

TOWN OF MINTURN

STREET CUT / EXCAVATION PERMIT
APPLICATION

PO BOX 309
MINTURN, CO 81645
(p) 970.827.5645 (f)970.827.5545

DATE: _____

APPLICANT:	
MAILING ADDRESS:	
PHONE #	
LOCATION OF PROPOSED WORK:	
DESCRIBE THE NATURE OF THE WORK TO BE PERFORMED:	
CONTRACTOR:	
CONTRACTOR PHONE #	MAILING ADDRESS:
EQUIPMENT TO BE USED:	

DATE WORK WILL BEGIN: _____
 COMPLETION DATE: _____ (DATE THAT THE SURFACE WILL BE RESTORED)
 NUMBER OF STREET OPENINGS: _____
 NUMBER OF UTILITIES ASSOCIATED WITH THIS PROJECT: _____ (1 INCLUDED IN PERMIT FEE. \$50 FOR EACH ADDITIONAL)
 BASIC PERMIT FEE: \$75.00
 ADDITIONAL FEES: _____ (\$50 FOR EACH ADDITIONAL UTILITY)
 TOTAL PERMIT FEE: _____
 DATE RECEIVED: _____ BY: _____

***** **CALL 811 FOR UTILITY LOCATES BEFORE YOU DIG!** *****

THIS APPLICATION DOES NOT AUTHORIZE THE APPLICANT TO MAKE, CAUSE OR PERMIT TO BE MADE ANY EXCAVATION OR OPENING IN OR UNDER THE SURFACE OF ANY STREET, ALLEY, SIDEWALK, ROAD OR OTHER PUBLIC PLACE WITHIN THE TOWN UNTIL SUCH TIME AS THE TOWN OF MINTURN HAS ISSUED A NOTICE TO PROCEED.

ALL WORK AUTHORIZED UNDER A STREET CUT / EXCAVATION PERMIT MUST CONFORM TO THE REGULATIONS OUTLINED IN CHAPTER 11 OF THE MINTURN MUNICIPAL CODE (SEE ATTACHED). THIS INCLUDES TRAFFIC CONTROL, BACKFILLING AND THE RESTORATION OF THE SURFACE.

THE APPLICANT AGREES TO ALL REGULATIONS REGARDING STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS OUTLINED IN CHAPTER 11 OF THE MINTURN MUNICIPAL CODE. THE APPLICANT AGREES TO HOLD THE TOWN, ITS OFFICERS AND EMPLOYEES HARMLESS FROM ANY AND ALL COSTS, DAMAGES AND LIABILITIES WHICH MAY ACCRUE OR CLAIMED TO HAVE ACCRUED BY REASON OF ANY WORK PERFORMED UNDER A PERMIT ISSUED BY THE TOWN OF MINTURN.

APPLICANT
SIGNATURE: _____ **DATE** _____

FOR TOWN USE ONLY

PUBLIC WORKS SIGNATURE: _____ **DATE** _____

NOTICE TO PROCEED ISSUED: _____ (DATE)

ARTICLE 2

Excavations

Sec. 11-2-10. Permit required.

It is unlawful for any person, other than an officer or employee of the Town in the course of his or her employment, to make, cause or permit to be made any excavation or opening in or under the surface of any street, alley, sidewalk, road or other public place within the Town without first obtaining a permit therefore, or to make any such excavation in any manner which does not comply with the permit issued therefore. Each and every opening in a block of a street or sidewalk, as defined above, shall be considered an excavation, and each lateral from each original opening shall be considered an additional excavation for the purposes of this Article. (Prior code 11-21)

Sec. 11-2-20. Permit application.

Any person desiring a permit to excavate in any street, alley, sidewalk or road area shall make application therefore to the Public Works Director upon forms furnished for that purpose. Such application shall state the exact nature and location of the proposed work and the time required for its completion. No permit shall be issued except on order of the Town Administrator. (Prior code 11-22; Ord. 3-1996 §1; Ord. 7-2007 §1; Ord. 15-2008 §1)

Sec. 11-2-30. General regulations.

