

## **ARTICLE VI. EXCAVATIONS, CURBCUTS, ETC.**

### **Sec. 25-41. License—REQUIRED**

No person shall engage in the business of boring or excavating of any public right-of-way without first securing a license from the city. A licensed excavator shall be a firm or person who may dig within the public right-of-way. Digging would include the use of backhoes, mini excavators, boring machines, etc., when digging is greater than 18" deep from the top of the surface.

*(Ord. No. 368; Ord. No. 1149, 12-1-97)*

### **Sec. 25-42. Same—Application**

The application for a license shall be presented to the City Auditor with the endorsement of the City Engineer. No person shall be licensed who shall not first furnish the City Engineer satisfactory evidence of his or their responsibility to ply the trade in accordance with the requirements of this chapter.

*(Ord. No. 368; Ord. No. 972, 6-6-88)*

### **Sec. 25-43. Same—BOND REQUIRED**

The applicant or applicants, except City franchised utilities, shall file with the City Auditor, a bond in the sum of twenty-five thousand dollars (\$25,000) for doing business as a Licensed Excavator. Such bond shall be approved by the City Attorney and shall be conditioned to protect, indemnify and save harmless the City from any and all loss, claims, suits, damages, direct or consequential, the City may sustain by reason of violation of any rules or regulations that may be in force from and after filing of such bond; and also, as a guarantee of a faithful and proper performance of all work done by such person or by his employees. Such bond shall be renewed each and every year, and the term of such bond and license shall at all times run concurrently and expire on the same date so that the term of either the same bond or license shall not overlap and extend beyond that of the other.

*(Ord. No. 368; Ord. No. 972, 6-6-88; Ord. No. 1095, 5-1-95; Ord. No. 1149, 12-1-97)*

### **Sec. 25-50. Permit & Fee—REQUIRED**

No person shall excavate, construct, reconstruct, repair, alter, patch, or grade any sidewalk, curb cut, driveway, or street on the public streets, avenues, or alleys without first obtaining a permit as provided by this article. The fee for such permit shall be as established from time to time by resolution of the City Council.

*(Ord. No. 368; Ord. No. 94, § 3, 6-2-86)*

An excavation permit is needed whenever any of the following activities are taking place within the public right-of-way; directional boring, patching or grading. All work shall comply with the NDDOT Specifications Section 203.

A Sidewalk/Curb Cut Permit is needed whenever any of the following activities are taking place within the public right-of-way: removal and replacement of curb & gutter, driveway, sidewalk, or boulevard landscaping. All work shall comply with NDDOT Specifications Section 748 and 750.