

ORDINANCE #2024-10

“An Ordinance Amending Chapter 135 Street Use and Maintenance of the Code of Ordinances of the City of Van Meter, Iowa by repealing and replacing Section 135.08 Excavations”

BE IT INACTED, by the City Council of the City of Van Meter, Iowa, that:

SECTION 1. Section 135.08 is repealed and replaced in Chapter 135 of the Code of Ordinances of the City of Van Meter, Iowa and reads as follows:

135.08 EXCAVATIONS.

No person shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. The City shall have a written application form approved by the City Administrator. A written application, on the City approved form, shall be filed with the City and shall contain the following:

A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate.

B. A statement of the purpose, for whom and by whom the excavation is to be made.

C. The person responsible for the refilling of said excavation and restoration of the street or alley surface.

D. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of \$1,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$1,000.00 may be filed with the City. Provisions for prior posting of bond for security may be satisfied by posting with the City a standing bond or security deposit in the minimum amount of \$5,000.00.

5. Insurance Required. The insurance to be maintained by the applicant shall be written as follows:

A. Worker's Compensation and Employers Liability Insurance as prescribed by Iowa law in minimum amounts shown below covering Employers Liability:

Bodily Injury by Accident \$500,000.00 each accident

Bodily Injury by Disease \$500,000.00 each accident

Bodily Injury by Disease \$500,000.00 policy limit

B. Commercial General Liability Insurance, combined single limits shown below, covering Bodily Injury, Property Damage and Personal Injury:

General Aggregate Limit \$2,000,000.00

Products – Completed Operations Aggregate Limit \$2,000,000.00

Personal and Advertising Injury Limit \$1,000,000.00

Each Occurrence Limit \$1,000,000.00

Fire Damage Limit (any one fire) \$50,000.00

Medical Damage Limit (any one person) \$ 5,000.00

C. The insurance must include the following features:

(1) Coverage for all premises and operations. The policy shall be endorsed to provide the aggregate per project endorsement.

(2) Personal and advertising injury.

(3) Operations by independent contractors.

(4) Contractual liability coverage.

(5) Coverage for property damage underground or damaged by explosion or collapse (XCU).

D. Automobile liability insurance, covering all owned, non-owned, hired and leased vehicles with a minimum combined single limit for Bodily Injury and Property Damage of \$1,000,000.00 per accident. Insurance must include contractual liability.

E. Umbrella/excess insurance. The limits specified may be satisfied with a combination of primary and umbrella/excess insurance.

F. Additional insured. The applicant shall include the City as additional insured on all policies except worker's compensation as respects all work performed for the jurisdiction.

G. Insurance certificates. Each policy noted above shall be issued by an insurance company authorized to write such insurance in the State of Iowa and shall be reasonably acceptable to the City. These insurance policies shall not be canceled without at least 10 days' prior written notice to the City. A properly executed certificate of insurance showing evidence of these insurance requirements shall be delivered to City prior to commencement of activity.

6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.

7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/property owner. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

11. Permit Fee. A permit fee of \$50.00 shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

13. Utility Companies. All provisions of this section shall apply to utility companies.

14. Application of Standard Specifications. The Council may by resolution adopt Standard Specifications for improvements and construction in the public right-of-way, which Standard Specifications shall apply to all excavations in any street, parking, or alley and shall supplement the provisions of this section.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability Clause. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part there of not adjudged invalid or unconstitutional.

SECTION 4. When Effective. This Ordinance shall in full force and effect from and after its passage and publication as provided by law for all services provided on and after February 12, 2024.

1st Reading – February 12, 2024

2nd Reading – Waived

3rd Reading - Waived


Passed by the City Council and approved the 12th day of February 2024.

DocuSigned by:

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Mayor

Attest:

DocuSigned by:

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City Clerk