

## Chapter 26

### DEMOLITION, RENOVATION and EXCAVATION

**10-26-010: Purpose****10-26-020: Demolition****10-26-030: Excavation Permit Required****10-26-040: Excavation Application Requirements****10-26-050: Excavation Permit Fees****10-26-060: Excavation Permit Contents****10-26-070: Excavation Permit – No Transfer or Assignment****10-26-080: Excavation Emergency Work****10-26-090: Excavation Restoration****10-26-100: Excavation Insurance Requirements****10-26-110: Excavation Bonding Requirements****10-26-010: PURPOSE**

To annotate requirements for demolition, renovation, and excavation occurring within Coalville City, the following guidelines will be reviewed and executed by the City Staff.

**10-26-020: DEMOLITION**

- A. Persons Renovating or seeking a Demolition Permit shall follow the Application and Demolition Permit Procedure which are available at the City Office upon request.
- B. All Demolition Permits must be in compliance with the State Division of Air Quality requirements. See the Division of Air Quality Renovation/Demolition Application for further details.  
(<http://www.airquality.utah.gov/HAPs/ASBESTOS/news/Reno-demo.pdf>)
- C. A Demolition permit will not be issued until plans for a replacement building and/or appropriate landscaping have been completed including the following:
  - 1. Properly submitted to City Staff
  - 2. Reviewed by City staff, Advisory Body, and Deciding Body
  - 3. Approved by City Staff, Advisory Body, and Deciding Body

- i. All Application submissions, Reviews, and Approvals must follow the Application, Notice, and Meeting Standards set forth in Sections 10-3-030, 10-3-040, 10-3-050 of this Code.

### **10-26-030: EXCAVATION PERMIT REQUIRED**

Any person desiring to perform excavation work of any kind within the Public Right-Of-Way in Coalville City, shall be required to complete an application permit.

### **10-26-040: PERMIT APPLICATION REQUIREMENTS**

Permit Applications shall be filed with the Public Works Division upon a form or forms furnished by the City. The following provisions will be considered:

- A. Property Owners and or tenants for whom the work is being done shall be responsible for ensuring that permits are obtained; however, Contractors may obtain permits in the Contractors Name.
- B. The City Staff may deny the issuance of permits to contractors, utility companies, or other permit Applicants, who have shown by past performance, that in the opinion of the City Engineer, they will not consistently conform to the Development Regulations, Specifications, Design Standards, or the requirements of this chapter.
- C. When necessary, the City Engineer, to fully determine the impact of the work proposed to existing or proposed facilities within the Public Way, may require the filing of engineering plans, specifications and sketches showing the proposed work.
- D. It is unlawful for any person to commence work upon any Public Way until the City has approved the application and until a permit has been issued for such work, except as specifically approved to the contrary in this Chapter.
- E. The decision of approving or denying an application falls under the category of administrative decisions and can be contested by following the provisions in **10-3-150**.
- F. A permit is not required from the Public Works Division for hand digging excavations for installation or repair of sprinkler systems and landscaping within the non-paved areas of the Public Way, however conformance to all other City specifications is required.

### **10-26-050: PERMIT FEES**

The City shall charge and the Permitted shall pay all fees associated with the permit, upon issuance of said permit, as outlined in the City Fee Schedule. All costs shall be assessed in a non-discriminatory manner.

The City may waive permit fees or penalties or portions thereof provided for in this chapter when it is determined that such permit fee or penalty pertains to an encroachment on the Public Way involving a beautification project which furthers specific goals and objectives set forth in the City's strategic plan, master plan, or other official documents, including decorative street lighting, building façade lighting, flower and planter boxes, and landscaping.

The City may assess additional fees to cover any reasonable costs incurred due to the need for engineering review or inspections or any work site restoration not completed.

#### **10-26-060: PERMIT - CONTENTS, DURATION, AND EXTENSIONS:**

- A. Permit Application Completion will be determined by City Staff, and shall be completed with all required information before issuance of Permit.
- B. Public Works Division shall be notified by the Permittee of commencement of the work within twenty-four (24) hours prior to commencing work. The permit shall be valid for the time period specified in the permit.
- C. If work is not completed during such period specified, prior to the expiration of the permit, the Permittee may apply to the City for an additional permit or an extension, which may be granted by the City.
- D. The length of the extension requested by the Permittee shall be subject to the approval of the City. No extension shall be made that allows work to be completed in the winter period except during times of emergency or with permission from the City Council.

#### **10-26-070: PERMIT - NO TRANSFER OR ASSIGNMENT**

Permits shall not be transferable or assignable. Work shall not be performed under a permit in any place other than that specified in the permit. A Permittee may subcontract the work to be performed under a permit; provided that the holder of the permit remains responsible for:

- A. The performance of the work allowed under the permit;
- B. All the bonding, insurance and other requirements of this chapter under said permit.

