utilities may place such conditions and requirements on the permit to excavate as shall be reasonably necessary for the public interest as detailed in Section 14.70.015. All complete or partial street closings and work performed shall be in compliance with the "Traffic Control Manual for Street Construction and Maintenance Operations." Before any arterial street may be closed, the applicant shall notify the Director of Public Works and Utilities forty-eight hours in advance of the proposed closing. Nothing in this paragraph shall be construed to delay emergency work when immediate action to protect the general safety and welfare of the public is required. (Ord. 18926 § 1; June 4, 2007; prior Ord. 16951 § 117; March 11, 1996: Ord. 14837 § 27; February 29, 1988: Ord. 13390 § 1; June 1, 1982).

14.70.015 Permit Conditions.

In addition to the requirements of the One-Call Notification System Act, all permits granted pursuant to this chapter shall be subject to the following conditions:

(a) The permittee shall mark the proposed pathway of the excavation with stakes, flags, posts or white painted or chalked lines that are clearly visible prior to calling the statewide one-call notification center. Such marking requirement is not feasible and will not be required for:

- (1) New subdivisions;
- (2) Street widening projects; or
- (3) Where only a single address is the subject of the permit.

In all other examples where a permittee believes that such marking is not feasible, the permittee shall make a request for waiver of this requirement to the Director of Public Works and Utilities prior to calling the statewide one-call notification center;

(b) The permittee shall not commence any excavation without first giving notice as required by the One-Call Notification System Act;

(c) After the initial marking of the underground facility by the facility operators, if such excavation has not been completed within five business days from the date specified to start excavation, then the permittee may request additional location markings. Whenever a second remarking and any remarkings thereafter are done by the City and the excavation has not yet been initiated, the City may charge the permittee for the cost of such remarkings; and

(d) Whenever underground facilities are in close proximity to the proposed pathway location or whenever the vertical location of the underground facility is unknown, the permittee shall use special measures to determine the locations of such underground facilities.

(1) If the permittee is conducting the excavation by digging from the surface, when in close proximity to the underground facilities, the permittee shall use hand digging, hydroexcavating, air excavating, or any other techniques that are approved by the Director of Public Works and Utilities to locate such facility.

(2) If the permittee is conducting the excavation by tunneling or boring, the permittee shall determine the vertical location of the underground facility by potholing or any other method approved by the Director of Public Works and Utilities. (Ord. 18926 §2; June 6, 2007).

14.70.020 Permit Requirements.

Before commencing any excavation, the applicant shall comply with one of the following insurance and bond requirements.

(a) Such applicant shall be required to:

(1) At all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section;

(2) At all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection (1) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty day's notice by mail to the Department of Building and Safety before the insurer may cancel the policy for any reason, and upon request of the Department of Building and Safety or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination, reduction, or lapse of such insurance shall automatically revoke any permit issued hereunder. In addition, the applicant shall file a bond with sureties approved by the City Attorney in the sum of \$5,000.00, which bond shall be conditioned that said applicant shall

strictly comply with all applicable laws and regulations and all conditions of the permit and which shall be applied to the cost of refilling such excavation and replacing the surface thereof; and for the faithful performance and observance of all terms and conditions of the chapter; or

(b) Such applicant shall file with the Department of Building and Safety proof that the applicant hereunder is a duly registered master plumber of the city and has complied with the requirements of the Lincoln Plumbing Code, and has obtained the insurance and bonds required of registered master plumbers;

(c) The bond specified in subsection (a) above is not required for work in the public right-of-way unless excavations are made in streets or alleys, excluding the sidewalk space, or exceed twelve inches in depth. (Ord. 15654 § 14; July 9, 1990: prior Ord. 14664 § 1; May 11, 1987: Ord. 13390 § 2; June 1, 1982).

14.70.030 Excavations, Lights, and Barricades.

All trenches and excavations in the public way shall be excavated in such a manner as to impede public travel as little as possible. No excavations shall be made within two feet of any public sewer or water main by means of a mechanical digging machine. Gutter crossings and all other ways shall be kept in such condition at all times that water will readily escape and drain from the premises. Plank walkways of sufficient width and strength to provide safe passageway for pedestrians shall be provided where sidewalks or crossings are removed or interrupted, and over all trenches and excavations.

Barricades, signs, flagmen, and other traffic-control and warning devices shall be installed and maintained in accordance with the city's "Traffic Control Manual for Street Construction and Maintenance Operations" so as to fully protect the public from injury or damage by reason of any excavation or opening made. (Ord. 13390 § 3; June 1, 1982).

14.70.040 Excavation and Backfill.

The opening and backfill of all cuts, trenches, and excavations shall be done in accordance with the city's standard specifications. The permittee shall notify the Department of Public Works and Utilities, Maintenance Division, when the excavation is ready for backfill. All backfill in any cuts, trenches, or excavation beneath any paved or unpaved roadway shall be placed by the Department of Public Works and Utilities. The costs and expenses incident thereto shall be collected from the permittee in the manner provided for in the permit. All other backfill in any cuts, trenches, and excavations not located beneath a paved or unpaved roadway shall be placed by the permittee, who shall be responsible for any and all costs associated with damage from settlement or repair of same which occurs within two years after the backfill is replaced. (Ord. 17733 §1; October 2, 2000: prior Ord. 16951 §118; March 11, 1996: Ord. 13390 § 4; June 1, 1982).

14.70.050 Replacement of Roadway Surfaces.

The Department of Public Works and Utilities shall replace all roadway surfaces and sidewalks removed or damaged as a result of the work done under such permit, and shall collect the costs and expenses incident thereto from the applicant as provided for in the permit. The city shall assume and be responsible for maintaining such replaced surface. (Ord. 16951 §119; March 11, 1996: prior Ord. 13390 § 205; June 1, 1982).

14.70.060 Location of Improvements.

The horizontal and vertical location of any openings, cuts, trenches, or excavations in or under the public space shall be in accordance with the location approved by the Director of Public Works and Utilities or the Department of Building and Safety. In the event that the opening, cut, trench, or excavation is not done in the approved location and subsequent conflicts arise with any other such work, the permittee shall be responsible for any and all costs associated with resolving said conflicts. (Ord. 16951 §120; March 11, 1996: prior Ord. 14837 § 27 (part); February 29, 1988: Ord. 13390 § 6; June 1, 1982).

14.70.070 Restoration of Work Site.

The permittee, upon completion of the work authorized by the permit, shall remove all material, excess dirt, and debris from the public space. If disturbed, the sidewalk space shall be leveled and raked smooth. All sod which has been removed or damaged in the course of the work shall be replaced, and any newly seeded areas shall be properly reseeded to the satisfaction of the Director of Public Works and Utilities. The permittee shall be responsible and liable for any damage resulting from his/her work to any trees, shrubbery, or other existing improvements in the public space. (Ord. 16951 §121; March 11, 1996: prior Ord. 13390 § 7; June 1, 1982).

14.70.080 Operating Agreement.

Upon approval of the Director of Public Works and Utilities, an operating agreement between the Department of Public Works and Utilities and franchise grantees, utility companies, and other city agencies may be utilized to satisfy the requirement of this chapter in lieu of the permit provisions. Such operating agreements shall set forth the rules, regulations, and procedures for authorizing the excavation for new mains, duct lines, or underground cable in the public space by each grantee, company, or agency. Maintenance and repair of improvements in the public space shall still comply with this chapter. (Ord. 16951 §122; March 11, 1996: prior Ord. 13390 § 8; June 1, 1982).