

CHAPTER 26
CITY OF MAPLE LAKE

ORDINANCE REGULATING STREET EXCAVATIONS

26.01 PERMIT REQUIRED

No person, except an authorized city employee or a contractor performing work under a contract with the city, shall make any excavation in a street, alley, sidewalk, or public ground without first having secured a permit therefor from the city clerk. The fee for such permit shall be set by resolution of the city council for each location covered by the permit, but no fee shall be required for an excavation made pursuant to a permit for sewer or water construction.

26.02 APPLICATION AND REGULATIONS

The city clerk shall prepare the necessary application forms and permits required under Section 26.01. He/She shall also prepare such rules and regulations with respect to excavations as he finds necessary to protect the public from injury, prevent damage to public or private property, and minimize interference with the public use of streets, alleys, sidewalks, and public grounds. Any person making an excavation covered by this chapter shall comply with such rules and regulations.

26.03 BOND

Any permittee except a public utility corporation or a bonded plumber shall file with the city clerk a corporate surety bond in the amount set by resolution of the city council, conditioned that the permittee will:

1. Perform work in connection with the excavation in accordance with applicable ordinances and regulations;
2. Indemnify the city and hold it harmless from all damage caused in the execution of such work;
3. Pay all costs and damages suffered by the city by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations or because of negligence in the execution of the work.

The bond shall be approved as to form and legality by the city attorney.

Any permittee except a public utility corporation shall furnish proof that the permittee has in existence an insurance policy protecting him from liability to the public, including the city, to an amount equal to the maximum claim the city might be required to pay under Minnesota Statutes, Chapter 466.

26.04 GENERAL REGULATIONS FOR EXCAVATIONS

Street openings shall be made in a manner that will cause the least inconvenience to the public. Provision shall be made for the passage of water along the gutters and at least one-half of the traveled portion of the street shall be left open and in good condition for the safe passage of

vehicles. Open excavations shall be guarded with substantial barriers and marked with red flags and at night with red lights or flashing devices. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing. Any person responsible for exposing a city main or pipe so that it might be damaged by freezing shall be liable to the city for all damages caused by such freezing and all damages sustained by others by such freezing for which the city may be liable.

26.05 REFILLING EXCAVATIONS

Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the utilities superintendent. All dirt and debris shall be removed immediately. The surface excavated shall be restored to its proper condition. Any person who fails to comply with these requirements within 24 hours after notice from the city shall be liable to the city for the full cost incurred by the city in remedying the defect and restoring the street, sidewalk, alley, or public ground to its proper condition. The cost shall be an obligation of the surety on the bond of the permittee.

26.06 PENALTIES

Any person who shall violate any provision of this ordinance shall be guilty of a misdemeanor.