

Chapter 12.20

Excavations of streets, alleys, public ways and grounds.

Sections:

- 12.20.010 Permit required
- 12.20.020 Village Standards- Fees
- 12.20.030 Insurance required
- 12.20.040 Bond

12.20.010 Permit Required.

No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or village-owned easement within the village without a permit therefor from the director of public works or village clerk/treasurer. All fees must be paid prior to issuance of permit unless prior arrangements have been made.

- A. Application for Permit. The application for a permit shall be in writing and signed by the applicant or his or her agent. Permits are available at the Village Office and on the Village website. The applicant shall submit to the village clerk/treasurer or director of public works, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The village clerk/treasurer or director of public works shall determine if sufficient information is submitted.
- B. Exception. The provisions of this section shall not apply to village excavation work done under the direction of the village board or director of public works.
- C. Validity of Permit. Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 12.24.020(G) of this chapter for pavement replacement.

- D. Renewal of Permit. If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the village clerk/treasurer or director of public works and payment of a renewal permit fee in an amount to be annually determined by resolution of the village board. Permit renewals shall be issued at the discretion of the village clerk/treasurer or director of public works.

12.20.020 Village Standards—Fees.

- A. Village Standards. All street work shall be performed in accordance with the current standard specifications for street openings found in this section and Section 12.24.020 of this chapter. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- B. Fee. The fee for a street opening permit shall be annually determined by resolution of the village board plus actual village expenses. Permit fees shall be paid to the village clerk/treasurer who shall issue a receipt therefor.

12.20.030 Insurance Required.

A permit shall be issued only upon the condition that the applicant submit to the village clerk/treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than one million dollars (\$1,000,000.00) per one person, one million dollars (\$1,000,000.00) for one accident and property damage coverage of not less than one million dollars (\$1,000,000.00).

12.20.040 Bond.

A permit shall be issued only upon the condition that the applicant submit to the village clerk/treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect

public liability insurance of not less than one million dollars (\$1,000,000.00) per one person, one million dollars (\$1,000,000.00) for one accident and property damage coverage of not less than one million dollars (\$1,000,000.00).

Chapter 12.22

Regulations governing excavations and openings

Sections:

- 12.22.010 Frozen Ground**
- 12.22.020 Protection of Public**
- 12.22.030 Pavement Removal**
- 12.22.040 Excavation**
- 12.22.050 Backfilling**
- 12.22.060 Notice**
- 12.22.070 Pavement Replacement**
- 12.22.080 Emergency Excavation**
- 12.22.090 Excavation in New Streets Limited**

12.22.010 Frozen Ground.

No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except where it is determined by the village board or its designee to be an emergency excavation.

12.22.20 Protection of Public

- A. Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the village board or its designee, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the director of public works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
- B. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or

property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his or her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- C. Unless otherwise approved, a minimum of one lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his or her project. In the event traffic is limited to less than one lane in each direction, a flagger or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
- D. The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workers or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the director of public works twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in subsection B of this section.
- E. When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in subsection H of this section.

12.22.30 Pavement Removal.

- A. Removal of existing pavement shall be to neat, straight lines. The permittee

shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his or her work and in accordance with all applicable codes and regulations.

- B. If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The director of public works shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.
- C. Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
- D. The director of public works may order the permittee to remove and replace up to one full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

12.22.040 Excavation.

- A. All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.

- B. Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

12.22.050 Backfilling.

- A. All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the director of public works, is unsuitable.
- B. In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the director of public works, hauled in.
- C. Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
- D. Mechanical compaction shall be used on all materials used for trench backfill. Each layer (twelve (12) inch maximum) shall be uniformly compacted to a dry density of at least ninety-five (95) percent of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
- E. All excavations shall be subject to testing by the village. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.

- F. When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.

12.22.060 Notice.

It shall be the duty of the permittee to notify the village clerk/treasurer or director of public works and all public and private individuals, firms and corporations affected by the work to be done at least one business day before such work is to commence. The clerk/treasurer or director of public works shall also be notified at least four hours prior to backfilling and/or restoring the surface.

12.22.070 Pavement Replacement.

- A. Backfill material shall be left below the original surface to allow for four inches of three-inch crushed stone and four inches of three-quarter inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter inch crushed stone.
- B. Bituminous pavement shall be placed the full depth of the existing pavement or two and one-half inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a one and one-half inch base layer and a one-inch top, layer, with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable

deviations shall be no more than one-quarter inch as measured with a ten (10) foot straight edge.

- C. Concrete pavement shall be placed to the full depth of the existing pavement or seven inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three days. Tie bars shall be installed as directed by village officials.
- D. In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.

12.22.080 Emergency Excavation.

In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his or her agents and employees make take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the village office immediately.

12.22.090 Excavation in New Streets Limited.

Whenever the village board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the village board, the village clerk/treasurer shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under the street or any real property abutting the street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate the street for a period of five years after the date of improvement or repaving unless, in the opinion of the village board or its designee, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.