

71

ORDINANCE NO. 71 OF 1972

An Ordinance Adopting Rules and Regulations Relative to Cuts or Openings in all Streets, Alleys, Sidewalks, Banquets, Boulevard or Planting Space, Paved or Unpaved, and Relative to Backfilling, Maintenance and Repairs or Replacements.

By Commissioner Hathaway:

SECTION 1: BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in special session convened, that it shall be unlawful for any person, firm or corporation, owners of utilities, private or public, to make any excavation or opening in any street, alley, sidewalk, banquet, boulevard or planting space in the City of Shreveport without first obtaining a permit from the Commissioner of Public Works to make said cut or excavation.

SECTION 2: BE IT FURTHER ORDAINED, etc. : That it shall be the duty and obligation of all applicants for permits, to make all investigations necessary to locate all existing underground structures, pipe lines, conduits, etc. , in the area where work is contemplated. It shall be the duty and obligation of any person, etc. , making any cut or excavation, to maintain and protect any and all existing structures, etc.

SECTION 3: BE IT FURTHER ORDAINED, etc. : That any applicant for a permit to cut in any street, alley, etc. , shall submit sufficient data, plans, etc. , upon which an estimate may be made to determine the number of square yards, square feet or other measurements or quantities, necessary for replacements to compute the amount to be deposited as hereinafter provided.

SECTION 4: BE IT FURTHER ORDAINED, etc. : That when a permit is issued, the applicant shall make a cash deposit with the City, based upon the estimate of the quantities necessary for replacement and for other purposes as hereinafter provided:

A deposit for all concrete street paving, concrete base or soil cement base paving replacements shall be charged at the rate of FIFTEEN & 50/100 (\$15.50) DOLLARS per square yard. The concrete street paving replacements shall be nine (9") inch minimum thickness. All concrete base replacements shall include the necessary cutback, as hereinafter provided. The minimum deposit shall be FORTY-FIVE (\$45.00) DOLLARS.

A deposit for all asphalt street paving with a flexible base replacement shall be charged at a rate of TWELVE & 50/100 (\$12.50) DOLLARS per square yard. The minimum deposit shall be TWENTY-FIVE (\$25.00) DOLLARS.

A deposit for all concrete sidewalk replacements shall be charged at the rate of SEVENTY (70¢) CENTS per square foot. The minimum deposit shall be FIFTEEN (\$15.00) DOLLARS.

A deposit for cuts and excavations in any unpaved street, alley, sidewalk, banquet, boulevard or planting space shall be charged at the minimum rate of TEN (\$10.00) DOLLARS per square yard. The minimum deposit shall be TWENTY (\$20.00) DOLLARS.

A deposit for cutting curbing or combination curb and gutter shall be charged at the rate of FOUR & 50/100 (\$4.50) DOLLARS per lineal foot. The minimum deposit shall be TWENTY-FIVE (\$25.00) DOLLARS.

SECTION 5: BE IT FURTHER ORDAINED, etc.: That all street or alley repairs, excluding the backfill, shall be done by City forces under the supervision of the Commissioner of Public Works. This shall include paving, curbing, curb and gutter sections and oiled surfacing.

All other repaving of sidewalks and replacing of materials in banquets, boulevards, or planting spaces shall be done by the party or parties receiving permit for said work, all in compliance with the provisions hereinafter provided.

SECTION 6: BE IT FURTHER ORDAINED, etc.: That it shall be the duty and obligation of any person, etc., to make all excavations where possible with vertical walls, to make backfill of any trench or opening with good, sound materials, free from all muck, wood, trash or other foreign materials, and to replace backfill material in not more than six inch layers, moistened if necessary, and well tamped until backfill is completed. This method of backfill shall be strictly adhered to in replacing all excavations in streets or alleys, paved or unpaved and on any public property for which a permit is issued.

In all unpaved streets and alleys after backfill is completed the party or parties holding a permit for said work shall replace the surface material with whatever type of material that existed on said street or alley when excavation was made and shall finish said surface and connections with the adjacent surface material in a manner satisfactory to the Inspector for the Commissioner of Public Works.

In all unpaved sidewalk, banquet, boulevard or planting space areas, after backfill is completed, said areas shall be replaced in the condition that existed prior to making said excavation, particularly regarding sod or grass, and proper elevation of finished surface. In planting areas no trench or excavation shall be made that will remove or endanger any shrubbery, flowers, trees or other planting, but should it be determined that trench should be excavated at a location that would cause removal or endanger any planting, special arrangements shall be made with the Commissioner of Public Works for said work prior to making excavation.

