

CHAPTER 9. STREET EXCAVATION

(Ord. 76-15, 08-19-76)

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4-9-1. **Excavation permits required.**

It is unlawful for any person, firm, or corporation to tunnel under, or to make any excavation in any street, alley, or other public place or right of way within the limits of Tooele City without having first obtained a permit as required herein or without complying with the provisions of this Chapter or in violation or variance of and from the terms of any such permit. For the purposes of this Chapter, the term "Department" shall refer to the Community Development and Public Works Department and the term "Director" shall refer to the Department's Director.
(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-2. **Applications.**

Applications for such permits shall be made to the Tooele City Department and shall describe the location of the intended excavation, including boring, the size and scope of the excavation, the purpose for the excavation, and the person, firm or corporation doing the actual excavation work, and the name of the person, firm or corporation for whom or which the work is being done. The application shall contain an agreement that must be signed by the applicant stating that the applicant and all contractors will comply with all ordinances and laws relating to the work to be done.

4-9-3. **Fees.**

The fee for each such permit shall be based upon the number of inspections required for the project at a rate per inspection established in the Tooele City Fee Schedule. The minimum permit fee will be the amount of a single inspection. Should any person fail to secure such permit prior to commencement of any excavation for which the sum is required pursuant to this Chapter, an investigation fee shall be assessed equal to the amount of and in addition to the permit fee. The investigation shall not apply to the case of emergency work as outlined in Section 4-9-25.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-4. **Licensed contractor required.**

There shall be no excavation of City streets, alleys, or other public places or rights-of-way except that any such work shall be done by authorized employees of Tooele City, Tooele County, or the State of Utah, or any of its agencies, or by a contractor licensed by the State of Utah to perform street excavation. Prior to the commencement of any such work by a licensed contractor, said contractor shall deposit a cash bond with Tooele City in an amount established in the Tooele City Fee Schedule for excavations where no hard surface pavement is involved and when the excavation is in a paved or hard surface area, to insure proper restoration of the ground, laying of pavement, and restoration of landscaping, if any. Said deposit is automatically forfeited by the contractor should the City be required to undertake, or cause to have undertaken any work which the contractor is required by the provisions of this chapter to do. The permittee shall guarantee the materials and workmanship for a period of two years from completion of such work, with reasonable wear and tear expected. Upon completion of the work by the contractor to the satisfaction of the City Engineer, the Building Official, or their designee, the two-year warranty period shall begin. At the successful completion of the warranty period the deposit shall be returned to the contractor. In addition, no contractor shall be allowed to obtain a permit as provided above unless he shall first provide proof of liability insurance and sign an indemnity agreement to be prepared by the Tooele City Attorney and the form approved by the Tooele City Mayor.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-5. **Approved contractors.**

The Director shall institute and maintain a list of approved contractors for street excavation within Tooele City.

(1) Any contractor who is licensed by the State of Utah to perform street excavation may be placed on the

approved contractors list provided that they submit to the Director:

(a) a written request to be placed on the approved contractors list;

(b) an irrevocable letter of credit or cash bond to the City in an amount established in the Tooele City Fee Schedule to secure completion of repairs to the street in a timely manner;

(c) documentation demonstrating that they are properly licensed and in good standing to do business as a contractor within the State of Utah;

(d) a current, valid business license;

(e) a signed indemnity agreement, to be on a form provided by the City, covering any work performed in their capacity as a contractor performing excavation work within a Tooele City right-of-way or on public property; and,

(f) proof of liability insurance.

(2) Contractors identified on the official approved contractors list shall not be required to post a bond for individual excavation permits within a Tooele City right-of-way or on public property so long as their on-going approved contractor's bond remains in full effect at the time an excavation permit is filed with the Department.

(3) Contractors identified on the official approved contractors list shall be required to pay only permit fees for individual excavation permits so long as their on-going approved contractor's bond remains in full effect at the time an excavation permit is filed with the Department.

(4) Failure to meet the conditions and requirements of this chapter, maintain a state of good standing on the approved contractors list, failure to properly perform street excavations, failure to properly complete any street repairs, or failure to seek and be issued permits for excavation work shall be grounds for removal from the approved contractors list at the discretion of the Director.

(5) In the event the Director elects to remove a contractor from the approved contractors list, the contractor shall have a right to appeal the removal to the Tooele City Mayor within ten days of written notice of removal.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-6. Manner of excavating.

It shall be unlawful to make any such excavation or boring in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface. No injury shall be done to any pipes, cables or conduits in the making of such excavations or borings; and notice shall be given to the person maintaining such pipes, cables or conduits, or to the City department or officer charged with the care thereof which are or may be endangered or effected by the making of any such excavation or boring before such pipes, cables or conduits shall be disturbed. It shall be the responsibility of the

applicant to obtain directions from public utility companies as well as Tooele City, as to the location of their subsurface conduits, pipes, lines or utility appurtenances prior to the opening of any tunnel or excavation. Tooele City shall not be responsible for any damages caused by the applicant or any party excavating or tunneling pursuant to a permit issued herein for damages caused any such pipes, cables, conduits or appurtenances.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-7. Sidewalks.

