



**ORDINANCE NO. 530**

**AN ORDINANCE REQUIRING A PERMIT BEFORE MAKING AN EXCAVATION IN ANY STREET, ALLEY OR EASEMENT OF THE CITY OF REXBURG, IDAHO, AND REQUIRING THE FOLLOWING: A CERTIFICATE OF PUBLIC LIABILITY INSURANCE, APPLICATION FOR AND NOTICE EASEMENT, AND THE MAINTENANCE OF PROPER SAFEGUARDS. FURTHER PROVIDING; THE TIME IN WHICH REPAIRS MUST BE COMPLETED AND FOR REIMBURSEMENT OF THE CITY IN THE EVENT OF FAILURE TO MAKE AND COMPLETE SUCH REPAIRS; THAT UNLESS OTHERWISE SPECIFIED ALL EQUIPMENT AND MATERIALS USED IN THE CONSTRUCTION OF PUBLIC WORKS IN THE CITY SHALL MEET AMERICAN SOCIETY FOR TESTING MATERIALS STANDARDS; THAT ANY PERSON FIRM OR CORPORATION MAKING SUCH AN EXCAVATION SHALL USE ALL NECESSARY PRECAUTIONS TO PREVENT INJURY TO ANY PERSON; THAT ANY PERSON, FIRM OR CORPORATION VIOLATING THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR; AND REPEALING ALL ORDINANCE IN CONFLICT HERewith AND PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

**SECTION I: PERMIT REQUIRED FOR EXCAVATION.**

- A. No person shall hereafter make any excavation in any street, alley, or easement of the City without first having obtained a permit so to do from the City Water Superintendent, A copy of the permit shall be filed, and kept on file, with the City Clerk for a period of not less than five (5) years after its issue.
- B. Requirement for Permit. No permit shall be issued for any such excavating unless the applicant shall present with the application, or have on file with the City Clerk, a certificate of insurance, from an insurance company qualified to write contracts within the State of Idaho, certifying that the applicant has public liability insurance with limits not less than five thousand dollars (\$5,000.00) for property damage, and not less than twenty thousand dollars (\$20,000.00) per person and one hundred thousand dollars (\$100,000.00) per occurrence for injury to the person, including death, All permits of any permittee shall be revoked immediately upon cancellation or expiration of the insurance.
- C. Application for Permit and Notice of Excavation. Applications for permit may be made in person, or by telephone, or by other medium of communication, but if the application is not made in person then the permittee or his/its qualified agent shall appear at the office of the City Water Superintendent to execute the permit papers not later than noon of the first working day following the application. Regardless of when any permit to excavate be issued, the permittee shall give notice to the City Water Superintendent not more than twenty-four (24) hours not less than two (2) hours of the time when the excavation is to commence.
- D. Backfilling. The permittee shall be responsible for the backfilling and permanent asphalt repairs of the street, alley or easement in accordance with standard specifications or file in the office of the Engineer.
- E. Maintenance and Safeguards. It shall be the responsibility of the permutes to provide

continuous maintenance and proper safeguards to the excavation until a permanent patch is complete and accepted by the Street Department.

- F. Time to complete repairs. Permanent asphalt repairs will be completed not later than ten (10) days after excavation has been backfilled, weather conditions permitting. In the event weather conditions prohibit permanent repairs, the Street Superintendent may authorize temporary cold patches to be replaced by the applicant when weather permits.
- G. Repairs by City. In the event the permittee does not make repairs within ten (10) days after completion of back fill, the City may, at its election, complete the work and make such repair. In the event the repairs are completed by the City, the permittee agrees to pay to the City within five (5) days after determination of amount the City's cost of repairs, based upon actual charges and cost to the City of repairs at the time the repair was completed.
- H. Violation a Misdemeanor. Any person who shall make any excavation upon any of the public streets, alleys or easements of the City in violation of the terms hereof shall be deemed guilty of a misdemeanor.

**SECTION II: PREVENTION OF INJURY TO PERSON:**

Any person who shall make any excavation along or upon any of the streets or alleys of the City shall use all necessary precautions to prevent injury to any person lawfully upon said streets. Any person who shall make any opening or excavation upon any of the public streets of the City and who shall fail to protect the public be proper warnings, shall be deemed guilty of a misdemeanor.

**SECTION III: PUBLIC WORKS STANDARDS:**

Where not otherwise specified in this Code, all materials and equipment used in the construction of public works in the City shall meet the standards as set forth in and approved by the American Society for Testing Materials.

**SECTION IV:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION V:** This ordinance shall be in full force and effect from and after its passage, approval, and due publication as provided by law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 17th day of May, 1972.

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Henry Shirley, Mayor

(SEAL)

ATTEST:

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Beulah Johnson, City Clerk

