

CHAPTER 8 – PUBLIC WORKS

8.00 (MANAGER OF THE DEPARTMENT OF PUBLIC WORKS)

There is hereby created the position of Manager of the Department of Public Works. Said individual or individuals that are so appointed to this position are hereby directed and empowered to manage the day-to-day operations of the Street Department, Water Utility and Wastewater Utility, and to undertake the direction and supervision of the workforce within said combined departments. Further, said position may be assigned to one or more persons at the direction of the Common Council by a two-thirds (2/3rds) vote. Further, and notwithstanding section 1.06 of the Municipal Code of the City of Prairie du Chien, the individual or individuals so appointed to the position of Manager of the Department of Public Works shall not be required to comply with the provisions of section 1.06 of the Municipal Code of the City of Prairie du Chien. Said waiver from the residency provision of section 1.06 of the Municipal Code of the City of Prairie du Chien shall apply only to the initial individual or individuals appointed to the position of Manager of the Department of Public Works. Further, and notwithstanding section 1.05 (4) of the Municipal Code of the City of Prairie du Chien, the individual or individuals so appointed to the position of Manager of the Department of Public Works shall not be required to serve a six (6) month probationary period as required by section 1.05(4) of the Municipal Code of the City of Prairie du Chien. Said waiver from the probationary period requirement of section 1.05(4) of the Municipal Code of the City of Prairie du Chien shall apply only to the initial individual or individuals appointed to the position of Manager of the Department of Public Works. **(HISTORY: Amended by Ordinance 2008-02, approved June 18th 2008.)**

8.01 (OFFICIAL MAP)

- (1) ADOPTED. The Official Map of the City is dated January 1, 1985 and is hereby adopted by reference. The Official Map shall be kept in the office of the Building Inspector.
- (2) AMENDMENTS TO OFFICIAL MAP:
- (3) ANNEXATIONS TO CITY:

8.02 (STREET GRADES)

- (1) ESTABLISHMENT. The grade of all streets and alleys shall be established by the Council and recorded by the Clerk-Treasurer in his office. No street or alley shall be worked until the grade thereof is established.
- (2) ALTERATIONS OF GRADE PROHIBITED. No person shall alter the grade of any street, alley or public ground or any part thereof in the City unless authorized or instructed to do so by the Council or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer.

8.03 (STREET AND SIDEWALK EXCAVATIONS AND OPENINGS)

- (1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Director of Public Works, make any opening in any street, alley, sidewalk or any public way within the City. No permit shall be granted when the ground is frozen unless the Director determines such opening is necessary.
- (2) APPLICATION. Any person desiring to make any excavation or opening as aforesaid shall make applications for permission therefore, in writing, addressed to the Director of Public Works, stating the location of the excavation or opening to be made, the size of the same, the purpose for which the same is to be made and the length of time for which the excavation or opening is to remain in existence. Said application shall be filed with the City Clerk and shall be accompanied by a cash deposit of \$500.00 which shall be paid to the City Treasurer and his receipt issued therefore. Thereupon, and being satisfied that this section will be complied with the Director of Public Works shall approve the application. In addition there shall be charged hereunder a \$10.00 permit fee.
- (3) USE OF DEPOSIT. Said deposit of \$500.00 shall be made as a guaranty that said excavation or

opening will be made in accordance with this section and that the street or public way in which said excavation or opening shall be made shall be placed in the same state of repair and with the same type of surfacing materials as it was prior to the excavating thereof. The repair of such street shall be made by the person excavating or opening the same under the direction of the Director of Public Works, and upon obtaining a statement from him that said street or public way has been repaired to his satisfaction, said deposit shall be refunded by the City Treasurer to the person making the same. If such street is not repaired within one (1) year after making of such excavation or opening, the Director of Public Works shall make such repairs and pay the expense of the same out of said \$500.00 deposit refunding the balance, if any, remaining after such repairs have been completed to the person making the same. If the cost of repair exceeds the deposit the property owner shall forthwith upon notification pay such cost to the City Treasurer and if he fails to do so such amount shall be levied as a special tax against the benefited property. **(HISTORY: Amended by Ordinance 91-22, approved on October 29th 1991.)**

(4) **INSURANCE.** A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(5) **REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC.** Every permittee shall enclose each opening which he may make in the streets or public ways of the City with barricades and barricade lights in accordance with Part 6 of the United States Department of Transportation Federal Highway Administration Manual during the period the excavation is open and until the street or sidewalk is restored and made passable for vehicular and pedestrian traffic. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Except by written permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work.