Any trench that is excavated in the banquet space in rear of curb shall be so located that wall of ditch or excavation shall be twenty-four inches or more from the back line of said curb. When any utility line, pipe or conduit is to be laid in a ditch or trench under circumstances and

conditions that result in the ditch or trench wall being less than twenty-four inches from the rear line of curbing, the applicant for permit shall apply for a special permit from the Commissioner of Public Works, and the applicant shall furnish the City an agreement or a cash bond in the amount of TWO THOUSAND (\$2,000.00) DOLLARS, satisfactory to the Commissioner, which agreement or cash bond guarantees that the applicant will be responsible for the replacement of the paving slab, curbing, or curbing and gutter, should any settlement occur along and adjacent to said ditch or trench. Replacement of the damaged paving slab, curbing or curbing and gutter shall be according to the City Standard plans and specifications and at the expense of the applicant.

SECTION 7: BE IT FURTHER ORDAINED, etc.: That after backfill is completed to subgrade or to the bottom of paving slab or foundation in all paved streets or alleys it shall be the duty and obligation of the holder of a permit to make a cut back and remove ^{the} ~~and~~ paving material beyond the outside vertical line or wall of trench, and beyond any wall line that should develop due to the caving or sliding of the original trench wall in the following manner:

The cut back of paving material shall be twelve inches (12") on each side of trench or excavation on all minor traffic streets and alleys, and on major traffic streets only when the cut or excavation, including cut back, lies within what is termed parking area, or within six feet (6') of the curb line.

When trench, cut or excavation is made in a major traffic street, avenue or alley, outside the limits above described, or inside the above limits if the trench or excavation exceeds a width of twenty-four (24") inches, the cut back described above shall be made twenty-four (24") inches on each side of trench or excavation.

The Commissioner of Public Works or City Engineer shall designate whether a street is a major traffic street or a minor traffic street for the purposes of this Section.

Whenever trenches or excavations are so located in paved streets and alleys and the proper cut back in the paving would cause the limits of said cut backs to fall within twelve (12") inches or less of each other within twelve (12") inches or less of a contraction or construction joint, or the remaining space in old paving is twelve (12") inches or less, the remaining space of old paving shall be removed and the replacement made continuous, and said replacement charged to the applicant at the rates specified in this ordinance.

SECTION 8: BE IT FURTHER ORDAINED, etc.: That whenever cut or excavation is made in concrete sidewalk, after backfill is completed to sub-grade, it shall be the duty and obligation of the holder of a permit to make a cut back and remove the concrete sidewalk material beyond the outside vertical line or wall of trench twelve (12") inches on each side when sidewalk is constructed on the entire area between curb line and property line, but should cut back line fall within less than twelve (12") inches of the lines of block marking the entire block shall be cut and replaced. However, on all sidewalk replacements the cut back shall be made in compliance with instructions from the Inspector for the Commissioner of Public Works, all sidewalk replacements shall be made in compliance with the Standard Specifications of the City of Shreveport.

SECTION 9: BE IT FURTHER ORDAINED, etc.: That an inspection fee shall be charged to each permit holder in an amount of THREE (\$3.00) DOLLARS for each inspection visit and when it becomes necessary for the City to maintain an inspector on any job for a full day or more, in order to properly inspect the work, then the charge shall be TWENTY-FIVE

(\$25. 00) DOLLARS per day for each inspector furnished by the City Department of Public Works.

When the work is approved by the Inspector as complying with the provisions of this Ordinance, the Commissioner of Public Works will authorize the return of the amount deposited, which amount, less the inspection fees charged, will be returned to the depositor.

SECTION 10: BE IT FURTHER ORDAINED, etc.: That it shall be the duty and obligation of the holder of a permit to notify the Commissioner of Public Works, or the City Engineer, at least four hours in advance of the time when inspection is desired, and no backfill shall be made until the City Inspector has examined the excavation and has authorized the backfill, but should the Inspector order the paving material cut back due to tunnelling, or due to walls caving or not being vertical the holder of permit shall follow said instructions, and call for another inspection before backfilling is started.