If any sidewalk or pedestrian path or right of way is blocked by any such work, a temporary sidewalk, path or right of way shall be constructed or provided which shall be safe for travel and convenient for the pedestrian users.

(Ord. 1976-15, 08-19-1976)

4-9-8. Restoring surfaces.

Any person, firm or corporation making any excavation or boring in or under any public street, alley or other public place or right of way in Tooele City, shall restore the surface to the construction standards and specifications of the City Engineer existing at the time of the excavation; all such backfill shall comply with the requirements of the currently adopted edition of the State of Utah Standard Specifications for Road and Bridge Construction. Any opening in a paved or improved portion of the street shall be repaired and the surface replaced, including crack sealing, by the applicant within three working days of excavation, in compliance with the Ordinances of the City and under the supervision of the Director, or their designee. With all excavations, the contractor shall guarantee the materials and workmanship for a period of two years from completion of such work, with reasonable wear and tear expected. All landscaping surfaces affected by excavation work shall also be restored with materials matching those present before the excavation work to the greatest degree possible.

(Ord. 2015-08, 03-04-2015) (Ord. 86-17, 10-27-64) (Ord. 1977-13, 08-11-1977)

4-9-9. Supervision.

The Director shall from time to time inspect or cause to be inspected all excavation activities being made in or under any public street, alley, public place or right-of-way in the City to see to the enforcement of the provisions of this Chapter. Notice shall be given to the Department in the form of a scheduled inspection before the work of backfilling any such excavation commences.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-10. Protective measures and routing of traffic.

It is the duty of every person cutting or making an excavation in or upon any public place, street, alley, or right of way to place and maintain barriers and warning devices necessary for the safety of the general public. Barriers, warning signs, lights, etc., shall conform to the requirements and recommendations of the Manual on Uniform Traffic Control Devices (MUTCD), as a minimum, and those of the Director. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of each day. Reflectors or reflecting material may be used to supplement but not replace light sources. The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as near as normal as possible shall be maintained at all times so as to minimize inconvenience to the general public and the occupants of the adjoining property. When traffic conditions permit, the Director may authorize the closing of a street or alley to all traffic for a period of time prescribed by him if, in his opinion, it is necessary to expedite the excavation work or maintain the safety of the excavation crews or the general public. Such approval shall be based upon submission and approval of an appropriate and acceptable traffic control, signage, and detouring plan and may require the permittee to give notification to various public agencies and to the general public in advance of the closing. In such cases, such approval shall not be valid until such notice has been given. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-11. Clearance of vital structures.

The excavation work shall be performed and conducted so as not to interfere with the access to fire hydrants, fire stations, fire escapes, water valves, valve housing structures, and all other vital equipment as designated by the Director. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-12. Protection of traffic.

The permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than 300 feet. If an excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. Excavated and repair stock materials shall not be stored on an adjacent sidewalk, a passageway, or in the curb and gutter. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-13. Relocation and protection of utilities.

The permittee shall not interfere with any existing facility without the written consent of the Director and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner or under his direction. No facility owned by the City shall be moved to

accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly born by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along and across said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said pipes, conduits, poles, wires or apparatus shall be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of the substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be borne by the permittee. It is the intent of this paragraph that the permittee shall assume all liability for damages to facilities and any resulting damage or injury to anyone because of such facility damage, and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The City shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-14. Abandonment of substructures.

Whenever the use of a substructure is abandoned, except the abandonment of service lines designated to serve single properties, the owner owning, using, controlling, or having an interest therein shall within 30 days after such abandonment file with the Director a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way, or subsequently becomes in the way of an installation of the City or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the City or other public body. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-15. Protection of adjoining property.

The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for that purpose. Where in the protection of such property it is necessary to enter upon

private property for the purpose of taking appropriate protecting measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent he shall, after consulting with the Director, take such measures as are possible for the purpose of making the property safe. The permittee shall, at his own expense, shore-up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damaged public or private property or highways resulting from its failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required by this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area free of dirt and debris and in a condition as nearly as possible to that which existed prior to the commencement of the work. The permittee shall not remove, even temporarily, any tree or shrub which exists in any parking strip without first obtaining the consent of the appropriate City department or City official having supervision of such property.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-16. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled, and maintained in such manner as not to endanger those working in the trench, pedestrians, or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Director shall have the authority to require that the permittee haul the excavated material to a storage site selected by the Engineer or approved by him and then rehailed to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make the necessary arrangements for all acquired storage and disposal sites. All material excavated shall be laid compactly and kept trimmed so as to impede vehicular and pedestrian traffic or as specified by the Director. Whenever necessary, in order to expedite the flow of traffic or to abate the dust or dirt, toe board or bins may be required by the Director to prevent the spreading of dirt onto traffic lanes.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-17. Cleanup procedure.

