Chapter 87

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[HISTORY: Adopted by the Board of Trustees (now Mayor and Town Council) of the Town of Frisco 9-18-79, Ord. 79-27. Section 87-23 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Nuisances—See Ch. 124.
Offenses—See Ch. 127.
Streets-See Ch. 155

EXCAVATIONS

§ 87-1. Permit Required; Exception. [Amended 3-19-02, Ord. 02-07]

It shall be unlawful for any person or business entity, other than a duly authorized town official or employee, to make, cause or permit to be made any excavation or opening for utility installation in or on any private property or under the surface or pavement of any street, alley, sidewalk or other public place within the limits of the Town of Frisco without first having obtained and having in force a permit therefor; provided, however, that in case of actual emergency it shall be lawful to make such excavation without a permit in order to repair utilities if a present danger to life or property exists. (See § 87-19, Emergencies.)

§ 87-2. Notification List. [Amended 2-21-89, Ord. 89-05; 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05]

The Public Works Office Manager of the Town of Frisco shall keep and maintain in the office a list with current addresses of all public and private entities who request notification of any excavation within the Town of Frisco. It shall be the duty of each such entity to furnish said name and address to the Public Works Office Manager.

§ 87-3. Applicability. [Amended 5-5-92, Ord. 92-11; 4-2-96, Ord. 96-07; 12-16-97, Ord. 97-25; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05]

The permit and other requirements of this Chapter shall apply to excavations on public easements and public right-of-ways, streets, alleys, sidewalks or other public places in town and on private property. The permit fee will be nonrefundable and bonding will be required. Permits issued for excavation for utility installations wholly contained within private property will not be required to be bonded.

§ 87-4. Permit Applications. [Amended 2-21-89, Ord. 89-05; 5-5-92, Ord. 92-11; 4-2-96, Ord. 96-07; 11-2-99, Ord. 99-16; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, 10-16]

Except for permits issued for excavation at a depth of three feet or less for shallow utility installations wholly contained within private property, excavation permits will be issued only on or after April 15 of each calendar year. All excavations must be completed and closed by October 31 of the calendar year in which the excavation permit was issued except excavations on wetlands and waterways where the Town Manager or his designee determines that excavation after October 31 is necessary to preserve the integrity of such wetlands. Except as otherwise expressly provided in this chapter, each and every application for an excavation permit shall be made in writing to the Public Works Office Manager and shall be made only by the person or entity that will actually perform the excavation work for which the permit is sought.

The permit application form is available at the office of the Public Works Office Manager and the applicant shall provide at least the following information:

A. The applicant's name, address and telephone number;

B. The date of application;

C. The location, size, width, length and depth of the proposed excavation;

D. The type of surface to be cut;

E. The purpose of the excavation;

F. The estimated time schedule, including the date the pavement will be broken, the date the excavation will be backfilled and the date of final repair; and

G. All streets, alleys, sidewalks and other public property which will be affected by the excavation.

All permits issued shall be kept and maintained by the applicant for two (2) years after the work is performed. Every applicant shall agree, in making the application for a permit, to be bound by all provisions of this chapter. All applications for a permit shall be accompanied by a set of plans showing in detail the location, size and kind of installation for the excavation.

§ 87- 4.1 Foundation Only Permits. [Added 12-16-97, Ord. 97-25; Repealed 3-19-02, Ord. 02-07]

§ 87-5. Fees and Bonds. [Amended 2-21-89, Ord. 89-05; 5-5-92, Ord. 92-11[1]; 4-2-96, Ord. 96-07; 12-16-97, Ord. 97-25; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

A. Upon application for an excavation permit for work on public property including but not limited to public easements, the permit applicant shall pay to the Town a permit fee in the sum of fifty dollars ($50) to cover the cost of administration, initial inspection, locates and final inspection. The permit fee for utility installation excavations wholly contained within private property is ten dollars ($10)

B. No permit to excavate in any street, alley, sidewalk or other public place within the town shall be issued unless the applicant therefor shall have paid to the Town the required fee and bond based on the following schedule and complied with the issuance requirements herein. A maintenance bond shall be posted

[1]Editor's Note: This ordinance also redesignated former § 87-5, Emergencies. as § 87-19 and renumbered §§ 87-6 through 87-19 as §§ 87-5 through 87-18, respectively.

with the office of the Public Works Office Manager in the following amounts:

1. Excavation maintenance bond.

    a. In dirt and gravel: twenty five ($25) per square yard or portion thereof.

    b. In asphalt: sixty dollars ($60) per square yard, or portion thereof [formula used: width times length in feet, divided by nine (9) times the fee equals the bond].

    c. In concrete: ninety dollars ($90) per square yard, or portion thereof [formula used: width times length in feet, divided by nine (9) times equals the bond].