SECTION 11: BE IT FURTHER ORDAINED, etc.: That it shall be the duty and obligation of the holder of a permit to excavate in any paved street or alley, to notify the Commissioner of Public Works by written notice, that they have completed the backfill and cut back, according to the provisions of this Ordinance, and that said cut or excavation is ready for repairs or repaving by the City forces. It shall be the duty and obligations of the holder of a permit to safeguard the public in every manner by maintaining the necessary guards, barricades, red lights, etc., for said protection during construction and by maintaining the street or alley surface in a good and safe condition until the City forces begin said repair or repaving work and to hold the City harmless from any claim for damages or personal injury as a result of such work by permit holder.

SECTION 12: BE IT FURTHER ORDAINED, etc.: That the Commissioner of Public Works is herein authorized, should he consider it

necessary for the protection of vehicle and/or pedestrian traffic, to order the holder of a permit to construct a cover for any trench or excavation after backfill is completed, consisting of not less than two-inch planking well fastened together, the top to be smooth and all edges to be bevelled, and said cover to be at least six inches longer than the dimensions of the trench or excavation, and laid over same, and maintain said cover in a good safe condition until the City forces begin repairs or repaving, and holder of permit shall hold the City harmless from any claim for damages or personal injury as a result of such work by permit holder.

SECTION 13: BE IT FURTHER ORDAINED, etc.: That should any person, firm or corporation fail to replace materials, fail to restore areas to their original condition, or in any way fail to comply with the conditions of this Ordinance within one hour after they have been notified by the Commissioner of Public Works or the City Engineer that such work shall be done, the City of Shreveport through the Commissioner of Public Works shall have the right to do the necessary work of restoration original conditions and charge the cost of same to the parties or party doing said excavation work.

SECTION 14: BE IT FURTHER ORDAINED, etc.: That this Ordinance provide for a City Inspector to act as an aid in accomplishing the results desired as outlined above, however, the presence of a City Inspector does not relieve the applicant of the obligation to fully comply with the regulations and the intent of this Ordinance. It shall be the duty of any applicant, and any holder of a permit to make such replacements in such manner as to prevent settlements in the paving over said excavations. Should settlement occur over said trenches or excavations within a period of one year after paving is relaid it shall be the obligation of the holder of the permit to pay the entire expense of correcting said settlement, and all expense of opening, refilling, tamping and repaving, and all costs incidental to said replacements should

such method be necessary, in the opinion of the Commissioner of Public Works and/or the City Engineer, to prevent a future or continual settlement or failure.

SECTION 15: BE IT FURTHER ORDAINED, etc.: That the Commissioner of Public Works and/or the City Engineer shall notify the holder of a permit for trench or excavation, of any condition due to settlement or non-compliance with this Ordinance, giving said holder of permit the opportunity to observe and examine the condition referred to, and after said examination the Commissioner shall have the necessary repairs or replacements made and charge the expense to the holder of permit.

SECTION 16: BE IT FURTHER ORDAINED, etc.: That whoever shall violate any of the provisions of this Ordinance, shall upon conviction be punished by a fine of not less than Twenty-five (\$25.00) dollars nor more than One Hundred (\$100.00) Dollars. In default of payment of fine the person or persons in default may be ordered to work out the same on the streets and alleys of the City of Shreveport or other public works at the rate of Five (\$5.00) Dollars per day for each day of labor performed.

SECTION 17: BE IT FURTHER ORDAINED, etc.: That any person, firm or corporation, owners of utilities, private or public who commences any opening or excavation in any street, alley, sidewalk, banquet, boulevard or planting space in the City of Shreveport before obtaining the necessary permit from the Commissioner of Public Works shall cause the cost of resulting fees for repairs to be doubled.

SECTION 18: BE IT FURTHER ORDAINED, etc.: That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 19: BE IT FURTHER ORDAINED, etc.: That this Ordinance shall take effect and be in force from and after its promulgation.

Introduced: May 9, 1972

Second & Final Reading: May 11, 1972

May 9, 1972 - Read by title and as read, passed first reading by the following vote:
Ayes; Mayor Allen, Commissioners Burton, D'Artois, Collins and Hathaway 5.
Nays: None.

May 23, 1972 - Having passed first reading on May 9, 1972, was read by title and on motion, ordered passed to third reading. Read the third time in full and as read, adopted by the following vote: Ayes; Mayor Allen; Commissioners Burton, D'Artois, Collins and Hathaway 5. Nays: None.

Gladys S. Witte
Clerk of Council

Allen
Mayor

James M. Galt
Secretary-Treasurer

ORDINANCES AND RESOLUTIONS
ADOPTED AT ABOVE MEETING
OF CITY COUNCIL OFFICIALLY
SIGNED June 1, 1972
Gladys S. Witte Clerk
Of Council