(6) **EXCAVATION, REFILLING AND REPAVING REQUIREMENTS.** The permittee shall comply with all Board of Public Works rules and regulations governing excavation, refilling and repaving. The permittee shall make a determination whether or not sheathing and bracing shall be required. The permittee shall notify the Director of Public Works when repaving has been completed.

(7) **PLUMBING PERMIT REQUIRED.** See Ch. 14 of this Code.

(8) **EMERGENCY EXCAVATIONS AUTHORIZED.** In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day.

(9) **CITY WORK EXCLUDED.** The provisions of this section shall not apply to excavation work done under the supervision of the City Engineer or Director of Public Works by City employees or contractors performing work under contract with the City necessitating excavations in City streets.

(10) **ADDITIONAL EXEMPTION FROM ORDINANCE.** Any person, firm, corporation or entity which holds a license or franchise from the City of Prairie du Chien under which excavations in streets, alleys, avenues and public grounds are granted or permitted shall be exempt from the provisions of this Ordinance. **(HISTORY: Amended by Ordinance 96-19, approved on November 12th 1996.)**

8.04 (PUBLIC WORK TO BE DONE WITHOUT BIDS)

The following public work, irrespective of the estimated cost thereof, may be done directly by the City by its own forces without submitting the same for bids:

(1) The construction and laying of all additions or extensions to the existing sanitary sewer and water systems of the City.

- (2) The construction of all permanent concrete curb and gutter, not exceeding 3,000 linear feet per project or job.
- (3) The surfacing and improving of all streets or parts of streets in the City with bituminous macadam surfacing.

8.05 (OBSTRUCTIONS AND ENCROACHMENTS)

(1) **PROHIBITED.** Except as set forth in Paragraph (2) below, no person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he/she is the owner or occupant, nor shall any person place or allow to be placed leaves or grass clippings onto or into any street, gutter or storm sewer.

(2) **EXCEPTIONS.** The prohibition of sub. (1) above shall not apply to the following:

- (a) Public utility encroachments duly authorized by State law or the Common Council.
- (b) Temporary encroachments or obstructions authorized by permit granted pursuant to 66.045, Wis. Stats.
- (c) Excavations and openings permitted under sec. 8.03 of this chapter.
- (d) On premises signs approved by the Design Committee of PDRI and the Design and Preservation Commission of the City and located within the following boundaries: Bounded on the North by Louis Street extended West to its intersection of the Marais de Saint Feriole and East to its intersection with Illinois Street, on the South by Wisconsin Street from Illinois Street to its intersection with the Marais de Saint Feriole, on the West by the Marais de Saint Feriole from Wisconsin Street to the Westerly extension of Louis Street, and on the East by Illinois Street.

(HISTORY: Amended by Ordinance 93-01, approved on February 2nd 1993; by Ordinance 93-05, approved on June 1st 1993; and by Ordinance 2007-07, approved on May 1st 2007.)

