

TOWN OF COAL CREEK, COLORADO

ORDINANCE NO. 4, SERIES 2013

EXCAVATION

The Town of Coal Creek Board of Trustees does repeal Ordinance Number 2 Series 2001 and does enact the following ordinance:

Sections:

1. Permit Required
2. Permit Application
3. Unauthorized Excavations
4. Emergency work--Permit procedure
5. Protection of Utilities
6. Boring or tunnelling requirements
7. Duty to make corrections
8. Backfill requirements.
9. Compaction requirements.
10. Sidewalk, curb and gutter—Construction specifications.
11. Barricades required.
12. Traffic-safety
13. Liability of permittees.
14. Violation—Penalty
15. Fees

1. Permit Required

- A. Permit Required. It is unlawful for any person, firm, corporation, partnership, utility company, special district or other entity, unless specifically excepted, to bore, jack, tunnel, dig up, open, excavate or cause to be dug up, opened or excavated any street, alley, sidewalk, or other public place belonging to the Town without first obtaining an excavation permit from the Town of Coal Creek.
- B. Permit--Kept on site. Such permit shall be kept at the site of the excavation while the work is in progress and shall be exhibited upon request to the Mayor or to any other authorized representative of the Town

2. Permit Application

- A. Applications for permits to excavate shall be made upon a form provided by the Town of Coal Creek and shall recite specifically and illustrate by sketch or plan the exact location and the approximate depth, length, width, extent, nature and purpose of the excavation desired to be made, the

duration of time required for work, and the amount of the permit fee, and any other pertinent data requested by the Mayor or any other authorized representative of the Town of Coal Creek.

- B. Permit--issuance requirements. Every applicant, before being granted a permit under the provisions of this ordinance, shall, in addition to the filing fee required in Section K., furnish the Town with proof of insurance on such a form as is approved by the Town of Coal Creek with an insurance company licensed to do business in the State of Colorado with the following provisions for coverage:
 - 1. Bodily injury liability including motor vehicle in the amount of:
Three Hundred Thousand dollars (\$300,000.00) for each person,
 - 2. Six hundred thousand dollars (\$600,000.00) for each accident;
 - 3. Property damage liability including motor vehicle in the amount of:
One Hundred Thousand dollars (\$100,000.00) for each occurrence,
 - 4. One Hundred Fifty Thousand Dollars (\$150,000.00) aggregate;
 - a. Such proof of insurance shall be specified for all operations of the permittee and for all of his vehicles to be used in the course of his operations in the Town.

- C. Bond requirements. Every applicant, before being granted a permit under the provisions of this chapter, shall provide to the Town a license and permit surety bond, in a minimum penal sum equal to the estimated cost of the work to be performed to secure performance of excavation by permittee in accordance with this ordinance. The terms of such permit bond shall provide that the bond shall be forfeited if the permittee violates any provision of this ordinance. Such bond shall remain in full force and effect for a period of one (1) year commencing upon the date of issuance of excavation permit.

- D. Permit--Issuance--Conditions. All Town permits shall be issued according to the provisions of this ordinance and subject to such rules, directions and limitations regarding the time to be required for the work and the manner in which the work is to be performed as the Town of Coal Creek prescribes in its road standards which requirements are intended to provide for the proper care and protection of the streets, alleys, and other public places of the Town and persons and property of the general public.

- E. Permittee qualifications. Permits shall be issued under the provisions of this ordinance only to those persons who are duly qualified as excavators or determined by the Town of Coal Creek or any other authorized representative of the Town to be duly qualified as excavators or sewer contractors, special contractors, structural contractors, sidewalk contractors, paving contractors, general contractors, sewer layers or plumbers performing the work for which they are licensed or qualified.

3. Unauthorized Excavation

- A. Work prohibited without permit. Any person making a cut or excavation in any street, alley, or other public place belonging to the Town without first having obtained a Town permit as provided in this ordinance shall have all operations suspended by the Town of Coal Creek and shall obtain a Town permit applicable to that particular cut or excavation and shall pay twice the usual fee that would have been charged if a permit had properly been obtained prior to making the cut or excavation. Such penalty fees shall be in addition to any penalties that may be imposed by a court for violation of this Ordinance.

4. Emergency Work

- A. Any person may make an emergency cut or excavation in any street, alley, or other place belonging to the Town. For the purpose of this section, the word "emergency" is expressly defined as an unforeseen event or situation which constitutes an immediate peril to life, limb, or property. However, such person must, the first working day after making such cut or excavation, notify the Town of Coal Creek of such cut or excavation and obtain a permit and pay the ordinary fees required. Failure to make such notification and obtain the required permit shall result in suspension as provided in Section 3.

5. Protection of Utilities

- A. The applicant for any permit under this ordinance shall be directed and is required to inquire to the utility companies and to the Town as to the location of underground facilities which might be affected by the proposed cut or excavation ("Call before you dig" law). Upon request by the Town of Coal Creek, the applicant shall disclose the location of any such facilities. Permittee shall be solely responsible for any loss or injury to any utility line or facility caused by any cut or excavation by permittee.

6. Boring or Tunnelling Required

- A. Boring or tunnelling is required if the Mayor or any other authorized representative of the Town of Coal Creek determines it to be in the best interests of the Town to require the applicant to bore, jack or tunnel a utility line or other line that is to be placed in the public right-of-way, instead of making a street cut or excavation therefore, the representative shall have authority to impose such requirement and issue a permit for such boring, jacking, or tunnelling pursuant to this ordinance.