C. Upon completion of the work, excavation backfill, pavement and cleanup in accordance with this chapter and upon inspection by the Town Manager or his designee and notice that all requirements have been met and subject to the provisions of this Paragraph C and Paragraph F, the holder of the permit shall be refunded, after a two-year warranty period, the full amount of the bond. The Permittee is required to restore any excavation on public rights-of-way to an acceptable condition and permanently repair such excavation within twenty (20) days of commencing the excavation. Prior to the permanent repair, permittee is required to maintain the excavated area. No asphalt/concrete cut shall be left without a permanent repair after October 31. In the event an asphalt/concrete cut is not repaired by October 31, the permittee shall forfeit the bond to the Town and the Town may perform the repair or cause the repair to be made.

D. All applicants shall submit with the application a certificate of insurance coverage verifying at least six hundred thousand dollars ($600,000) of personal injury and property damage coverage, if such work requires excavation or other construction activity within public rights-of-way or easements.

E. Other than as set forth herein, there shall be no additional fee for the permit. If the permit is denied, the fee shall not be refunded.

F. The Town Manager or his designee may at any time during the two (2) year warranty period for the work, excavation backfill, pavement, concrete or clean up, require the permittee to perform remedial work if the Town Manager or his designee finds the work, excavation backfill, pavement, concrete or cleanup to be in noncompliance with this chapter. In such instance, the Town Manager or his designee shall give written notice to the permit holder, sent by registered mail, to the address shown on the bond, as to the action required. The permittee shall complete the required action within fifteen (15) days of the date

of mailing of the written notice. If the required action is not completed by the fifteenth (15th) day after mailing of the written notice:

1. The Town Manager or his designee may initiate the required action; and

2. The Town is entitled to payment under the bond or any portion thereof and such payment shall be immediately made to the Town upon the request of the Manager or his designee.

The Town's right to demand payment under the bond shall not be limited by the fact that the required action for which the payment is demanded cannot, during the fifteen day cure period or at the time of payment, be practically completed due to adverse weather conditions or any other cause. The permittee shall be solely responsible for such repair or replacement and the Town shall not be required to make any demand of permittee's agents, employees, contractors or subcontractors with respect to such required action.

§ 87-6. Time and Area Limitations on Street Obstructions. [Amended 1-11-11, Ord. 10-16]

It shall be unlawful to obstruct more than the space of one (1) block and one (1) intersection at the same time in any one (1) street or to keep the same blocked for more than three (3) days. In the event of unforeseen extenuating circumstances, an applicant may apply for an extension of the three-day limitation and, after investigation of the extenuating circumstances, the Town Manager or his designee may grant such extension, provided that valid reasons and circumstances exist and justify the extension.

§ 87-7. Performance Requirements. [Amended 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

Any permittee making excavations by virtue of a permit issued under this chapter shall do work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and to occupants of neighboring property. In particular, the following requirements shall be followed:

A. Occupants of neighboring properties shall be notified by the permittee twenty-four (24) hours in advance of the work to be done. Such notice shall include the estimated time schedule and the extent of the work. Written notice shall also be given to all underground utility providers, including but not limited to providers of electric lines, telephone lines, gas lines, cable television/broadband internet service lines, sanitary sewer service lines, water service lines or any other type of underground utility. Summit County Communications Center shall be contacted by the permittee when any road closure or restriction is required for the excavation, and alerted as to the location of the work, duration and extent of traffic restriction.

B. All utilities shall be installed to the depth specified in the approved plans and specifications for the utility installation, or to a depth of not less than 2 feet whichever is greater, when such work is located within a public right-of-way.

C. Noise, dust and debris shall be kept to as low a level as practicable.

D. Excavated material shall be stored in neat, compact piles and not allowed to be scattered by wind, rain, traffic or other means.

E. Private driveways shall be kept open whenever possible. If driveways must be closed, they shall be closed at the time most convenient to the users thereof and for as short a time as possible.

F. Not more than six hundred (600) lineal feet of trench shall be open at one (1) time without written permission from the Public Works Director.

G. When traffic or other conditions warrant, the Town Manager or his designee may require that the work be accomplished during slack hours or at a particular time or that the work proceed on a twenty-four-hour-per-day basis, or he may require other appropriate measures. All such requirements shall be complied with.

