

ORDINANCE NO. 1062

AN ORDINANCE AMENDING TITLE 11, REPEALING  
CHAPTER 11.20 AND RE-ENACTING CHAPTER  
11.20, STREETS AND SIDEWALKS, OF THE  
GOLDEN REVISED ORDINANCES OF 1965

WHEREAS, the City maintains city streets, rights-of way, and alleys; and

WHEREAS, the City is concerned that street cuts be repaired in a quality manner.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Chapter 11.20 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 11.20

Cuts and Openings

- 11.20.005 Permit Required
- 11.20.010 Permit and Fees
- 11.20.015 Performance Bond
- 11.20.020 Manner of Making Cuts
- 11.20.025 Manner of Backfilling and Maintaining Excavations
- 11.20.030 Temporary Street Surface Repairs
- 11.20.035 Graveled Street Surface Repairs
- 11.20.040 Permanent Street Surface Repairs
- 11.20.045 Public Safety Considerations
- 11.20.050 Hold Harmless Clause
- 11.20.055 Insurance
- 11.20.060 Inspection
- 11.20.065 Additional Charge for Winter Cuts
- 11.20.070 New Streets Not to be Cut
- 11.20.075 Emergencies

11.20.005 Permit required. No cut or opening shall be made in any public street or alleyway of the City of Golden without first obtaining a written permit to make such cut or opening in said street or alleyway from the city engineer's office. This provision shall not be applicable to work performed by city personnel in pursuit of such duties as may be prescribed by the city manager. Issuance of a permit prior to the making of a cut may be waived with permission of the city engineer in those cases where the location and extent of the cut cannot be reasonably predetermined. Also such prior issuance of a permit may be waived in emergency circumstances requiring immediate action for the preservation of public health or safety. The foregoing

exceptions shall not relieve the permittee from procuring a cut permit as soon as practicable after having made the cut nor shall such exceptions exempt the permittee from compliance with other sections of this chapter.

11.20.010 Permits and Fees. There are hereby established the following permits and fees applicable to cuts and openings made in any public street, alleyway, curb, or sidewalk:

A. STREET CUT PERMIT. A "street cut permit" application shall contain the name of the person, firm or corporation desiring to make a cut or excavation in any public street, alleyway, curb or sidewalk, the anticipated date same is to be made, the anticipated date same is to be completed, the location thereof, the purpose thereof, the approximate size thereof, and the type of surface involved. The application when approved by the city engineer's office shall serve as the required permit. Each project shall require a separate permit.

B. STREET CUT PERMIT FEE. At the time a street cut permit is issued the permittee shall pay a permit fee of 1.15 x annual repair cost (in square yards) x the size of the street cut (in square yards), or \$50.00, whichever is greater. The Annual Repair Cost will be the cost of making an street cut repair as determined by competitive bid which will be completed by March 15 of each year. The Annual Repair Cost will be determined by the varying thickness of pavement. Pavement thickness selected will be consistent with the requirements of Section 11.20.040.

C. INCIDENTAL DAMAGE FEE. Damage to adjacent concrete curbs, gutters and sidewalks resulting from street cut projects shall be repaired to the satisfaction of the city engineer or the public works director. The city shall repair unsatisfactory incidental repairs and charge the permittee at the fair market value for such work as determined by the city engineer per square foot of concrete sidewalk repaired and per lineal foot of curb and gutter repaired.

11.20.015 Performance Bond. A street cut permit shall not be issued to any person, firm or corporation until said persons, firm or corporation shall have executed unto the city a bond meeting the following requirements:

A. BOND AMOUNT. The bond must be sufficient to guarantee the repair and resurfacing of excavations resulting from said permit applied for and all other street cut projects in process at the same time in the city by the same person, firm or corporation, pursuant to the following bond schedule:

Anticipated street cuts totaling one hundred square feet or less - one thousand dollar performance bond.

Anticipated street cuts totaling between one hundred and five hundred square feet - two thousand dollar performance bond.

Anticipated street cuts totaling five hundred square feet or more - two thousand dollar performance bond plus an additional one thousand dollar performance bond for each additional one hundred square feet of street cut.

B. BOND CONDITIONS. Such bond shall contain the condition that the obligators of such bond will pay to the city all costs, expenses and damages not exceeding the amount of such bond to which the city may be put or necessarily expend in restoring such public street or alleyway to the condition existing prior to the opening thereof should the permittee neglect, refuse or fail to complete excavating, opening, grading, repairing or filling in the street or alleyway for which such permit was obtained within the time limits stated in this chapter; or fail, neglect or refuse to make temporary street surface repairs in compliance with Section 11.20.030 herein. Such restoration must be to the satisfaction of the city engineer or the public works director. The bond shall contain the further conditions that the obligators shall hold the city harmless and free from all damages that may be recovered against and from the city by reason of any such excavation and that the obligators will immediately reimburse the city therefor. The bond shall run to the city and to any person injured by reason of failure of the obligators to comply with any of the provisions of the city ordinances or the laws of the state and for failure of such obligators to protect any person or any property from damage by reason of such excavations. Bonds shall be effective for a period of not less than one year from date of issue of the permit and shall be noncancellable.

11.20.020 Manner of making cuts. Asphaltic or concrete surfaced streets shall be scored and broken in straight lines, with square shoulders, along the entire periphery of the street cut by use of air or hydraulic actuated pavement breakers or pavement saws. Trenching machines or backhoes shall not be used on asphaltic paved streets without prescoring the pavement in its entire thickness. (This is necessary to avoid rupture of the adjacent asphaltic membrane by upward forces.) If adjacent asphaltic membrane is ruptured, for whatever reason, the irregular edges shall be cut in straight lines after backfilling has been completed to the top of subgrade.

