

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 14.70 of the Lincoln Municipal Code relating
 2 to Excavations by amending Section 14.70.010 to authorize conditions to be placed on excavation
 3 permits that are for the public interest; adding a new section numbered 14.70.015 to indicate specific
 4 conditions to be placed on excavation permits; and repealing Section 14.70.010 of the Lincoln
 5 Municipal Code as hitherto existing.

6 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

7 Section 1. That Section 14.70.010 of the Lincoln Municipal Code be amended to
 8 read as follows:

9 **14.70.010 Permit to Excavate.**

10 It shall be unlawful for any person, firm, or corporation, other than duly authorized
 11 employees or contractors of the City, to make any opening, cut, trench, or excavation in or under
 12 the surface of any street, alley, or other public space of the City without first obtaining a written
 13 permit to do so from the Department of Building and Safety. Application for the required permit
 14 shall be made in writing by the person desiring the permit upon forms furnished by the Department
 15 of Building and Safety. The applicant for each such permit shall pay to the Department of Building
 16 and Safety a permit fee as set by the Mayor by executive order. Said permit shall be valid for a
 17 period of sixty days from the date of issuance. There shall be no refunds or credits given on unused
 18 permits. The applicant shall notify the City Department of Building and Safety when actual
 19 excavation is to begin.

20 If work is to be performed in an arterial street, the applicant shall notify and obtain
 21 permission from the Director of Public Works and Utilities. The Director of Public Works and

1 Utilities may place such conditions and requirements on the permit to excavate as shall be
2 reasonably necessary for the ~~safe control and routing of traffic~~ public interest as detailed in Section
3 14.70.015. All complete or partial street closings and work performed shall be in compliance with
4 the “Traffic Control Manual for Street Construction and Maintenance Operations.” Before any
5 arterial street may be closed, the applicant shall notify the Director of Public Works and Utilities
6 forty-eight hours in advance of the proposed closing. Nothing in this paragraph shall be construed
7 to delay emergency work when immediate action to protect the general safety and welfare of the
8 public is required.

9 Section 2. That Chapter 14.70 of the Lincoln Municipal Code be amended by adding
10 a new section numbered 14.70.015 to read as follows:

11 **14.70.015 Permit Conditions**

12 In addition to the requirements of the One-Call Notification System Act, all permits granted
13 pursuant to this chapter shall be subject to the following conditions:

14 (a) The permittee shall mark the proposed pathway of the excavation with stakes, flags,
15 posts or white painted or chalked lines that are clearly visible prior to calling the statewide one-call
16 notification center. In the event that such marking is not feasible, the permittee shall make a request
17 for waiver of this requirement to the Director of Public Works and Utilities prior to calling the
18 statewide one-call notification center;

19 (b) The permittee shall not commence any excavation without first giving notice to every
20 operator as required by the One-Call Notification System Act;

21 (c) After the initial marking of the underground facility by the facility operators, if such
22 excavation has not been completed within five business days from the date specified to start
23 excavation, then the permittee may request additional location markings. Whenever such additional

1 markings are done by the City and the excavation has not yet been initiated, the City may charge the
2 permittee for the cost of such remarkings; and

3 (d) Whenever underground facilities are in close proximity to the proposed pathway
4 location or whenever the vertical location of the underground facility is unknown, the permittee shall
5 use special measures to determine the locations of such underground facilities.

6 (1) If the permittee is conducting the excavation by digging from the surface,
7 when in close proximity to the underground facilities, the permittee shall use hand digging
8 techniques to locate such facility.

9 (2) If the permittee is conducting the excavation by tunneling or boring, the
10 permittee shall determine the vertical location of the underground facility by potholing or any other
11 method approved by the Director of Public Works and Utilities.

12 Section 3. That Section 14.70.010 of the Lincoln Municipal Code as hitherto existing
13 be and the same is hereby repealed.

14 Section 4. That this ordinance shall take effect and be in force from and after its
15 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor