

## ORDINANCE 7.

### AN ORDINANCE TO REGULATE DIGGING OR EXCAVATING.

#### SECTION 1.

No person shall dig or excavate any hole, trench or pit or other excavation of a depth of 10" anywhere in the City of Park River without a permit from the City. Also, no person shall insert into the ground any post or rod without a permit.

#### SECTION 2.

The permit shall be obtained from the City Auditor's office. Fees for said permit shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference.

#### SECTION 3.

A forty-eight (48) hour waiting period is required before granting approval of a digging or excavating permit within the city of Park River.

#### SECTION 4.

Any person violating the provisions of this Ordinance, in addition to other penalties prescribed for violations hereof, shall be liable for any damages caused to City Property.

#### SECTION 5. Bond - Excavations

No excavation permit shall be issued unless and until the applicant therefore has filed with the city auditor a bond in the sum of ten thousand dollars (\$10,000.00), or such other security as may be determined by the City Building Inspector or designee, sufficient to indemnify the City for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavations. Such bond shall have as surety a corporation licensed to do business in the state as a surety company.

## SECTION 6. Deposit - Excavations

No excavation permit shall be issued unless and until the applicant therefore has deposited with the city auditor a cash deposit or bond as designated by the City Building Inspector or designee, which shall include the replacement of pavement if necessary. Any balance will be returned to the applicant without interest after the excavation area is restored.

## SECTION 7. Making Excavations - Notice

It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefore. 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 unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the City department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. Notice shall be given as required by chapter 49-23 of the North Dakota Century Code.

## SECTION 8. Restoration of Excavations

Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant, in compliance with the ordinances of the City and under the supervision of the street superintendent or city engineer.

SECTION 9. Supervision of Excavation Work

The street superintendent or city engineer shall from time to time inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other public place in the City to see to the enforcement of the provisions of this article. Notice shall be given to the street superintendent or city engineer at least ten (10) hours before the work of refilling any such tunnel or excavation is begun.

- Revised 12-30-2015