H. No excavations shall be made entirely across a street or across so much of a street that traffic cannot move on said street without written permission from the Town Manager or his designee. Such permission may impose additional requirements, and in such case such requirements shall be followed.

§ 87-8. Safety Measures Required. [Amended 2-21-89, Ord. 89-05; 5-5-92, Ord. 92-11; 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

A. It shall be unlawful for any person or business entity to dig up or cause to be dug up for utility installation any hole, drain, ditch or any other excavation on any private property or in any street, alley, sidewalk or other public place within the town without providing sufficient warning lights during the nighttime, to be placed with a suitable barricade or temporary fence around such hole, drain, ditch or other excavation in order to prevent persons, animals and vehicles from sustaining injury or damage.

B. During the daytime, the barricade shall be maintained, but warning lights are not required.

C. Every excavation shall be protected at all times by traffic safety appliances as prescribed by the Town Manager or his designee in order to minimize the disruption of the flow of traffic in the vicinity of the excavation. A traffic control plan shall be submitted and approved prior to any excavation on town rights-of-

way. All signage shall meet the requirements of the Manual on Uniform Traffic Control Device.

D. If an excavation is left open over a weekend, the contractor is required to use a snow fence around the excavation in addition to barricades and warning lights.

§ 87-9. Interference with Safety Measures. [Amended 3-19-02, Ord. 02-07]

It shall be unlawful to damage, displace or remove or interfere with any barricade, warning light or any other safety appliance which is lawfully placed for utility installation on private property or around or about any street, alley, sidewalk or other excavation or construction work in the town.

§ 87-10. Cuts; Backfill.[2] [Amended 2-21-89, Ord. 89-5; 5-5-92, Ord. 92-11; 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07; 3-04-03, Ord. 03-04; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

A. An excavation permit shall be obtained from the Town of Frisco Public Works Department prior to any utility cuts within the Town Limits. Any utility cut in any pavement or surfacing shall be made in a neat manner with square edges and corners. Such cuts shall be made with a pavement saw, air hammer or any such device that results in neat square edges and corners. All cuts shall be made either parallel or perpendicular to the roadway. Prior to patching, all damaged areas around the cut shall be removed. All patches shall be made to either the centerline of the street, or completely across the street.
Patches shall be made with a minimum of six inches of base material (compacted to 95 percent Modified Proctor) and three inches of Colorado Highway Department grading SX ½ minus Superpave asphalt concrete. If the existing street contains greater base or pavement, the existing street thickness shall be matched. Prior to placement of pavement, a tack coat shall be applied to all edges of the existing pavement.

Infrared pavement patching will be required for all pavement patches in recreational paths and when the existing roadway asphalt is less than three (3) years old.

Any street patches that, in the opinion of the Town Manager or his designee, are performed in an unacceptable manner and will cause an excessive bump, dip or will cause snow plowing problems, shall be removed and replaced, at the contractor's expense. Street patches shall be warranted for a period of two (2) years from the date of acceptance.

B. Road cuts shall be spaced a minimum of 40' apart. If there is more than one cut within a 40' area, the entire section shall be replaced. If the cut is within 10' of an existing cut, the section between the cuts shall be replaced.

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[2]Editor's Note: See Ch. 171, Water.

C. Upon completion of the work, each permittee shall backfill excavations as required in this section.

1. All excavated material shall be removed, and backfill shall be of select material meeting the specifications established in the Town of Frisco Minimum Street Design and Access Criteria.

2. All water pipelines (mains and services) shall have at least six (6) inches of bedding material of washed crushed gravel three-fourths inch or less in diameter. The first level above any pipeline shall consist of twelve (12) inches of crushed gravel three fourths (3/4) inch or less in diameter. Service lines shall also have frost protection as described in the Town of Frisco Water Construction Standards.

3. In streets and alleys paved with asphalt, the permittee shall match existing asphalt depth or a minimum of three (3) inches which shall be made with CDOT SX ½ minus Superpave asphaltic concrete over a minimum of six (6) inches compacted road base. In gravel streets and alleys, the top eight (8) inches of the backfill shall be made with CDOT specification Class 6 roadbase.

D. These plans and specifications will meet the Town of Frisco's Minimum Street Design and Access Criteria so that they may be specifically adapted to the particular conditions of travel, load requirements, terrain, subsoil and moisture where backfill is to be affected.

