

Village of Shepherd Ordinance--1999

30.050

**STREET EXCAVATIONS AND OBSTRUCTIONS
VILLAGE OF SHEPHERD, MICHIGAN
code eff. Jan. 15, 1957**

30.051

Sec. 7201 PERMIT REQUIRED.

7201.1 It shall be unlawful for any person to do the following without first obtaining a permit therefor as provided in this article [30.050, Street Excavations and Obstructions]:

(a) Make or cause to be made any excavation or opening in or under the right-of-way or surface or pavement of any street, alley, sidewalk, or other public place;

(b) Place any obstruction on any part of any street, alley, sidewalk or other public place;

(c) Occupy any part of any street, alley, sidewalk, or public place for the purpose of construction, maintenance, or repair of property immediately adjacent thereto; or

(d) Make or cause to be made any opening in or through any curb of any street, alley or public place.

7201.2 The foregoing subsection shall not be applicable to a duly authorized village official or employee in the course of his employment; to a person acting under contract with the village; or in any emergency requiring immediate action to preserve public or private property or the public safety, provided that such emergency shall first be reported to the Police Department which shall grant permission to make the necessary excavation or obstruction, and provided that an application for permit is made in the required manner on or before the close of the next business day.

(code eff. Jan. 15, 1957)

30.052

Sec. 7202 APPLICATION FOR PERMIT.

7202.1 The applicant for such permit shall furnish to the clerk a signed statement showing where such opening or excavation is to be made and the purpose and extent thereof, where such obstruction is to be located or where such construction is to be carried on, and in all cases, the extent to which said street, alley or public place is to be used for the purpose applied for and also the time when such occupancy will commence and the length of time it will continue and the name of the person who will be in charge of the work, together with such other information as the clerk shall direct.

(code eff. Jan. 15, 1957)

30.053

Sec. 7203 APPROVED BY STREET COMMISSIONER.

7203.1 On receipt of such application, the clerk shall immediately notify the street commissioner and the commissioner shall investigate and if satisfied that such work or occupancy is necessary and reasonable, shall endorse the application by signing his approval on the same.

7203.2 If the street commissioner shall determine that said application shall be granted only on certain conditions and for a certain limited time, he shall so state in his endorsement approving such application and the permit shall be issued only subject to such conditions or limitations.

(code eff. Jan. 15, 1957)

30.054

Sec. 7204 BOND.

7204.1 Before any permit is issued, the applicant therefor may be required to furnish a bond deemed adequate by the street commissioner, which bond shall become available in the payment of any damage to public or private property and the payment for any personal injuries resulting from said excavation, obstruction, use or work in connection therewith, and said bond shall be filed with the clerk.

(code eff. Jan. 15, 1957)

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30.055 Sec. 7205 DEPOSIT.

7205.1 The street commissioner may require a deposit to cover the cost of such repaving before approving the permit for the work. The sum so deposited shall be paid to the clerk and be used solely for the purpose of paying for the repairing and repaving.

7205.2 After completion of the work, the street commissioner shall certify to the clerk the cost of the work and the amount of any surplus remaining from the amount deposited, and such surplus shall thereupon be returned to the applicant.
(code eff. Jan. 15, 1957)

30.056 Sec. 7206 SUPERVISION.

7206.1 No pavement or curb in any street or alley shall be broken except under the direct supervision of the street commissioner or his representative, except in an emergency as heretofore provided.

7206.2 All excavations in connection with water supply, plumbing, or drainage shall be under the direct supervision of a licensed plumber.
(code eff. Jan. 15, 1957)

30.057 Sec. 7207 GUARDING EXCAVATIONS OR OBSTRUCTIONS.

7207.1 All openings, excavations, or obstructions shall be properly and substantially barricaded and railed off and at night shall be provided with three or more red warning lights for each such opening, excavation or obstruction.

7207.2 On long trenches or obstructions, warning lights cross-wise of the flow of traffic shall not be over five (5) feet apart, and parallel to the flow of traffic not over twenty-five (25) feet apart.

7207.3 The street commissioner shall determine what constitutes proper barriers and lighting.

7207.4 The utmost care shall be exercised at all times in protecting life and property in the performance of the work, and the work accomplished with as little as possible interference to traffic and the use of street, alley, or thoroughfare. Sufficient help and equipment shall be provided to expedite the work to the satisfaction of the street commissioner.
(code eff. Jan. 15, 1957)

30.058 Sec. 7208 SAFEGUARDING OPENINGS.

7208.1 All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to the workmen and to prevent cave-ins or wash-outs which would tend to injure the thoroughfare or subsurface structure adjacent to the work.
(code eff. Jan. 15, 1957)

30.059 Sec. 7209 SAVING MATERIALS.

7209.1 In excavating in paved streets, all materials of paving and ballasting must be removed to the side of the street with the least possible loss or injury to the same or the surrounding pavement.
(code eff. Jan. 15, 1957)

30.060 Sec. 7210 SAFEGUARDING PIPES AND CONDUITS.

7210.1 In excavations around or near subsurface structures, pipes, conduits or other devices, care must be taken to properly safeguard them from injury, and in case of interference or very close proximity to the same, the village street commissioner shall determine how proper installation shall be made.
(code eff. Jan. 15, 1957)

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30.061 Sec. 7211 BACKFILLING.

7211.1 After the completion of the work, all trenches and excavations shall be promptly backfilled and thoroughly settled by wetting or tamping and all excess materials promptly removed from the job.

7211.2 Each person opening or excavating any street, alley or thoroughfare shall keep an account of all openings or excavations so made and for one year after such opening or excavation shall keep the same filled and in repair.

7211.3 Should such person fail to do so, the street commissioner shall give him notice to do so within ten (10) days, and if said person shall still fail to make such repairs the street commissioner shall cause such repairs to be made, and the cost of the same shall be charged against the person to whom the permit was originally issued and may be collected by suit. (code eff. Jan. 15, 1957)

30.062 Sec. 7212 REPAVING.

7212.1 After the work is completed and proper settlement has occurred, the village will repave the opening and charge and collect the cost of such repaving from the person to whom the permit was granted. (code eff. Jan. 15, 1957)

30.063 Sec. 7213 REVOCATION OF PERMIT.

7213.1 Any person receiving a permit under this article who shall fail to comply with the provisions thereof, or with those imposed by the street commissioner shall be liable to have such permit suspended by said street commissioner and shall not proceed with the work for which the permit was granted until said street commissioner shall order the same to proceed. (code eff. Jan. 15, 1957)