

ORDINANCE NO. 12

AN ORDINANCE GOVERNING EXCAVATION OF TOWN STREETS

Be it ordained by the Boulder Town Board:

Section 1. PERMIT FRANCHISE REQUIRED.

- A. No person shall make an excavation in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the Town Board.
- B. Nothing contained in this part shall be construed to waive the franchise required for any person by the ordinances of this municipality or laws of Utah.

Section 2. **EXCLUDED EXCAVATION.** Excavations of any kind in municipal streets in projects designed, contracted for, and inspected by the municipal engineer or other authorized personnel of the municipality, do not come within the scope of this part.

Section 3. **SUBJECT EXCAVATIONS.** Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the municipality or in other public places.

Section 4. **PREPARATIONS.** The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard-surfacing. An undercut bevel at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be removed immediately from the site of the work.

Section 5. **BACKFILL.**

- A. Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight inches loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to insure compaction to a degree equivalent to that of

the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.

- B. The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

Section 6. RESTORATION OF SURFACES.

- A. General. All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the governing body, in accordance with the specifications contained herein governing the various types of surfaces involved.
- B. Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.
- C. Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway or other surfaces, within five days from the date of completion of the backfill except for periods:
 - 1. When permanent paving material is not available.
 - 2. When weather conditions prevent permanent replacement.
 - 3. When an extension of time is granted by the superintendent of streets.
- D. Temporary Repair. If temporary repair has been made on paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

Section 7. RESTORING BITUMINOUS. Asphalt street surfaces.

- A. Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel

shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous surface. Normally, this will require nine inches of gravel for bituminous surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1-inch sieve	100%
Passing 3/4-inch sieve	85% - 100%
Passing No. 4 sieve	45% - 65%
Passing No. 10 sieve	30% - 50%
Passing No. 200 sieve	5% - 10%

- B. Bituminous surface. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the superintendent of streets. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one-half inch between old and new work.

Section 8. GRAVEL SURFACES. Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the joints and surfaces made to match the original surfaces. The thickness of the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

Section 9. PROTECTION OF PUBLIC DURING EXCAVATION PROJECT. Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all the excavator's equipment is removed from the site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closures or detour.

Section 10. RELOCATION AND PROTECTION OF UTILITIES. An excavator shall not interfere with any existing utility without the written consent of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by municipality or private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this part that the permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The municipality need not be made a party to any action because of this part. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

Section 11. INSPECTION AND ACCEPTANCE.

A. In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the recorder/clerk payable to the municipality, except that a public utility operating or using any of the streets under a franchise from the municipality will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:

1. With good and sufficient surety.
2. By a surety company authorized to transact business in the state.
3. Satisfactory to the municipal attorney in form and substance.
4. Conditions upon the permittee's compliance with this part in order to

Secure and hold the municipality and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the municipality, the governing body or any municipal office may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or or any other negligence of the permittee.

5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the municipality, all opening and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.

- B. The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of surety or cash deposit shall be \$100.00 and \$1.200.00 for each foot of street the permittee shall excavate.

Section 12. **APPLICATION FOR STREET EXCAVATION PERMIT.** It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefor from the recorder/clerk. Any public utility regulated by the state of Utah or holding a franchise from the municipality which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the municipality to cover all excavations such utilities may make within the streets of the municipality. All permits shall be subject to revocation and the municipality may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the municipality is notified as soon as practicable and a permit is applied for upon the next working day following the emergency.

Section 13. **SEVERABILITY.** If any provision of this ordinance, or the application of any provision to any person or circumstance, is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 14. **EFFECTIVE DATE.** This ordinance shall take effect upon the date of its

first posting.

Passed by the Council the 3rd day of May, 1985.

/s/ Donna Wilson
Mayor

ATTEST:

/s/ Judith Davis
Recorder

Date of first posting: 15 May 1985

SEAL