

SEC. 6-2-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.

- (a) **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 ditch, public ground, public sidewalk or City-owned easement within the City of Park Falls without a permit therefor from the City Clerk.
- (b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the City Clerk, at the time the permit is applied for, sufficient information relating to the work to be done including the general location, the proposed construction schedule, and nature of the work and the method applicant proposes to use in doing the work. The City Clerk shall determine if sufficient information is submitted and may, in their discretion, request additional information. Upon receipt of any such application for permit, the City Clerk shall notify the Chair of the Board of Public Works so that the Board of Public Works may determine whether action under Section (g) below is necessary.
- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work under the direction of City departments or employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.
- (d) **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 6-2-4(g) for pavement replacement.
- (e) **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 City Clerk and payment of a Five Dollar (\$150.00) renewal permit fee. Permit renewals shall be issued at the discretion of the City Clerk.
- (f) **City Standards; Fees.**
 - (1) **City Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the original condition prior to damage, subject to the approval of the City. The applicant shall notify the City Clerk of completion of the restoration. The City shall then inspect the restoration and provide a statement to the applicant of deficiencies, if any. Applicants are strongly encouraged, but not required, to consult with the City prior to completing any restoration as to the City's requirements.
 - (2) **Fee.** The fee for permits for making openings in streets, alleys, sidewalks, or public ways shall be Five Hundred Dollars (\$500.00). Work started prior to receiving a permit will require a Five Hundred Dollars (\$500.00) surcharge in addition to the permit fee.
- (g) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the City Clerk 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 Five Hundred Thousand Dollars (\$500,000) per one (1) person, Five

Hundred Thousand Dollars (\$500,000) for one (1) accident and property damage coverage of not less than \$ Five Hundred Thousand Dollars (\$500,000). The policy shall name the City of Park Falls as the third-party insured.

- (h) **Bond; Deposit.** Work valued at Two Thousand Five Hundred Dollars (\$2,500) or more must submit a bond to the City of Park Falls.
- (1) Before a permit for excavating or opening any public street, sidewalk, ditch, alley or public right-of-way may be issued, the applicant must execute and deposit with the City an indemnity bond or a financial deposit in the sum of Twenty-Five Thousand Dollars (\$25,000.00) conditioned that it will indemnify and save harmless the City of Park Falls and its officers, employees, and other agents from all liability for accidents and damage caused by any of the work covered by the permit, and that the applicant will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening the applicant may make as near as can be to the state and condition in which the applicant found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Board of Public Works for a period of one (1) year, and that the applicant will pay all fines of forfeitures imposed upon the applicant for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Common Council and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the City. Such bond or deposit shall also guarantee that, if the City shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year. Recovery on such bond or deposit for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond or deposit, but it shall cover any and all accidents, injuries or violation of law during the period of excavation for which it is given.
 - (2) An annual bond or deposit may be given under this Section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Board of Public Works as necessary to adequately protect the public and the City.
 - (3) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The City shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
 - (4) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount determined by the Board of Public Works.
 - (5) Whenever the Board of Public Works concludes that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor or to their surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Board of Public Works to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair

the defect or reimburse the City for the cost of doing the work as set forth in the notice.

- (i) **Public Utilities.** All public utilities as defined in Sec. 66.06 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-4, any and all subparagraphs thereunder, except that a public utility as defined within this Section shall not be required to post the indemnity bond.