

AN ORDINANCE REGARDING EXCAVATION IN PUBLIC PLACES, REQUIRING A PERMIT THEREFORE AND DEPOSITING PERFORMANCE BONDS FOR REFILLING EXCAVATION AND REPAIR OF STREETS AND SIDEWALKS AND PROVIDING PENALTY FOR FAILURE THEREOF

ORDINANCE NO. 213

Be it ordained by the City Council of the City of Alexandria:

EXCAVATIONS IN PUBLIC PLACES

- Sec. 1. Permit required. Except as in this section otherwise required, no person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley, or public ground or remove any earth, paving, gravel, or other materials there from without having first obtained a written permit therefore from the City Auditor.
- Sec. 2. Any person desiring to make any such excavation shall make written application to the City Auditor in which application he shall state:
- (a) The legal description of the lots adjacent to which such excavation is to be made.
  - (b) The dimensions of such excavations.
  - (c) The purpose for which such excavation is to be made.
  - (d) Whether or not such applicant has made the deposit with the Treasurer or filed a bond with the City Auditor as required by this Ordinance.
- Sec. 3. Deposit of Bond Required. Before a permit shall be issued, the applicant shall first deposit with the Treasurer not less than \$200.00 or such larger sum as may be deemed necessary by the City Auditor. In lieu of such deposit, a bond for the same purpose in the amount of not less than One Thousand Dollars to be approved by the Council may be given covering all excavations for the year in which such bond is given.
- Such deposit shall be made for the purpose of guaranteeing and such bond shall be conditioned upon the applicant properly refilling and maintaining the same in good condition for one year.
- A public utility company acting under franchise from the City may in lieu of such deposit of \$200.00 for each excavation of furnishing such bond for a year, deposit with the Treasurer the sum of \$500.00 covering all work to be done by the same company, which deposit shall at all times be kept up to said sum by the depositor.
- Sec. 4. Permit: When Issued. If the City Auditor finds that such excavation can be made without due inconvenience to the public and that the applicant is qualified to make such excavation, and has made the required deposit with the Treasurer or filed a proper bond with the City Auditor, then he shall issue to such applicant a written permit to make such excavation.
- Sec. 5. Deposit Forfeited. If at any time within one year after the issuance of the permit referred to in this chapter, the City Auditor shall find that the work for which the guarantee deposit was made

does not stand a satisfactory test or has not been properly refilled, he shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the directions of said notice, then the City Auditor shall have authority to cause such work to be put in proper and satisfactory condition and cause the expenses thereof to be paid from the deposit with the Treasurer. The balance unexpended at the expiration of one year from the date of such permit, shall upon order from the City Auditor be returned by the Treasurer to the depositor.

In cases where a deposit is made covering upon all work to be done by any applicant the City Auditor shall have power to cause the repairing or refilling of any excavation made by such person in case he fails upon three days written notice to make the same, and the expenses thereof shall be charged to his deposit and deducted there from by the Treasurer, and such depositor shall immediately replenish such deposit to the original amount.

Sec. 6. Refilling Excavation. Any person making such excavation shall, when the same has been completed, promptly and without delay, refill the same as herein provided.

In refilling any excavation the earth shall be thoroughly settled as the refilling progresses by flushing with water or if water is not available, the earth shall be thoroughly tamped in successive layers of approximately six inches, in such manner that all the earth shall be replaced in the excavation leaving the surface in its original condition.

In making connection with fire hydrants for flushing excavations all rules and regulations of the Water Department relating thereto shall be observed.

In cases where excavations are made in the paved district, earth shall be replaced in the manner above specified and the pavement shall be replaced in a proper manner as required by the City Auditor.

Sec. 7. Supervision of Excavations. The City Auditor shall supervise all excavations made for any purpose in the streets, alleys, parking or public grounds in the City and he shall require that all excavations be refilled in the manner above specified.

Sec. 8. Guarding Excavations. Any person receiving a permit to make excavations in or upon any street, alley, parking or public ground shall during the progress and continuance of the work, erect and maintain around the same both by day and by night, suitable guards, fences, lanterns, and signals so as to prevent injury to persons, animals, or vehicles on account of such excavations. Such lantern or other lights shall be kept lighted from sundown until sunrise.

Sec. 9. Excavations Near Street. No person, owner or occupant of any lot shall make or cause to be made any excavation on said lot adjacent to any street, alley, parking public ground or traveled road or roadway except the same be securely guarded so as to prevent the injury to any person or animal passing along such lot.

Sec. 10. Openings in Sidewalk. The owner or occupant of any building who shall have made or caused to be made any opening in any sidewalk for the purpose of letting light into any basement or cellar,

or for ventilating the same, shall guard the same with substantial iron grating or other strong and substantial cover, or with substantial railing or iron not less than three feet high. The opening in any such grate shall not be more than one inch. No such railing or grate shall occupy more than two feet of the sidewalk measuring from the inner side thereof.

- Sec. 11. Excavations under the Sidewalk. Any person having or erecting any building abutting upon any street, avenue, or alley may excavate under the sidewalk to the curb for the purpose of constructing a cellar or basement under the sidewalk in front of or adjoining said building. Such excavation shall be surrounded upon the outer side and ends thereof with a substantial retaining wall approved by the City Auditor sufficient to maintain the said sidewalk. The plans of said sidewalk, if not ordered by the Council shall also be approved by the City Auditor.
- Sec. 12. Any person, firm or corporation violating any of the provisions of this Ordinance or failing to comply with any provisions thereof shall be deemed guilty of a misdemeanor and upon conviction thereof be penalized by a fine not exceeding \$100.00 or by imprisonment for a period not exceeding thirty days in jail or by both such fine and imprisonment.
- Sec. 13. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance or relating to the subject matter of the Ordinance are hereby repealed.

First reading: July 6, 1970

Second reading: August 3, 1970

Passed, approved and adopted August 3, 1970