(a) The opening which may be made in a street at any one (1) time shall be no greater than will permit the reasonable use of such street by the public and will not cause substantial hazards in said use.

(b) All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

(c) Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.

(d) Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, a precise survey reference point or a permanent survey bench mark within the Town shall not be removed, disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Public Works Director. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

(e) When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Public Works Director.

(f) All excess excavated material shall be removed from the site by the permittee after the work has been completed. When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street within four (4) hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Public Works Director shall cause such removal and the cost incurred shall be paid by the permittee.

(g) Every permittee shall provide adequate warning lights for each opening during the night. Every permittee shall provide a suitable barricade for each opening. Additional safety regulations may be prescribed by the Public Works Director. Whenever any person fails to provide or maintain adequate safety devices, such devices may be installed and maintained by the Town and the amount of the cost thereof shall be paid by the holder of the permit. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with this Subsection.

(h) Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

(i) Excavated materials shall be laid compactly along the side of the trench in a manner so as to cause as little inconvenience as possible to public travel. In order to expedite flow of traffic or to abate a dirt or dust nuisance, the Public Works Director may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Public Works Director.

(j) Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the permittee obtains written consent from the Building Official to do the work earlier or later than the stated hours or on a weekend. Except in the case of an emergency, no permit authorized in this Article shall be issued so as to allow a street opening or pavement cut between October 15 and April 15.

(k) In granting any permit, the Public Works Director may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to, the following:

- (1) Restrictions as to the size and type of equipment;
- (2) Designation of routes upon which materials may be transported;
- (3) The place and manner of disposal of excavated materials;
- (4) Requirements as to the cleaning of streets, prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof;
- (5) Regulations as to the use of streets in the course of the work; and
- (6) Minimum depth of any service line shall be eighteen (18) inches below grade.

(l) Backhoes, cranes or other heavy equipment with outriggers must be equipped with rubber pads on the outrigger before it is allowed to dig on said street or public right-of-way. Special provisions can be made by the Public Works Director in the event of emergencies or where special circumstances exist. (Prior code 11-23)

Sec. 11-2-40. Backfilling.

All pavement cuts, openings and excavations shall be backfilled, surfaced and restored, as follows:

(1) Backfilling under paved streets shall be made in accordance with the following specifications:

a. Materials. Materials shall be granular, consisting essentially of sand, gravel, rock, slag, disintegrated granite or a combination of such materials. It shall be a well-graded mixture containing sufficient soil mortar, crusher dust or other binding material which, when placed and compacted, will result in a firm, stable foundation. Material composed of uniformly sized particles or which contains pockets of excessively fine or excessively coarse material will not be acceptable. The material shall meet the following gradation:

<i>Sieve Designation</i>	<i>Percent by Weight Passing</i>
2½-inch	100
2-inch	95—100
No. 4	30—60
No. 200	5—15

All material passing the No. 40 sieve shall have a liquid limit of not over thirty-five (35) and a plasticity index of not over six (6). Test for liquid limit and plasticity index shall be in accordance with A.A.S.H.O. designations T-89 and T-91, respectively.

b. Construction methods. The material shall be deposited in layers not exceeding eight (8) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety percent (90%) of theoretical density as determined by A.A.S.H.O. Method T-99. Field density shall be determined by A.A.S.H.O. Method T-147.

(2) Backfilling of unpaved streets shall be made in accordance with the following specifications:

a. Materials. The bottom six (6) inches and the top twelve (12) inches of backfill shall be the same type of material specified in Subparagraph (1)a above. The excavated material may be used for the remainder of the backfill, provided that no materials greater than six (6) inches in diameter shall be used for backfill.

b. Construction methods. The material shall be deposited in layers not exceeding eighteen (18) inches in thickness prior to compacting. Each layer shall be compacted with suitable mechanical tamping equipment. It shall be compacted sufficiently to obtain a field density which is at least ninety percent (90%) of theoretical density as determined by A.A.S.H.O. Method T-99. Field density shall be determined by A.A.S.H.O. Method T-147.

