

ORDINANCE #32

AN ORDINANCE REGULATING STREET OPENINGS OR EXCAVATIONS IN THE CITY OF UNDERWOOD, MINNESOTA

THE CITY OF UNDERWOOD DOES ORDAIN:

Section 1. Street Openings or Excavations.

It is unlawful for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make any excavation opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City Clerk as hereby provided.

Subd. 1. Application.

Application for a permit to make a street excavation shall describe with reasonable particularity, the name and address of the applicant, the place and purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City Clerk.

Subd. 2. Investigation.

Upon receipt of such application, the City Clerk shall cause investigation to be made, as may be necessary to determine estimate cost or repair such as back filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work, manner of procedure and time limitation upon such excavation. The foregoing estimated cost shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

Subd. 3. Issuance of Permit.

The City Clerk shall issue such permit after (1) completion of such investigation, (2) payment by the applicant, in advance, of all estimated costs as aforesaid, (3) agreement by the applicant to the conditions of time and manner as aforesaid, and (4) agreement by the applicant to pay all actual costs of repairs over and above such estimate, including cost of such investigation.

Subd. 4. Repairs.

All temporary and permanent repairs, including back filling, compacting and resurfacing shall be made or contracted for by the City in a manner described by the City Clerk, and an accurate account of costs thereof shall be kept.

Subd. 5. Cost Adjustment.

Within sixty (60) days following completion of such permanent repairs, the City Clerk shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder, an itemized statement thereof and claim additional payment from, or make refund to, the permit holder, as the case may be.

Subd. 6. Alternate Method of Charging.

In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet and excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

Subd. 7. Permit and Inspection Fee.

The fee for the permit and inspection of street openings and excavations shall be adopted by a resolution of the Council and may be amended from time to time in the same manner, provided that a schedule of such fees, together with the date of adoption of each such fee, shall be kept on file in the office of the City Clerk and available for distribution upon request therefore. Such fees shall be uniformly enforced upon such adoption of amendment.

Subd. 8. Effective Date.

The effective date of this ordinance shall be October 1, 1976. This ordinance was introduced on September 6, 1976 and adopted by the City Council of the City of Underwood, Minnesota on September 6, 1976 by unanimous vote.

Amended November 1, 1976

Subd. 7. \$150.00 will be kept for one year after date of completion to cover any unexpected repair costs.