



EXCAVATION PERMIT APPLICATION

Permit #

DESCRIPTION OF SITE:

STREET ADDRESS: _____ HOUSE/LOT NUMBER _____

OWNER'S CURRENT INFORMATION:

NAME: _____
ADDRESS: _____
CITY STATE: _____ ZIP: _____
PHONE #: _____ E-MAIL: _____

WHO WILL BE DOING THE WORK:

COMPANY ADDRESS CITY STATE ZIP PHONE #

NEW CONTRACTOR REQUIRES STATE CONTRACTOR REGISTRATION INFORMATION

CONTRACTOR # _____ EXP DATE: _____

PERSON(S) RESPONSIBLE FOR RESTORING SITE TO ORIGINAL CONDITION:

NAME: _____
ADDRESS: _____
CITY STATE: _____ ZIP: _____
PHONE #: _____ E-MAIL: _____

Purpose of Excavation:



EXCAVATION PERMIT APPLICATION

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The applicant shall post with the Clerk a surety bond in the amount of \$5,000 payable to the City. The required surety bond must be:

- With good and sufficient surety;
- By a surety company authorized to transact business in the State;
- Satisfactory to the City Attorney in form and substance;
- Conditioned upon the permittee’s compliance with this section and to secure and hold the City and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to maintain any street where excavation is made in as good condition for the period of four years after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done.

\$5,000.00 Surety Bond **ATTACHED** **ON FILE**

Each applicant shall also file a certificate of insurance for coverage in effect for the duration of the permit for the following minimum amount:

Bodily Injury	\$50,000.00 per person
	\$100,000.00 per accident
Property Damage	\$50,000.00 per accident

Certificate of Insurance **ATTACHED** **ON FILE**

I, _____, contractor for this project, agree to comply with all OSHA regulations as a condition for the granting of this permit.

APPROVED **DENIED**

Dated this _____ day of _____, 20_____

City Clerk

Public Works Director

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. Before an excavation permit as herein provided is issued, each applicant, except public utility companies, shall deposit with the Clerk a surety bond in the amount of \$5,000 payable to the City. The required surety bond must be:
 - With good and sufficient surety;
 - By a surety company authorized to transact business in the State;
 - Satisfactory to the City Attorney in form and substance;
 - Conditioned upon the permittee's compliance with this section and to secure and hold the City and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the City, the Council or any City officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to maintain any street where excavation is made in as good condition for the period of four years after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done.

Any settlement of the surface within said four-year period shall be deemed *prima facie* evidence of defective backfilling by the permittee. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the City if such repairs should prove defective. Any owner of real estate repairing or engaging another to repair his or her own sidewalk shall not be required to give such bond. Recovery on such bond for any injury or accident shall not exhaust the bond but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City's giving written notice to the permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage shall be conclusive upon the permittee and his or her surety. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one year from said date. As a condition of waiver of this requirement for public utility companies and/or companies contracted by public utility companies, said utility companies shall place on file with the Clerk a blanket maintenance bond guaranteeing that the above listed requirements

covered under surety bonds required from private contractors will be met by the utility for any party contracted by them to excavate on any public property.

5. **Insurance Required.** Prior to beginning work, any person intending to dig, excavate or in any manner disturb the City streets and/or parking within the City right-of-way, except for public utility companies excavating for installation or repair, shall file with the Clerk a certificate or certificates of insurance showing proof of current insurance coverage to protect said person and any agents of said person against any claim set forth below which may arise as a result of the operation. As a condition of waiver of this requirement for public utilities and/or companies contracted by public utilities, said companies shall place on file with the Clerk a certificate of self-insurance acknowledging the insurance requirements for allowing excavations on public property in the City and assuring self-insurance coverage for the exposures and to the limits required under the City ordinance for the utility and any party contracted by the utility. The required limits of liability insurance may be satisfied in a single underlying or “primary” policy or in combination with “umbrella” or “excess” liability policies so long as there is sufficient coverage in aggregate to meet the required minimums. Any certificates of insurance required herein shall state that 30 days’ written notice will be given to the City before the policy is canceled or changed.
6. **Restoration of Public Property.** Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
8. **Responsibility for Costs.** All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
9. **Notification.** At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.
10. **Exceptions.** Franchised utilities with City Attorney approved blanket bond and self-insurance certificates on file with the City shall be exempt from the requirement to obtain a written permit for excavations. Said utilities shall, however, be required to notify the City office at least two working days before commencing any excavation. Said notice shall include all pertinent information required by the City.