

ORDINANCE #66029
Board Bill No. 244

An ordinance pertaining to the excavation of public streets, sidewalks, and alleys; repealing Ordinance 54715, approved March 29, 1967; enacting a new ordinance covering the same subject matter; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Ordinance 54715 approved March 29, 1967, and presently codified as Sections 20.30.030, 20.30.040, 20.30.100, 20.30.110, and 20.30.120 of the Revised Code of the City of St. Louis is hereby repealed.

SECTION TWO. Five new Sections pertaining to the excavation of public streets, sidewalks, and alleys are hereby enacted and shall read as follows:

SECTION THREE. Deposit or bond.

Subject to the exceptions specified by ordinance, no excavation for any purpose whatever shall be made in a public street, sidewalk or alley without a permit from the Director of Streets. The permit may be for any purpose other than for the installation of a vehicular platform scale or railroad switch track. Applicants for all permits for excavations shall provide liability insurance in the amount of Three Hundred Thousand Dollars (\$300,000.00) saving the city harmless from all accidents and damages caused by any negligence in protecting their work or by any unlawful or inadequate work done by themselves or their employees. Applicants for permits for excavation less than twenty feet in length shall deposit with the treasurer a sum of money to be fixed by the Director of Streets to cover the entire expense of backfilling the pavement or surfacing material, or post a bond in the amount of Ten Thousand Dollars (\$10,000.00) conditioned that the applicant will indemnify the city for the entire cost of backfilling and repaving. Any applicant who is a bonded and licensed drainlayer or plumber, in accordance with the building code of the city, need not furnish additional bond, provided the existing bond provides that applicant will indemnify the city for the cost of backfilling and paving. If the cash deposit is insufficient, the permittee shall pay the deficiency to the treasurer within ten days after notice by mail. Failure to pay the deficiency shall be grounds for refusing further permits.

SECTION FOUR. Regulations.

Excavations in any street, sidewalk, alley or other public way shall not remain open unless work is progressing at a reasonable rate. The Director of Streets may, at his discretion and for good cause, grant an extension to the excavation permit allowing the excavation to remain open. If, in the opinion of the Director of Streets, any excavation work is not continuing at a reasonable rate, he shall cause the excavation to be backfilled and the cost thereof charged to the contractor holding the permit for the excavation. Provided first, that written notice be given to permittee and that twenty-four hours elapse since receipt of the notice. The notice shall be mailed to the address of the permittee as shown on the permit and notice shall be deemed received thirty-six hours after mailing.

SECTION FIVE. Refilling—Layers—Tamping.

Excavations in any street or alley shall be refilled immediately after the excavation project is completed. The excavation shall be refilled with earth or granular material in thin layers not exceeding a thickness determined by the Director of Streets. The refill material shall be firmly rammed with equipment approved by the Director of Streets until the excavation is filled up to the proper line for placing the pavement thereon.

SECTION SIX. Refilling—General regulations.

If the refilling is not done in compliance with the provisions of this chapter, then the Director of Streets may remove all the earth from the excavation and have the same refilled at the expense of the person who made the excavation, and charge the cost thereof against the deposit of money belonging to the aforesaid person. The street or alley pavement, after refilling, shall be placed in as good shape and condition as it was before the excavation was made. All deficiencies in material shall be made good with new material by the persons making the excavation. Backfilling may be done with chat or other material approved by the Director of Streets, at the option of the person making the excavation. All dirt or other substance remaining at or near any excavation after the refilling thereof, shall be removed from the site by or at the direction of the person making the excavation.

SECTION SEVEN. Refilling—Reasons for not granting a permit.

A contractor having a record of three or more deficient excavations, as determined by the Director of Streets, within a period of one year shall be refused any additional permits for a period not to exceed one year from the date of the determination of the last deficiency as defined, following a hearing before the Board of Public Service.

No contractor may subcontract, all or any portion of any work to be done concerning an excavation in a public street or alley, nor shall any contractor be permitted to obtain a permit under his/her name for use by another contractor or person without the approval of the Director of Streets.

For water or sewer repairs for which a plumbing permit is required by ordinance, the excavation permit will be issued only to the licenced plumber and/or drainlayer named on the plumbing permit. The plumbing permit must be presented prior to making application for, and the issuance of, the excavation permit.

Any contractor violating this provision shall not receive permits for an excavation in any public street or alley for a period not to exceed one year from a date established by the Board of Public Service, following a hearing.

SECTION EIGHT. EMERGENCY CLAUSE. This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: October 22, 2003