E. In the event of settlement or subsidence of a particular excavation, or part thereof, the permit holder who performed the excavation work shall be responsible for all repaving and repair cost occasioned thereby for a period of two (2) years.

§ 87-11. Replacement of Paving and Surfacing. [Amended 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07]

Pavement shall be replaced after an excavation in a street, alley, sidewalk, or any public place by the Permittee.

§ 87-12. Obstruction of Operations.

It shall be unlawful to hinder or obstruct any paving operation or excavation conducted in conformance with the provisions of this chapter.

§ 87-13. Liability. [Amended 2-21-89, Ord. 89-05; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05]

Any permittee who shall undertake work pursuant to a permit issued under the provisions of this chapter or perform work under contracts with the town or by virtue of permission obtained from the Town Council in accordance with the provisions adopted

by the Town Council shall be liable for all damages and personal injury to persons, animals or property by reason of intentional acts, negligence or carelessness connected with such work.

§ 87-14. Duty to Inform Town Manager of Locations. [Amended 4-2-96, Ord. 96-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

It shall be the duty of every person or business entity to furnish information, upon request, to the Town Manager or his designee, regarding the location in any street, alley or sidewalk or other public place of the town of any pipe or other structure installed, maintained or utilized by such person.

§ 87-15. Conditions for Issuance of Permits. [Amended 2-21-89, Ord. 89-5; 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

The Town Manager or his designee, shall approve the issuance of permits to dig in, open up, excavate or cause to be dug up, opened or excavated for utility installation any private property or any street, alley, sidewalk or other public place in the town to each of the following:

A. Any permittee possessing, by ordinance, resolution or contract of the Town Council, general or special power to excavate in or perform other work for utility installation as aforesaid in or upon any private property or the streets, alleys, sidewalks or other public places in the Town.

B. Any permittee possessing a town business license who has completed an excavation application which is approved and who has paid all fees and posted the required performance bond.

§ 87-16. Keeping of Permits at Site.

The permit required by this chapter shall be kept at the site of the excavation while the work is in progress and shall be exhibited upon request to any police officer or other authorized representative of the town.

§ 87-17. Number of Sites per Permit Limited.

No permit issued under the provisions of this chapter shall be for more than one (1) excavation site for which a definite time limit has been established.

§ 87-18. Additional Conditions. [Amended 2-21-89, Ord. 89-05; 4-2-96, Ord. 96-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

A. All permits issued under this chapter shall be issued according to the provisions of this chapter and subject to such rules, directions and limitations regarding the time to be required for the work and the manner in which the work is to be performed as the Town Manager or his designee may prescribe.

B. Such permits shall be conditioned upon that all work done there under shall be only such work as is allowed by the town and specified in this chapter, resolution or contract of the Town Council or the application submitted under this chapter.

§ 87-19. Emergencies.[3] [Amended 4-2-96, Ord. 96-07; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

At any time that, in the opinion of the Town Manager or his designee, an emergency exists that threatens public health, safety or welfare, an emergency permit may be granted without written application for the permit having been made. After such a permit is granted, the permittee responsible or the person actually performing the work shall by telephone notify and so advise all public and private entities on the list maintained by the Public Works Officer Manager of the emergency work and shall verbally furnish the information provided on the form therefore. A written record of the verbal advisement shall be maintained by the person actually making the telephone notification for two (2) years after said work is performed.

§ 87-20. Records. [Amended 2-21-89, Ord. 89-05; 3-22-05, Ord. 05-05]

The Public Works Office Manager shall keep a record of all applications made for excavation permits and of the permits issued.

§ 87-21. Licensing Required.[4]

All permit holders under these provisions must be licensed pursuant to the town's Business License Ordinance.

§ 87-22. Exemption of Town; Disclaimer of Liability.

The Town of Frisco shall be exempt from compliance with the terms hereof and assumes no liability or responsibility for noncompliance by any person or business entity or any damage done to any facilities as a result of noncompliance.

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[3]Editor's Note: Former § 87-5, Emergencies, was redesignated as § 87-19, 5-5-1992 by Ord. No. 92-11.
[4]**Editor's Note: See Ch. 110, Licensing of Businesses.**

§ 87-23. Violations and Penalties. [Amended 8-5-80, Ord. 80-20; 2-7-89, Ord. 89-01; 3-19-02, Ord. 02-07; 3-22-05, Ord. 05-05; 1-11-11, Ord. 10-16]

Any person or permittee found in violation of the provisions hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Chapter 1, General Provisions, Article I.