8.055 (INTERSECTION VISIBILITY REQUIREMENTS)

(1) At all intersections of streets or alleys, no fence, hedge, wall, sign or other structure shall be erected, placed, planted or allowed to grow in such a manner as to impede more than fifteen percent (15%) of the vision area between a height of two and one-half feet (2½) feet and ten (10) feet above the established curb level of the intersection of streets or alleys in the area bounded by the street lines (curbs) and a line joining points along said street lines twenty-five (25) feet from the point of intersection. Further, in the case of a street intersecting with a State highway or railway right of way the corner cutoff distance establishing the triangular vision clearance space shall be increased to fifty (50) feet. **(HISTORY: Amended by Ordinance 2009-06, approved on September 1st 2009.)**

8.056 (PENALTIES)

(1) Notice shall be given to any landowner alleged to be in violation of the requirements of this Ordinance by the City of Prairie du Chien Police Department. Any landowner who has not within ten (10) days of receipt of said notice remedied the alleged violation in conformity herewith shall be subject to a fine of \$75.00 per day for each day, after expiration of the ten (10) day notice, the violation is allowed to exist. In addition, the City shall be allowed to petition the Crawford County Circuit Court for an order allowing entry on to the premises in question for the purpose of removal of the obstruction(s). In the event the City is required to remove any obstruction, the cost of same shall be charged to the landowner and if not paid within thirty (30) days, the City shall be allowed to charge said costs as a lien against real property and collect same at the time real estate taxes are paid. The authority granted by this Ordinance shall exist in conformity with Section 4.0 of Chapter 17 of the Municipal Code of the City of Prairie du Chien and in the event of alleged violation, the City may seek remedy under either this Ordinance or Section 4.0 of Chapter 17 of the Municipal Code of the City of Prairie du Chien. **(HISTORY: Amended by Ordinance 2009-06, approved on September 1st 2009.)**

8.06 (SALE OR DISPLAY OF MERCHANDISE PROHIBITED)

Except for sales permitted by Statute or other sections of this Code, no person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the City, anything of value or service of any kind, except in connection with a City-wide enterprise or promotion of community trade approved by the Council.

8.07 (SNOW AND ICE REMOVAL)

(1) The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the City fronting or abutting any street shall clean, or cause to be cleaned, the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be, of snow or ice to the width of such sidewalk by noon of each day and shall cause the same to be kept clear of ice and snow, provided when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust or sand, and provided also that if snow shall continue to fall during and after noon, it shall be removed within 12 hours of daylight after it shall cease to fall. If such snow and ice is not removed, as required hereunder, the Director of Public Works shall cause such to be removed and the cost charged to the abutting property as charge for current services, as provided in 66.60(16), Wis. Stats.

(2) SNOW NOT TO BE PLACED ONTO TRAVELED PORTION OF ROADWAY. Except as set forth below no owner, occupant or person in charge of each and every building or structure or unoccupied lot in the City of Prairie du Chien fronting or abutting any street shall cause snow, ice or slush to be deposited or placed on the traveled portion of any roadway.

(3) EXCEPTIONS. The prohibition set forth in 8.07(2) above shall not apply to the owner, occupant or person in charge of each and every building or structure or unoccupied lot in the City of Prairie du Chien fronting or abutting any street within the following described areas:

(4) PENALTY. Any person, owner or occupant violating this Ordinance shall be subject to penalties as set forth in Chapter 24 of the Municipal Code of the City of Prairie du Chien.

(HISTORY: Repealed and Recreated by Ordinance 93-02, approved on February 2nd 1993.)

8.08 (UTILITY EXTENSIONS REQUIRED)

All utilities and sewer mains and service laterals to the abutting property shall be installed before any street is permanently surfaced or resurfaced.

8.09 (PUBLIC IMPROVEMENTS AND ASSESSMENTS)

(1) GENERAL APPLICATION.

(a) The installation of any public improvement shall be an exercise of the police power of the City, as may, from time to time, be determined by the Council, and the property served shall be assessed pursuant to the provisions of 66.60 and 66.62, Wis. Stats.

(b) The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(c) The total assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal frontage basis unless the Council otherwise determines that extenuating circumstances require a different method of assessment.

(2) SEWER AND WATER MAINS.

(a) All sewer and water main extensions shall be levied at 100% of the total cost of construction.

(3) STREETS.

(a) Streets shall be constructed by the City in accordance with specifications established by the Board of Public Works.

(b) Special assessments for all new streets hereinafter constructed shall be levied at 100% of the total cost of construction. The cost of maintaining and resurfacing existing streets shall be borne by the City.