As the excavation work progresses, all streets shall be fairly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the

satisfaction of the Director. From time to time, as may be ordered by the Director and in the event immediately after the completion of the work, the permittee shall at his or its own expense clean up and remove all debris, refuse, and unused material resulting from said work and upon failure to do so within 24 hours after having been notified to do so by the Director, said work shall be done by Tooele City crews and the cost thereof charged to the permittee and the permittee shall be liable for the cost thereof under the surety bond provided hereunder, and shall forfeit his deposit.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-18. Protection of water courses.

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersection street, an adjacent waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, mud, silt, slickings, or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-19. Breaking through pavement.

(1) Heavy duty pavement breakers may be prohibited by the Director when the use thereof endangers existing substructures or other property.

(2) Saw cutting of Portland cement concrete may be required by the Director when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall be not less than one inch in depth; however, depths greater than one inch may be required by the Director when circumstances warrant. Saw cutting may be required by the Director outside of the limits of the excavation over caveouts, over breaks, and small floating sections.

(3) Approved cutting of bituminous pavement surface ahead of excavation may be required by the Director to confine the pavement damage to the limit of the trench.

(4) Sections of sidewalks shall be removed to the nearest scoreline or joint.

(5) Unstable pavement shall be removed over caveouts and over breaks and the subgrade shall be treated as a main trench.

(6) Pavement edges shall be trimmed to a vertical face neatly aligned with the center line of the trench.

(7) Cutouts outside of the trench line must be normal or parallel to the trench line.

(8) Boring or other methods to prevent cutting of new pavement may be required by the Director.

(9) Permittee shall not be required to repair pavement damage existing prior to the excavation unless his cut results in small floating sections that may be unstable, in which case permittee shall remove and pave the area. (Ord. 1976-15, 08-19-1976)

4-9-20. Depth of structures.

No person shall, without written permission of the Director, install any substructure, except manholes vaults, valve casings, culverts, and catch basins at a vertical distance less than is necessary to place such substructure below the frost line if the Director concludes the substructure must be below the frost line. Nothing in this section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of, or travel on a public street. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-21. Backfilling.

Fine material, free from lumps and stone, selected from the spoil shall be thoroughly compacted to not less than 95% of the standard Proctor Test around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts of a depth based upon the type of soil involved and the degree of consolidation specified. Broken pavement, large stones, roots and other debris shall not be used in the backfill. The number and size of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner so as to meet the 95% standard Proctor Compaction Test specified above. The Director may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, backfill for any excavation is not being adequately compacted or when he feels the same necessary. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the requirements as prescribed by the currently adopted edition of the State of Utah Standard Specifications for Road and Bridge Construction. All expense of such tests shall be borne by the permittee. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-22. Trenches in pipe laying.

The maximum length of open trench permissible at any time shall be in accordance with the existing ordinances or regulations of Tooele City and if none exist, then the requirements of the Director. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-23. Prompt completion of work.

After an excavation is commences, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly

complete such work and restore the street, alley, right-of-way or other public place to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary. (Ord. 1976-15, 08-19-1976)

4-9-24. Urgent work.

When traffic conditions, safety or convenience to the traveling public or the public interest require that the excavation work be performed as emergency work, the Director shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee on a 24-hour schedule to the end that such excavation work may be completed as soon as possible. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-25. Emergency work.

Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life and property or for the location of trouble in conduits or pipes, provided that the person making such excavation shall apply to the Department for a permit as soon as practicable and no later than the first working day after such work is commenced. Nothing in this section shall absolve the permittee from the requirements of this chapter. In any emergency at a time when it is not practical to obtain the necessary permit as provided above in advance of the excavation work, such street excavation may be authorized by the Director, or their designee, or may be performed by a contractor on the approved contractor list as provided above, provided that the necessary permit shall be obtained the next business day after the emergency work is performed. Under no circumstances shall an excavation be performed without prior notification through personal contact to the Director or their designee of the need and location for the work to be done. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-26. Noise, dust, and debris.

All excavation activities shall comply with all Tooele City nuisance and noise ordinances and shall take necessary precautions to minimize the impact on and inconvenience for neighboring property owners. (Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-27. Preservation of monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey benchmark within the City, shall not be removed or disturbed without first obtaining permission in writing from the Director and the Tooele County Surveyor's Office. Permission to remove or disturb such monuments, reference points, or benchmarks shall only be granted upon condition that the person applying for such permit shall pay all

expenses incident to the proper replacement of the monument by the City.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-28. Inspections required.

The Director shall cause such inspections to be completed as are reasonably necessary in the enforcement of this chapter. The Director shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

(Ord. 2015-08, 03-04-2015) (Ord. 1976-15, 08-19-1976)

4-9-29. Location records.

Every public utility after the enactment of this ordinance shall maintain records showing the location of all of its underground facilities, except relatively minor facilities which connect a particular premise or building, and except oil or gas gathering or field lines. Every public utility shall maintain equipment that can locate such facilities in the field.

(Ord. 1976-15, 08-19-1976)

4-9-30. Violation and penalty.

A person who violates any provision of this chapter shall be guilty of a misdemeanor violation of the City Code, punishable according to Section 1-4-2 of the Tooele City Code.

(Ord. 2015-08, 03-04-2015) (Ord. 1994-36, 05-24-1994)