

**CITY OF DEADWOOD
ORDINANCE 1410**

NOW THEREFORE, be it ordained by the City Commission of the City of Deadwood, in the State of South Dakota, as follows:

SECTION 1: **AMENDMENT** “12.12.010 Supervision” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.010 Supervision

The city shall supervise all excavations, including drilling or boring, in the streets, alleys or public grounds.

(Prior code § 27-500)

SECTION 2: **AMENDMENT** “12.12.020 Permit Required” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.020 Permit Required

Any person who desires to make or cause to be made any excavation, including drilling or boring, in or under any street, parking area, sidewalk, alley or public ground shall first obtain a permit to do so. Such permit is not required to start such emergency work as may be necessary to protect existing structures; however, the permit shall be obtained the morning of the first working day after such work has commenced.

(Prior code § 27-501)

SECTION 3: **AMENDMENT** “12.12.030 Permit--Application” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.030 Permit--Application

Before any permit is issued under this chapter, the person requiring the same shall make application to the Public Works Director ~~street superintendent~~ stating where such excavation, drilling or boring is to be made, the extent thereof, in front of which lot or lots, the purpose of such excavation, drilling or boring and the date all repairs and reclamation will be completed.

(Prior code § 27-502)

SECTION 4: AMENDMENT “12.12.040 Permit Fee” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.040 Permit Fee

The fee for the permit required by this chapter shall be paid in the amount listed in the city fee schedule, which is set and amended by resolution. The fee and any required bonds set forth under Chapter 12.12.050 shall be ~~fifty dollars (\$50.00)~~; payable in advance.

(Ord. 1064 (part), 2006: prior code § 27-503)

SECTION 5: AMENDMENT “12.12.050 Condition Of Issuance” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.050 Condition Of Issuance

- A. Before any permit for excavation, drilling or boring in or under any street, parking area, or sidewalk shall be granted, the applicant therefor shall file with the city, and the city shall approve, the following:
1. A surety bond in the sum of five thousand dollars (\$5,000.00) or project cost, whichever is greater, for faithful performance of all duties required by the city and for repayment to the city for all damages growing out of the carelessness or negligence of such permittee;
 2. A certificate of insurance showing that the applicant has in effect a statutory Workers' Compensation insurance policy, including employer's liability coverage in the amount of ~~two one~~ million dollars (~~\$21,000,000.00~~), and a liability policy covering business operations, including coverage for explosion, collapse, and underground hazards, commonly referred to as XCU coverage, and including coverage for owned and non-owned vehicles with limits of not less than one million dollars (\$1,000,000.00) for each occurrence, and five hundred thousand dollars (\$500,000.00) for injury to or destruction of the

property of others. Such certificate shall contain a statement to the effect that the policy cannot be canceled or substantially altered without ten (10) days' prior written notice to the city.

- B. Such permit shall contain a statement and shall be issued only upon the express condition that the permittee shall refill the excavation, drilling or boring in accordance with the instructions of the Public Works Director ~~street superintendent~~ and restore the pavement or surfacing to its former condition and maintain it in such condition for a period of three years from completion of the work authorized by the permit.

(Prior code § 27-504)

SECTION 6: **AMENDMENT** “12.12.060 Restoring Pavements Or Street Surfacing To Former Condition” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.060 Restoring Pavements Or Street Surfacing To Former Condition

It is the duty of the Public Works Director or assignee ~~street superintendent~~ to keep on file a copy of all permits issued under this chapter and to inspect from time to time all pavement or other street surfacing disturbed pursuant to such permits. If such pavement or surfacing is not restored and maintained as nearly as possible to the original condition, notice thereof in writing by regular mail shall be given the permittee, who shall put the same in good condition within a maximum of three days. If the permittee after notice fails to restore and maintain such pavement or surface, the street superintendent may make the necessary repairs, and such permittee shall pay the cost thereof, and until he or she pays the same no other permit shall be issued to him or her or to any person in his or her behalf.

(Prior code § 27-505)

SECTION 7: **AMENDMENT** “12.12.070 Protection Of Public” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.070 Protection Of Public

Any person receiving a permit to make excavations, drilling or boring in or upon any street, parking area, alley, sidewalk, or public ground shall, during the progress and continuance of the work, erect and maintain around the same both by day and night suitable guards, fences, lighting and signals to prevent injury to persons, animals or vehicles on account of such

excavations, drilling or boring.

(Prior code § 27-506)

SECTION 8: **AMENDMENT** “12.12.080 Excavation Near Street” of the Deadwood Municipal Code is hereby *amended* as follows:

AMENDMENT

12.12.080 Excavation Near Street

It is unlawful for any person, owner or occupant of any lot to make or cause to be made any excavation, drilling or boring on a lot adjacent to any street, alley, public ground, or traveled road, or roadway, except if the same is securely guarded to prevent the injury of any person or animal passing upon or along the same.

(Prior code § 27-507)

PASSED AND ADOPTED BY THE CITY OF DEADWOOD CITY COMMISSION

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Presiding Officer

Attest

David Ruth Jr., Mayor, City of
Deadwood

Jessica McKeown, Finance Officer,
City of Deadwood