

## **§ 91.21 PERMIT AND CASH BOND FOR ALL CUTS OR EXCAVATIONS.**

(A) No person shall make any cut or excavation in any city street or alley of the city without first obtaining a permit from the city, permitting such cut or excavation. Such permit shall be granted only by the City Commission after appropriate application has been filed. Application for this permit shall be made at least one week in advance of expected date of proposed excavation. Application shall further be made in sufficient time to permit the City Commission to act thereon prior to expected date of proposed excavation. A cut is defined to include any excavation of a street or alley, or any penetration of a street or alley or any excavation or removal of any part of a city curb, gutter or sidewalk. If a permit is granted under this section said permit shall be conditioned upon the posting of the cash bond as set forth herein.

(B) Upon the granting of a permit as set forth in division (A) of this section, the applicant shall post a cash bond in such amount as will fully compensate the city for any damages it may sustain as a result of such cut or excavation. In order to insure this compensation, such bond shall be in the amount of at least the highest estimate for the cost of repairs. The posting of said bond shall in no way relieve the applicant of their responsibility to fully repair any damages done, but shall be considered as surety for such repair work.

(C) The cash bond referred to in division (B) of this section shall not be returned to the applicant until one year after inspection and approval of the repair of any such cut or excavation by the Street Commissioner. Such funds shall be returned after direction by the City Commission to the Clerk that such repair has been completed in a satisfactory manner, and no residual damage has occurred.

(Ord. 97-1 620.8, passed 5-27-97)