

CHAPTER 10-3 EXCAVATIONS IN PUBLIC PLACES

10-3-1 PERMIT REQUIRED

No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley, or public ground, or remove any earth, soil, paving, curbing or gutter, gravel, or material there from without having first obtained a permit as hereinafter provided.

1960 R.O. §8.0501; Ordinance 143, 11/4/74; Authority: SDCL Ch. 9-30

10-3-2 APPLICATION AND BONDS

Application for such permit shall be made on a form provided by the City Finance Officer, who shall secure the approval of the City Superintendent before issuing any such permit. Such application shall be accompanied by a fee of Ten Dollars (\$10.00), which amount shall be considered compensation to the City for the granting of such permit and the necessary investigation prior thereto. In addition to the herein before described fee, the applicant shall deposit with the said City Finance Officer not less than One-Hundred Dollars (\$100.00) or such larger sum as deemed necessary by the City Superintendent to insure the replacement and refilling of any such excavation.

In lieu of such a deposit, a bond for the same purpose in an amount to be determined by the City Superintendent, not to be less than \$1,000.00, may be given covering all excavations for the year for which such bond is given. Before any such permit is issued, the person requiring the same shall state in application therefor where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose said excavation is to be made, and whether or not such person has a bond on file with the Finance Officer for making such excavation. If such applicant has not filed such bond, then before a permit shall be issued, such applicant shall furnish a bond or make the deposit as above provided with the City Finance Officer as a guaranty for the proper refilling of and guarding of such trenches and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for one year thereafter.

1960 PLO. §8.0502; Ordinance 143, 11/4/74; Authority: SDCL Ch. 9-30

10-3-3 DEPOSIT FORFEITED

If at any time within one year after the issuance of the permit referred to in this chapter the City Superintendent shall find that the work for which the bond deposit was made does not stand a satisfactory test or has not been properly refilled, he shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the terms of said notice, then the City Superintendent shall have authority to cause such work to be put in proper and satisfactory condition and charge the expense thereof to the sum deposited.

The balance unexpended at the expiration of one year and from date of such permit shall upon order of the City Council be returned by the Finance Officer to the depositor. In cases where a deposit is put up for all work done by any person s provided in this chapter, the City Superintendent shall have the power to cause the repairing or refilling of any excavations made by such person if he fails to do so upon three days written notice, and the expense thereof shall be charged to his deposit, and such depositor shall immediately replenish such deposit to the original amount.

1960 RO. §8.0503; Authority: SDCL Ch. 9-30

10-3-4 SUPERVISION OF EXCAVATIONS

The City Superintendent shall supervise all excavations made for any purpose in the streets,

alleys, or public grounds, and he shall require that all excavations be back filled in the manner specified.

1960 RO. §8.0504; Authority. SDCL Ch. 9-30

10-3-5 GUARDING EXCAVATIONS

Any person receiving a permit to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both day and night suitable guards, fences, flares, and signals so as to prevent injury to person, animals, or vehicles on account of such excavations. Such flares shall be kept lighted from sundown to sunrise.

1926 RO. §122; 1960 RO. §8.0505; Authority: SDCL Ch. 9-30

10-3-6 REFILLING EXCAVATIONS

Any person making such excavation shall, when the same shall be completed, promptly and without delay, refill the same as herein provided.

In refilling any excavation the earth shall be thoroughly settled as the refilling progresses by using water to compact earth; or the earth shall be thoroughly tamped in successive layers of approximately six inches, in such a manner that all the earth shall be replaced in the excavation leaving the surface in its original condition.

In making connection to fire hydrants for flushing excavations, all rules and regulations of the Water Department relating thereto shall be observed.

In all cases where excavations are made in the paved district, the earth shall be replaced in the manner above specified, and the pavement shall be replaced by the Department of Streets.

1960 RO. §8.0506; Authority: SDCL Ch. 9-30

10-3-7 CUTTING PAVEMENTS

Where it is necessary to cut the street pavement, curb or gutter, or bituminous surface, in making any street excavation, there shall be deposited with the Finance Officer before the permit is issued an amount as set by resolution for each square yard of pavement, curb or gutter, or bituminous surface removed. The deposit shall be used by the Department of Streets in replacing said pavements, bituminous surface, or curbing, or gutter so removed.

1926 RO. §115; 1960 RO. §8.0507; Ordinance 143, 11/4/74; Authority: SDCL Ch. 9-30