

ORDINANCE NO. 1029

AN ORDINANCE REGULATING EXCAVATIONS ON CITY STREETS, ALLEYS, AND OTHER CITY PROPERTY.

Be it Ordained by the Governing Body of the City of Manchester, Kansas, that:

Section 1. New Ordinance. The following shall be incorporated as new Chapter 13, Article 5 of the Code of the City of Manchester, Kansas, and shall be worded as:

Chapter XIII, STREETS AND SIDEWALKS

ARTICLE 5. EXCAVATIONS ON PUBLIC PROPERTY

13-501. Excavation permit.

No person shall make an excavation in any street, alley or other public grounds in the city for any purpose, without first obtaining a permit from the city authorizing the same.

13-502. Bond required.

All applications for permit shall be accompanied by a good and sufficient corporate surety bond in the amount of \$500.00 executed to the city by the applicant for such permit, and conditioned that the principal on such bond will save the city harmless from any damage to persons or property resulting from or in any way growing out of any open or excavation made by such principal, his or her agents, servants or employees under such permit; and further that the principal shall pay any and all loss or damage occasioned by himself, herself or his or her agents, servants or employees and will comply with all ordinances of the city; provided, that no bond shall be required of any person, under the provisions of this section who shall have executed a bond to the city under any other ordinance of the city conditioned upon the same provisions as herein provided. Good and sufficient policy of liability insurance which holds the city harmless for damages to others may be used in lieu of a bond.

13-503. Backfill; etc.

Any person making excavations in any of the streets, alleys or public grounds in the city shall backfill all trenches or ditches or excavations made by them whenever deemed necessary by the director of public works and such person making such excavations shall follow the directions of any person directed by the city to supervise the work. The work of replacing all pavement cut or damaged, operating under a permit issued under the provisions of this article, shall be at the permit holder's expense and shall be done in accordance with the following specifications:

(a) The material shall be placed in layers and compacted with mechanical rammers or hand tamping with heavy iron tampers having a tamping face not exceeding 25 square inches in area.

(b) Each successive layer shall contain only that amount of material which will insure proper compaction, but in no case shall any layer be greater than six inches compacted depth.

(c) In all cases any such excavations shall be so braced as to prevent caving or injury to adjoining premises and the party making excavation and his or her bondsmen shall at all times be liable to the city for damages arising by reason of any neglect or carelessness in any respect concerning the excavation.

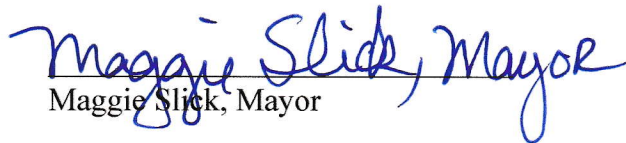
(d) The replacement of the paving, hard surfacing, or gravel shall be done by the city or its contractor for which a bill for materials and labor incurred by the city or its contractor shall be sent to the holder of the permit by the city. Payment of said bill shall be remitted in full, to the city clerk within 30 days of billing. Any bill not paid in full after 30 days, may be collected as provided by law.

(e) All trenches on public property shall be properly protected at all times by barricades. A light or lights, kept blinking brightly from sunset to sunrise, shall be so placed as to warn traffic and pedestrians of the barricades and excavation and such other precautions as may be necessary for public safety shall be followed.

Section 2. Any prior ordinance found to be in conflict with this ordinance shall be void, insofar as it is in conflict.

Section 3. This ordinance shall become effective upon passage by the governing body and publication as provided by statute.

Passed and Approved this 12th day of February, 2024


Maggie Slick, Mayor

ATTEST:


Ashley Tatro, City Clerk

