

Chapter 12.08

EXCAVATIONS

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12.08.010 Definitions.

For purposes of Chapters 12.08 the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Department of public works” as that term is employed throughout Chapters 12.04 and 12.08 of this code, means that individual(s) designated from time to time, by the mayor and town council as the streets/maintenance operators of the town.

“Excavation” means any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent opening without injury or damage to the public place.

“Facility” means any material, structure or object of any kind or character, whether enumerated in this chapter or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

12.08.020 Inspection-Rules and regulation promulgation.

The department of public works *or mayor* shall make such inspections as are reasonably necessary in the enforcement of this chapter. The department of public works shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

12.08.030 Permission required.

No person shall make any excavation or fill any excavation in any public place without first obtaining permission to do so from the department of public works, except as otherwise provided in this chapter. Permission to make an excavation or fill an excavation in a public place shall be given only as provided in this chapter. All work must be completed in conformance with the town code and must be approved and accepted by the department of public works.

12.08.040 Qualification procedure and requirements.

A. Qualifications of contractors to perform excavation, backfill and asphalt repairs in the town streets and alleys will be made by the department of public works and the mayor. A contractor rejected for qualifications can appeal to the town council.

B. Qualification requirements are as follows:

1. Have sufficient personnel experienced in performing the type of work to be done;
2. File an insurance certificate with the following coverage's and limits with the town clerk: five hundred thousand dollars per occurrence, five hundred thousand aggregate, general liability insurance, including excavation coverage;

3. Have adequate equipment in good operating condition available to perform the work;

4. Have a schedule on file with the department of public works establishing the rate for each piece of equipment to be used.

C. **Billing Procedures.**

Contractors shall submit all bills to the town. The town will pay contractors for all work performed and will bill property owners affected.

12.08.050 Permission required.

A. No excavation shall take place without permission from the department of public works or the mayor and town council. The department of public works and/or mayor and council reserve the right to require written detailed specifications to include name and address and principal place of business of the excavator, the authority of the excavator to occupy the public place for which permission is being sought, location and dimensions of the installation or removal for which excavation is to be made and the length of time which will be required to complete such work, including backfilling such excavation and removing all obstructions, material and debris.

B. Written detailed specifications, when accepted shall constitute permission and bind the excavator to the terms as agreed upon.

12.08.060 Barriers—Warning devices.

A. It shall be the duty of every person cutting, or making an excavation in or upon any public place to place and maintain such barriers and warning devices as may be necessary for safety.

B. Barriers shall meet the requirements of the department of public works. At the discretion of the public works department warning lights may be required

from sunset of each day to sunrise of the following day and shall emit light of sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

12.08.070 Crossings for pedestrians and vehicles.

An excavator under this chapter shall maintain safe crossings for two lanes of vehicle traffic at all street intersections, where possible, and safe crossings for pedestrians. If any excavation is made across any public street, alley, sidewalk or *pedestrian travel way*, at least one safe crossing shall be maintained, when possible, for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one half of the sidewalk or pedestrian travel way width shall be maintained along such sidewalk or pedestrian travel way line.

12.08.080 Routing of traffic—Street closing.

An excavator under this chapter shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupant of the abutting property and to the general public; provided, that the department of public works may permit the closing of streets and alleys to all traffic for a period of time prescribed by him or her if, in his or her opinion, it is necessary.

12.08.090 Emergency excavations.

Nothing in this chapter shall be construed to prevent the making of such excavation as may be necessary for the

preservation of life or property or for the location of trouble in any conduit or pipe or for making repairs; provided, that the person making such excavation shall inform the department of public works about the excavation on the first working day after such work is commenced.

12.08.100 Restoration.

After the purpose of any excavation has been met, restoration to prior surface condition or agreed upon written specification must be met. The department of public works or mayor will inspect restoration upon completion. If sufficiency of compaction is in question testing and demonstration of proper compaction may be required at the sole expense of the excavator.


12.08.110 Liability.

This chapter shall not be construed as imposing upon the town or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for permission to excavate is issued, nor shall the town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized under this chapter, the issuance of permission or the approval of any excavation work.

PASSED, APPROVED, AND ADOPTED

this 13th day of December, 2012.

TOWN OF ENCAMPMENT

By: 
Mayor, Greg Salisbury

Attest:

Clerk/Treasurer, Doreen Harvey, CMC

1st Reading: October 11, 2012

2nd Reading: November 08, 2012

3rd and Final Reading: December 13, 2012