

ORDINANCE NUMBER 182

ARTICLE 48

SECTIONS:

- 13-48-1 CONTROL OF STREET EXCAVATIONS
- 13-48-2 APPLICATION FOR PERMIT FOR EXCAVATION
- 13-48-3 PERMISSION FOR EXCAVATING
- 13-48-4 REFILLING EXCAVATIONS, NONE PAVED STREETS
- 13-48-5 REFILLING EXCAVATIONS, PAVED STREETS
- 13-48-6 FAILURE TO PROPERLY REFILL
- 13-48-7 VIOLATION, PENALTY
- 13-48-8 REPEAL OF PRIOR ORDINANCES IN CONFLICT
- 13-48-9 WHEN OPERATIVE

An Ordinance of the City of Gothenburg, Nebraska, regulating street excavations within the corporate limits of the City of Gothenburg, Nebraska, repealing all prior ordinances in conflict herewith; providing the time when the ordinance shall be in full force and effect; and providing a penalty for the violation of the several provisions of this ordinance.

BE IT ORDAINED BY THE
MAYOR AND CITY COUNCIL
OF THE CITY OF GOTHENBURG,
NEBRASKA

- 13-48-1. CONTROL OF STREET EXCAVATION: No person or persons, firm or corporation shall cause to be made any excavation in the streets or alleys in the City of Gothenburg, Nebraska, without first obtaining written consent from the said City so to do.
- 13-48-2. APPLICATION FOR PERMIT FOR EXCAVATION: Any person or persons, firm or corporation desiring to so excavate, shall make application in writing to the Overseer of Streets for permission to so excavate; which application shall set forth the purpose of said excavation, the location thereof, the estimated time of commencing and closing said excavation and the person, firm or company to perform the actual excavating and closing thereof.
- 13-48-3. PERMISSION FOR EXCAVATING: The permission to so excavate shall be given by the said Overseer of Streets when the purpose of

said excavation is to install, construct or repair service lines and connections for all utilities, such as water, sewer, electricity, phone and natural gas, and the location of said proposed excavation shall be reasonable for the purpose described in the application for permission.

13-48-4. REFILLING EXCAVATIONS, NON-PAVED STREETS: Excavations made in graveled or paved streets and alleys shall be filled as soon as the construction or repair for which the excavation was made, is completed. The excavation shall be filled with suitable dirt, and not mud, and shall be tamped sufficiently so that hereafter there will be little or no settling.

13-48-5. REFILLING EXCAVATIONS, PAVED STREETS: Excavations made in paved streets or alleys shall be filled as soon as the construction or repair for which the excavation was made, is completed. The excavation shall be filled with suitable dirt and not mud, and tamped so that after tamping, the level of the dirt fill shall be even with the bottom of the paving of the street into which the excavation was made. The balance of said excavation shall be filled with a suitable concrete to the level of the surrounding paving. Said new concrete shall be screeded and the edges on the outside and at the expansion joints shall be edged. Where said excavation crossed expansion joints, or abutted on expansion joints, expansion joints shall be placed in the new replacement paving, and tarred, in locations and sizes corresponding with the original expansion joints in said paving.

13-48-6. FAILURE TO PROPERLY REFILL: Should any person or persons, firm or corporation, after so excavating a portion of any street, fail to refill the said excavation as provided by the provisions of this ordinance, said person or persons, firm or corporation shall cause said filling to be redone as may be directed by resolution of the Mayor and City Council provided that a copy of such resolution shall be served upon said persons or persons, firm or corporation

directing that such re-filling be redone within five (5) days of the service of such resolution. If such person or persons, firm or corporation shall fail or refuse to comply with the terms of said resolution, then the Mayor and City Council may cause said excavation to be refilled and shall recover the cost thereof by civil suit against said person or persons, firm or corporation in any court of competent jurisdiction.

13-48-7. VIOLATION, PENALTY: Any person or persons, firm or corporation, shall violate, disobey, omit, neglect or refuse to comply with any of the foregoing regulations, or who shall omit, neglect or refuse to comply with the resolution above referred to, shall upon the conviction thereof be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and shall stand committed to the City Jail, until such fine and costs be paid or otherwise discharged according to law.

13-48-8. REPEAL OF PRIOR ORDINANCES IN CONFLICT: All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

13-48-9. WHEN OPERATIVE: This ordinance shall be in full force and to the effect from and after its passage, approval and publication according to law.

Passed and approved this 6th day of April, 1965.

ATTEST:

Melba Ballman
City Clerk

L.R. Brand
Mayor