



**331 1st Street East
Independence, IA 50644**

Application for Excavation

Application by: Property Owner
 Contractor / Agent

Permit # _____

Date _____

Estimated Start Date: _____

Estimated Completed Date: _____

Property Owner Name: _____

Address: _____ Phone Number: _____

Contractor Name: _____

Address: _____ Phone Number: _____

Reason for work being done: _____

Legal Description of Property where work will be done (please include lot and street number):

1. It is hereby agreed that as the grant of said permit will without delay, and within a reasonable time, make such excavation, with the least possible injury to said street, and on completion of said work will put said street in as good condition as same was at the time of the commencement of excavation. Street repairs must be completed within 30 days of excavation completion, unless an extension in writing has been submitted and approved.
2. That if the connection is to be made with the City service, the permit applicant agrees to make any connections as directed by the City representative for that service. Before backfilling any excavation, all connections or excavation will be inspected by a City representative.
3. That during the making of said excavation, the permit applicant will keep a suitable barrier around same and will in the night time keep a sufficient warning light at same so as to prevent persons and vehicles from falling into same. Permit applicant will also contact police, fire and ambulances of any street closings.
4. That on failure to place said street in as good condition as it was at the time of commencement of making said excavation, the City may repair said street and permit applicant will pay all the costs and expenses of making said repairs.
5. Permit applicant will make the required Iowa One Call (1-800-292-8989) and give at least 48 hour pre-notice.

Applicant has paid the fees and posted bond as required by ordinance (*Code of Ordinances, City of Independence, IA, Section 135.09*) and agrees to indemnify the City of Independence for any damage occasioned by, or on account of the work.

Applicant Signature: _____ Date: _____

OFFICE USE ONLY:	
Building Inspector Signature: _____	Date: _____
City Manager Signature: _____	Date: _____
Street Department Foreman Signature: _____	Date: _____

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. **Permit Required.** No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. **Public Convenience.** Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. **Barricades, Fencing and Lighting.** Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard.
4. **Bond Required.** The applicant shall post with the City a penal bond in the minimum amount of five thousand dollars (\$5,000.00) and in a maximum amount of fifteen thousand dollars (\$15,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. The amount of the bond shall be determined by the City Manager, depending upon the size and complication of the proposed project.
5. **Insurance Required.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. **Restoration of Public Property.** Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

(Code of Iowa, Sec. 364.12[2c])

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2e])

135.12 DUMPING OF SNOW.

1. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, driveways, parking lots or alleys onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein.

2. Any business, whether retail or wholesale, abutting on or located within the business district described below may place ice and snow from sidewalks along the curb of the abutting street for removal by the City. Snow and ice from private property, parking lots, driveways, and alleys will not be permitted to be placed onto a street. Any other removal of snow or ice accumulations by the City shall be at the expense of the owner, tenant or person in charge of the business.

Commencing at the intersection of Second Street NW and Second Avenue NW, thence easterly extending to the intersection of Second Street NE and Sixth Avenue NE, thence southerly to the intersection of Sixth Avenue SE and Second Street SE, thence westerly to the intersection of Second Street SW and Second Avenue SW, thence northerly to the intersection of Second Avenue NW and Second Street NW.

(Ord. 2011-418 – Dec. 11 Supp.)