(4) CURB AND GUTTER.

(a) Curb and gutter shall be installed in accordance with specifications established by the Board of Public Works.

(b) Special assessment for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be borne by the City.

(5) SIDEWALKS.

(a) Sidewalk Standards. The sidewalk shall be located in such places and at such grades as designated by the Council and shall be constructed in accordance with standards established by the Board of Public Works.

(b) New Sidewalks. Special assessments for all new sidewalks in new developments within a commercial district shall be levied at 100% of the total cost.

(c) Sidewalk Repair or Replacement. Pursuant to 66.615, Wis. Stats., the Board of Public Works may order property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of 20 days after service of the notice provided in 66.615(3)(c), Wis. Stats., the Board of Public Works shall repair or construct such sidewalk and the Clerk-Treasurer shall enter the total cost thereof upon the tax roll as special tax against said lot or parcel of land.

8.10 (DRIVEWAYS)

(1) PERMIT REQUIRED. No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway permit from the Zoning Administrator. The applicant for a driveway permit shall file the application with the Zoning Administrator and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway.

(2) FEE. The fee for driveway permits is \$5 each and shall accompany the application.

(3) SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.

(a) Width. No driveway shall exceed 20 feet in width at the outer or street edge of the sidewalk unless approved by the Board of Public Works.

(b) Interference With Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Board of Public Works for effective traffic control or for highway signs or signals. All applications providing for location of a driveway within 50 feet of an intersection in residential districts and 150 feet in commercial and industrial districts shall be submitted to the Board of Public Works. The Board shall approve or disapprove granting the permit upon determining whether or not such driveway would be detrimental to traffic control and safety.

(c) Interference With Street Prohibited. No driveway apron shall be constructed for any residential lot or premises without the approval of the Board of Public Works.

(d) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in sec. 8.09(5) of this chapter. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike

manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

8.11 (SPECIAL ASSESSMENT PROCEDURE)

(1) **ALTERNATIVE METHOD SELECTED.** As provided in 66.62, Wis. Stats., in addition to other methods provided by law, special assessments for any public work and improvement may be levied by alternate methods. The Council hereby elects to levy such special assessments as provided in this section.

(2) **PRELIMINARY RESOLUTION.** Whenever the Council shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(g) The City Engineer shall prepare a report as required by sub. (3) below.

(3) **REPORT OF CITY ENGINEER.** Whenever the Council, by preliminary resolution, directs the City Engineer to prepare a report, the City Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public work.

(b) An estimate of the entire cost of the proposed work or improvements, except that when the Council determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.

(c) A schedule of the proposed assessments.

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit.

(e) Upon completion of the report, the City Engineer shall file a copy of the report with the Clerk-Treasurer.

(4) **INCORPORATION OF STATUTORY PROVISIONS.** The provisions of 66.60, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) **LIEN.** Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining the amount of such levy.

8.12 (MOVING BUILDING)

(1) **PERMIT REQUIRED.** No person shall move any building into or within the City without a permit from the Building Inspector upon 5 days' notice.

(2) **APPLICATION.** Application for a permit shall be made on forms provided by the Building Inspector.

(3) PERMIT FEE. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$25. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$5. Such fees shall not include the fee for a building permit to rebuild or alter the building upon its new location within the City.

(4) BOND REQUIRED. Before a permit is issued, the mover must give a bond in the amount of \$10,000 with good and sufficient sureties to be approved by the City Attorney conditioned that the mover shall save the City harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for extenuating circumstances.

(5) INSURANCE REQUIRED. Before a moving permit shall be issued, the applicant shall submit to the Clerk-Treasurer a certificate of insurance evidencing the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(6) POLICE ESCORT SERVICE. The Police Department shall provide escort service at the request of the building mover. The first hour of escort service shall be provided without charge and each hour or fraction thereof thereafter shall be billed at the rate of \$25 per hour per officer. The estimated amount of the escort fee shall be paid with the permit fee.

(7) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner and/or mover shall certify that he has notified all public utilities whose liens or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.