(3) Excavations in unpaved public places not used as vehicular ways may be backfilled with earth and shall be compacted in lifts not to exceed eighteen (18) inches in depth by loose measurement in a manner set forth by the Public Works Director. All landscaped areas shall be returned to their original condition. (Prior code 11-24; Ord. 15-2008 §1)

Sec. 11-2-50. Restoration of surface.

(a) The cut and restoration of oil and chip surfaces shall be made in the following manner:

(1) The initial pavement cut shall be made a minimum of one (1) foot wider than the trench on all sides of the trench, a minimum of three (3) feet wide, and the cut in the paving shall be made with a power circular saw or cutter.

(2) The oil and chip surface shall match the quality and appearance of the existing surface surrounding the excavation, and shall be sealed with a chemical as approved by the Public Works Director.

(b) If the Public Works Director finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street, where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, the permittee shall be required to pay the cost of resurfacing. The cost of resurfacing shall be charged on a time and materials basis and payment shall be made prior to the issuance of any other permit.

(c) If any settlement in a restored area occurs within a period of two (2) years from the date of completion of the permanent restoration, any expense incurred by the Town in correcting such settlement shall be paid by the permittee, unless proof is submitted by the permittee satisfactory to the Public Works Director that the settlement was not due to defective backfilling. Failure to backfill property may be grounds for revocation of the permittee's contractor's license.

(d) Upon approval by the Town Council, the Town may exercise the option of repairing street cuts and making backfills for the permittee, and requiring the permittee to pay the Town for said cost of restoration in an amount computed by the Public Works Director in accordance with the rates set forth in Section 11-2-60. (Prior code 11-25; Ord. 15-2008 §1)

Sec. 11-2-60. Fees.

(a) Upon receipt of a properly completed application, the Public Works Director shall determine the amount of the fee which shall be paid by the holder of any permit under this Article, which fee shall cover the cost of restoring the street involved in such work. The fees to be charged for permits shall be as follows:

(1) For replacement of paving with oil and chip surface, shall be as established by resolution of the Town Council;

(2) Permit fee for dirt cuts, shall be as established by resolution of the Town Council;

(3) Backfilling, if done by the Town, shall be charged time and material to the permittee;

(4) Saw cuts done by the Town, shall be as established by resolution of the Town Council; and

(5) Any rework done by the Town shall be charged at time and material.

(b) The fee shall be in the form of a certified treasurer's or cashier's check, cash or other, if approved by the Town Clerk.

(c) If any fee is less than sufficient to pay all costs, the holder of any permit shall, upon demand, pay to the Town an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Town may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

(d) Whenever any person or company anticipates more than five (5) street openings or excavations per year, such person may post a single deposit for the entire year or part thereof to cover the cost of any and all such work. The amount of such deposit shall be determined by the Town Council. (Prior code 11-26; Ord. 15-2008 §1)

Sec. 11-2-70. Contractor's license required.

No contractor as defined in Chapter 6 of this Code shall be issued a permit under this Article without first obtaining a Town contractor's license from the Town pursuant to Chapter 6. (Prior code 11-27)

Sec. 11-2-80. Maps of underground facilities.

(a) By March 1 of each year, every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the Town, to or from its inhabitants, or for any other purpose, shall file with the Public Works Director a corrected map or set of maps, drawn to the designated scale, showing such installations, including all such installations made during the previous year; provided, however, that if no further installations have been made during the previous year, there may be filed with the Public Works Director a written statement to that effect.

(b) The owner agrees upon reasonable notice from the Town or any permittee to accurately locate its installations upon the ground as shown on said maps. (Prior code 11-28; Ord. 7-2007 §2; Ord. 15-2008 §1)