7. Duty to Make Corrections

- A. Any person who cuts, opens, digs, excavates or causes to be dug up, opened or excavated any street, alley, sidewalk, or other public place within the Town shall at the conclusion of excavations restore the entire area affected to its original condition. All excavations shall be completed within three (3) weeks of the date of issuance of permit. All waste construction or excavating materials shall be removed from the site. Any ditches, gutters, culverts, storm sewers, or drain pipes shall be left open, unblocked and in operating condition. Such permittee or persons shall be required to repave or resurface said street, alley, sidewalk, or other public place except as otherwise required by this ordinance. In the event of settlement, subsidence, or failure of a repair made by the permittee of a particular excavation or cut or part thereof within a period of one (1) year after the excavation permit is issued, the permittee who had performed the excavation work shall be notified by the Town of Coal Creek and given two (2) weeks time in which to correct the condition to the satisfaction of the Town of Coal Creek. The Town may then correct the condition and the permittee shall be responsible for repaving and repair costs occasioned thereby. Furthermore, the permittee shall discontinue any and all other excavation work within public right-of-way within the Town, and shall be issued no additional excavation permits until such time as the required repair has been completed and paid for by permittee.

8. Backfill Requirements

- A. All excavated materials shall, before being replaced in the ditch or cut, have all rocks or hard materials over six (6) inches in diameter removed. On gravel street, alleys, sidewalks or public places, the top twelve (12) inches of the backfill shall consist of crushed gravel one and one-half (1½) inches in diameter. On paved or other hard surfaced streets, alleys, sidewalks and other public places, the top twelve (12) inches of backfill shall consist of six (6) inches of crushed gravel one and one-half (1½) inches in diameter on the bottom and six (6) inches of concrete with four (4) inch by four (4) inch wire mesh enforcement on top. These specifications may be modified by the Town of Coal Creek in order to conform to particular conditions of travel, road requirements, terrain, subsoil and moisture where backfill is to be located. The backfill shall immediately be surfaced in a manner so as to duplicate the original surface as nearly as careful workmanship and availability of materials permit. However, a temporary patch may be of cold plant-mixed asphaltic concrete, and adequate treatment of prime oil, or other similar material of such a nature as to yield a smooth driving surface of sufficient durability to endure the period of its intended use. The permanent patch shall be a minimum of three (3) inches of hot plant-mixed asphaltic concrete.

9. Compaction Requirements

- A. Backfill materials shall be placed in lifts not to exceed twelve (12) inches in depth by loose measurement moistened as required, and mechanically compacted to a minimum of eighty-five percent (85%) of flexible or rigid streets shall immediately replace ninety-five percent (95%) of maximum dry density as determined in accordance with the American Association of State Highway Officials Designation T-99.

10. Sidewalk, Curb and Gutter

- A. Sidewalk, curb and gutter--Construction specifications. Persons performing excavations upon sidewalks, curbs, or gutters within the Town shall restore such places to their original condition upon completion of excavation. Excavations and repairs shall be completed within three (3) weeks from the date of issuance of excavation permit. Such restorations shall be in conformance with any construction specifications required by the Town of Coal Creek and by any valid resolution approved by the Board of Trustees regarding sidewalk, curb, and gutter specifications. A copy of such resolution shall be kept by the Town Clerk.

11. Barricade Requirements

- A. It is unlawful for any person to dig or cause to be dug any hole, cut drain, ditch or any other excavation in any street, alley, sidewalk, or public place belonging to the Town, without providing, during the nighttime, sufficient warning lights to be placed with suitable barricade or temporary fence around such hole, cut, drain, ditch or other excavation. During the daytime, the barricaded or temporary fence shall be maintained and kept in place, but warning lights may be required.

12. Traffic Safety

- A. Traffic--safety devices--Required. Every hole, cut drain, ditch or other excavation in any street, alley, sidewalk or other public place belonging to the town shall be further protected at all times by traffic-safety devices as prescribed by the Town of Coal Creek or any other authorized representative of the Town of Coal Creek in order to minimize the disruption of the flow of traffic in the vicinity of the work. All construction equipment shall be equipped with safety warning lights and back-up alarms.
- B. Traffic-safety devices--Damaging or removing unlawful. It is unlawful to damage, displace, remove or interfere with any barricade or temporary fence, warning light or any other safety device which is lawfully placed around or about any hole, cut, drain, ditch or any other excavation or

construction work in any street, alley, sidewalk, or other public place belonging to the Town.

13. Liability of Permittees

- A. Liability of permittee. Any person who undertakes work pursuant to a permit issued under the provisions of this ordinance or performs work under contracts with the Town shall be answerable for any damage occasioned to persons, animals, or property by reason of carelessness or negligence connected with such work and by obtaining a permit for such work shall thereby be deemed to consent and agree to hold the Town harmless from any such damage or injury. All construction projects shall conform with all OSHA rules & regulations.

14. Violation – Penalty

- A. Any person, firm, or corporation violating any provision of this Ordinance shall be punishable by a fine of not less than \$300.00 nor more than \$1,000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted.
- B. The Town of Coal Creek also may pursue civil damages against any person who violates the provisions of this ordinance, to recover for injury or damage caused to persons or property as a result of any excavation work.

15. Fees

The fee for an excavation permit shall be One hundred dollars (\$100.00) for the first (50) lineal feet or portion thereof; One (\$1.00) dollar per lineal foot for every additional lineal foot over fifty (50) feet together with any costs assessed in advance for repaving or resurfacing to be performed by the Town in such sum as the Town of Coal Creek or any other authorized representative of the Town specifies.

Passed on 1st reading and ordered published in the Canon City Daily Record this 5th day of November 2013, A.D.

ADOPTED, this 7th day of January, 2014 A.D.

Connie Higgs
Mayor

ATTEST:

Connie Gjelsness
Town Clerk