(8) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every person receiving a permit to move a building shall, within one day after reaching its destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Director, the City shall thereafter to the satisfaction of the Director, the City shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

8.13 (STREET NUMBERING SYSTEM ESTABLISHED)

(1) STREET NUMBERING MAP. All lots and parts of lots in the City shall be numbered in accordance with the Street Numbering Map on file in the office of the Clerk-Treasurer. All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on said Map.

(2) NUMBERING REQUIRED.

(a) Existing Buildings. The owner of every house, dwelling and business establishment in the City shall cause to be designated on or attached to such structure within 5 feet of its front entrance or directly above the garage door of a garage which is attached to or a part of the main structure, and which faces the street upon which such structure is located and to which such numbering pertains, figures or words indicating the street number of such structure, and shall maintain such numbering in a good state of repair and attached to said structure.

(b) New Building. Within 20 days of completion, the builder or owner of every new dwelling or business establishment in the City shall designate on or attaches to such structure a street number in the manner set forth in par. (a) above.

(3) NUMBER STANDARDS. The figures or words which shall be used to indicate the number of a structure shall be no less than 3 inches in height, shall be clearly distinguishable from and of contrasting color to the color and surface of the underlying structure, and shall be clearly readable from a distance of 50 feet.

8.14 (TREE PLANTING AND CARE)

(1) **TREES TO BE KEPT TRIMMED.** Trees standing in and upon any public street or place or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or occupant of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed, as herein provided, shall be deemed hazardous.

(2) **HAZARDOUS AND INFECTED TREES.** Any tree or part thereof, whether alive or dead, which the City Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the City, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Forester shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken which shall be within not less than 24 hours nor more than 14 days, as determined by the Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Forester shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Clerk-Treasurer who shall thereupon enter such cost as a special charge against the property, as provided in 66.60 (16), Wis. Stats.

(3) **PLANTING OF CERTAIN TREES RESTRICTED.** No person shall hereafter plant any tree in or upon any public street, parkway, boulevard or other public place within the City unless he shall first secure written permission from the City Forester, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system or public utility. The Forester shall cause the removal of any tree planted in violation of this section.

8.15 (PENALTY)

The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

8.16 (STREET OPENINGS)

(1) **PERMIT REQUIRED.** No person shall make any excavation or opening in any street or public way beyond the lot line in the City unless permission so to do shall have first been granted by the Director of Public Works in the manner hereinafter set forth in this section.

(2) **APPLICATION.** Any person desiring to make any excavation or opening as aforesaid shall make applications for permission therefore, in writing, addressed to the Director of Public Works, stating the location of the excavation or opening to be made, the size of the same, the purpose for which the same is to be made and the length of time for which the excavation or opening is to remain in existence. Said application shall be filed with the City Clerk and shall be accompanied by a cash deposit of \$500.00 which shall be paid to the City Treasurer and his receipt issued therefore. Thereupon, and being satisfied that this section will be complied with; the Director of Public Works shall approve the application.

(3) **USE OF DEPOSIT.** Said deposit of \$500.00 shall be made as a guaranty that said excavation or opening will be made in accordance with this section and that the street or public way in which said excavation or opening shall be made shall be placed in the same state of repair and with the same type of surfacing materials as it was prior to the excavating thereof. The repair of such street shall be made by the person excavating or opening the same under the direction of the Director of Public Works and

upon obtaining a statement from him that said street or public way has been repaired to his satisfaction said deposit shall be refunded by the City Treasurer to the person making the same. If such street is not repaired within 1 year after the making of such excavation or opening, the Director of Public Works shall make such repairs and pay the expense of the same out of said \$500.00 deposit refunding the balance, if any, remaining after such repairs have been completed to the person making the same. If the cost of repair exceeds the deposit the property owner shall forthwith upon notification pay such cost to the City Treasurer and if he fails to do so such amount shall be levied as a special tax against the benefited property. **(HISTORY: Amended by Ordinance 91-19, approved on October 1st 1991.)**