11.20.025 Manner of backfilling and maintaining excavations. All excavations made in public streets and alleyways shall be carefully backfilled and compacted in such a manner that the density of the backfill material is not less than ninety-five percent of maximum according to ASTM D-698 and AASTHO T99. Backfill material should be pit run or crushed run rock with the following gradation:

<u>Sieve size</u>	<u>% Passing</u>
2 inch	100
No. 10	80
No. 200	0 to 15

Material passing a No. 40 sieve shall have a liquid limit less than 35 and a plastic index less than 6 when tested according to AASTHO T 89 and T-91, respectively. Native material may only be used when approved by the city engineer. Backfill shall be made to an elevation level with the top of surrounding undisturbed street surface.

The permittee shall be responsible for undue settlement for two years or until such time as the city resurfaces such road or alley.

11.20.030 Temporary street surface repairs. Unless permanent street surface repairs are made at the time backfill is completed, all excavations made within the driving surface of any public street or alleyway must be temporarily repaired by tamping or filling into place gravel material. Other type temporary patching material may be used if approved for the purpose by the city engineer's office. The permittee or his contractor will be responsible for having this temporary patch properly made before the job site is vacated. If the city has to make an emergency repair of permittee's temporary patch or make an original temporary patch for permittee's cut said permittee will be charged a penalty fee of double the amount which would normally be charged under the resurfacing fee schedules as set forth in Section 11.20.010.

11.20.035 Graveled street surface repairs. Before making any excavation in a graveled street, the gravel shall be bladed to one side. Upon completion of backfill and cleanup the gravel shall be bladed back in place. Additional gravel may be required by the public works director or the city engineer if necessary to return the street surface to its prior condition. Backfill materials and compaction of excavation shall be in compliance with Section 11.20.025 of this chapter.

11.20.040 Permanent Street Surface Repair. All permanent street surface repairs for all streets or alleyways shall be done by the city. Repairs shall be made in accordance with specifications included in the Annual Repair Bid. The thickness of the permanent street surface repair will be equal to the thickness of the undisturbed surface, or 4 inches, whichever is greater. Permanent street surface repair will be made after inspection and backfill. Contractor will notify the city within twenty-four hours of completing backfill.

11.20.045 Public Safety Considerations. Any excavation, even if completely backfilled, which has not received either a temporary or permanent surface repair shall be protected by barricades during daylight hours and with barricades and lights during night hours for the purpose of warning and protecting the public while the work is in progress. Should operating conditions require opening the full width of a street at one time, advance approval of plans for such excavation shall be obtained from the city engineer's office. Any other excavations shall maintain a minimum condition of one-way traffic during daylight hours and two-way traffic during night hours. BEFORE A STREET CUT PERMIT IS GRANTED PERMITTEE SHALL PROVIDE THE EXACT LOCATION OF BARRICADES, WARNING SIGNS AND THE TIME INTERVAL TRAFFIC WILL BE IMPEDED OR DETOURED. Except for bona fide emergencies, street cuts and excavations shall not be made on Saturdays, Sundays or legal holidays.

11.20.050 Hold harmless Clause. The permittee will hold harmless the city from liability for injury to persons or damage to property resulting from installation of his underground structures, or from failure to repair street surfaces as herein provided.

11.20.055 Insurance. The Contractor doing the street cut shall provide evidence of General Liability Insurance of the following limits before a street cut permit will be issued.

A. Bodily Injury

\$1,000,000 Each Occurrence  
\$1,000,000 Annual Aggregate, Products and  
Complete Operations

B. Property Damage

\$ 500,000 Each Occurrence  
\$1,000,000 Annual Aggregate or a combined single  
Limit of \$1,000,000

C. Personal Injury

\$1,000,000 Annual Aggregate

The City should be added to the contractor's policy as a named insured.

11.20.060 Inspection. Inspections will be required. The contractor is required to notify the City Public Works Department at least 24 hours prior to beginning backfill to request an inspection. A city inspector must be present prior to beginning backfill and backfill procedure should not begin without approval of the inspector.

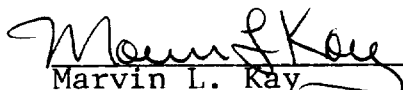
11.20.065 Additional Charge for Winter Cuts. Street cuts requested for non-emergency reasons after December 1 and before March 15 of each year shall be charged twice the normal permit fee.

11.20.070 New Streets Not to be Cut. City streets with a pavement surface less than one year will not be cut except for emergency reasons.

11.20.075 Emergencies. Emergencies include: Broken or blocked water and sewer mains, gas mains, water service lines, and sewer service lines, cut or defective electric, telephone, cable television lines, and traffic signal control lines, and other situations as determined by the Public Works Director.

Introduced, read and ordered published this 27th day of April, 1989.

Adopted, approved and ordered published this 11th day of May, 1989.

  
Marvin L. Kay  
Mayor

ATTEST:

*Susan M. Brooks*  
Susan M. Brooks  
City Clerk

Approved as to form:

BRADLEY, CAMPBELL, CARNEY  
& MADSEN

*James J. Nolan*  
James J. Nolan  
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 27th day of April, 1989, and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 11th day of May, 1989, the said proposed ordinance was read on second reading and passed by the City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 15th day of May, 1989.

(SEAL)

Attest: *Susan M. Brooks*  
Susan M. Brooks, City Clerk  
of the City of Golden, Colorado