#### **10-26-080: EMERGENCY WORK**

- A. Any person maintaining, pipes, lines, or facilities in the Public Way may proceed with work upon existing facilities without a permit when emergency circumstances

demand the work to be done immediately, provided a permit could not reasonably and practicably have been obtained beforehand.

- B. In the event of emergency work needing to be commenced during regular business hours, the City shall be notified within one-half hour, (30 minutes) from the time the work is commenced or as soon thereafter as possible. The person commencing work shall take all necessary safety precautions and maintain the work standards expected during normal circumstances.
- C. Any person commencing emergency work in the Public Way outside normal business hours shall apply for a permit or give notice during the first hour (60, "sixty" minutes) of the next business day the City Offices are open or as soon thereafter as possible.
- D. At the discretion of City Officials, a permit for such work may be issued which shall be retroactive to the date when the work was commenced.

#### **10-26-090: RESTORATION OF PUBLIC PROPERTY AND EXISTING IMPROVEMENTS**

- A. If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Such improvement shall be safe, convenient, and consistent with City Standards for such.
- B. The Permittee shall, at its own expense, restore the surface of any Public Way to its original condition, and replace any removed or damaged pavement with the same type and depth of pavement as that which is adjoining, including the gravel base material.
  - 1. Excavations made in paved areas shall replace the surface with proper pavement until such time as the permanent repairs are completed.
  - 2. All restoration shall conform to the Development Regulations, Design Standards and Specifications set forth by the City.
  - 3. All restoration shall be accomplished within the time limits set for in the permit, unless additional time is granted in writing by the proper authority.
- C. At any time a Permittee disturbs the yard, residence, real or private property of a private owner or the City, such Permittee shall insure that such property is returned, replaced and or restored to a condition comparable to that which existed prior to the commencement of the work or as otherwise directed by the property owner.
  - 1. All costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the Permittee.

2. A Permittee shall reimburse a property owner or the City, for any actual damage caused by the Permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property.
  3. A Permittee shall not be required to reimburse a subscriber/property owner if, said subscriber/property owner requests that improvements be removed, replaced, or relocated, and such Permittee exercises due care in the performance of that service; Or when a subscriber/property owner provides false information to the Permittee on which the Permittee relied to its detriment.
  4. By issuing a permit hereunder, the City does not authorize Permittee to perform any work on private property other than the property of the Permittee as specified in the Permit.
  5. Permittee shall be required to indemnify the City for any damages that are sustained on private property, public property or in any manner, including any costs and attorneys fees that are incurred by the City.
- D. The requirements imposed upon the Permittee extend to any subcontractor or independent contractor that the Permittee might employ to perform the tasks pursuant to the permit.
- E. The requirements of this section shall not apply to the removal by a Permittee of a permanent structure placed by a property owner in a Public way, unless such property owner received prior written permission from the City granting the property owner the right to install a permanent structure on a Public Way, and such permission has been recorded in the Office of the County Recorder.

### **10-26-100: INSURANCE REQUIREMENTS**

Before a permit is issued, the applicant shall furnish to the City evidence that such Applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage.

- A. The insurance companies issuing the policy or policies shall have no recourse against the City for Payment of any premiums due or for any assessments under any form of any policy.
- B. The Permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor.
- C. A property owner performing work adjacent to his or her residence in connection with a permit issued hereunder may submit proof of a homeowner's insurance policy in lieu of the insurance requirements of this Section.

**10-26-110: BOND REQUIREMENTS**

Each applicant, before being issued a permit, shall provide the city with an acceptable corporate cash or surety bond as shown in the fee schedule or determined by the City Staff to guarantee faithful performance of the work authorized by a permit granted pursuant to this Chapter.

- A. The amount of the bond required may be increased or decreased at the discretion of the City Staff whenever it appears that the amount and cost of the work to be performed, may vary from the amount of bond otherwise required under this Chapter.
- B. The form of the bond and the entity issuing the bond shall be subject to the approval of City Staff.
- C. The bond required by this Section shall be conditioned as follows:
  - 1. The Permittee shall fully comply with the requirements of the City ordinances and regulations, specifications and standards promulgated by the City relative work in the Public Way, and respond to the City in damages for failure to conform therewith:
  - 2. After work is commenced, the Permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the Public Way to construction specifications, so as not to obstruct the Public Way or travel more than is reasonable necessary;
  - 3. The Permittee shall guarantee the materials and workmanship for a period of one (1) year from the date of final inspection for work performed in the summer and two (2) years for work performed in the winter, with reasonable wear and tear excepted. Winter is October 15 to April 15.