



**TOWN OF LA CONNER  
STREET EXCAVATION PERMIT  
CLASS I**

Date of Application: \_\_\_\_\_

File # \_\_\_\_\_

Site Address: \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

**APPLICANT:**

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ PHONE \_\_\_\_\_

**PROPERTY OWNER:**

NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ PHONE \_\_\_\_\_

**PROJECT DETAILS:**

Width \_\_\_\_\_ Depth \_\_\_\_\_

Estimated Start Date \_\_\_\_\_ Estimated Completion Date \_\_\_\_\_

**PROJECT DESCRIPTION:**

\_\_\_\_\_  
\_\_\_\_\_

**DURING PERIOD OF EXCAVATION AND BACKFILL, PERMITTEES WILL MAINTAIN PROPER GUARDS AND WARNING LIGHTS IN COMPLIANCE WITH THE UNIFORM TRAFFIC CONTROL MANUAL. A TRAFFIC CONTROL PLAN AND DETOUR ROUTES MUST BE SUBMITTED, IF APPLICABLE.**

**THIS PERMIT IS GRANTED WITH THE FOLLOWING CONDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_

**Archaeological Monitoring Plan:**

**Comments:** \_\_\_\_\_

**This permit will be issued after establishing a date for a pre-construction conference with Town staff.**

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Date \_\_\_\_\_

**OFFICE USE ONLY**

*Hold Harmless Agreement* Fee Paid \_\_\_\_\_ Date \_\_\_\_\_

*Inspection Required*  
*Comments:* \_\_\_\_\_

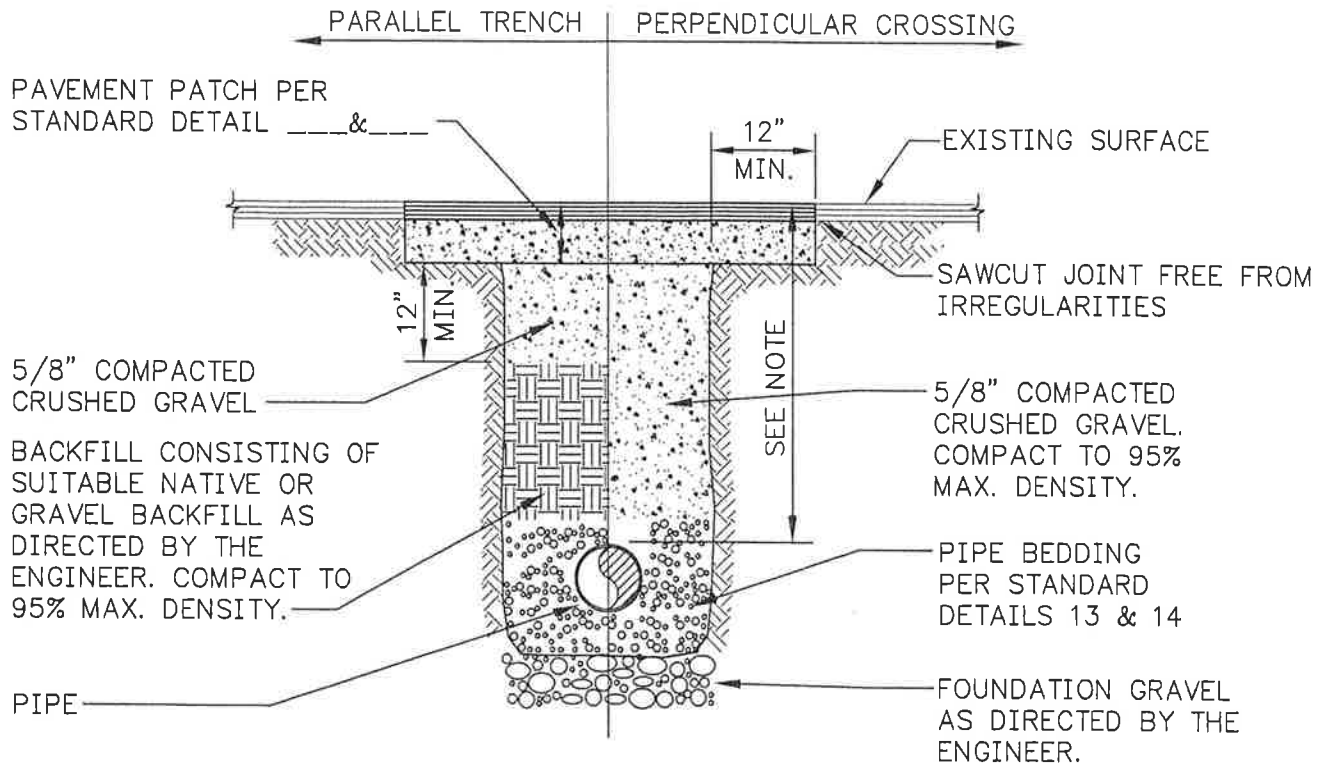
*Inspection Approved By:* \_\_\_\_\_ *Date:* \_\_\_\_\_

*Approved*

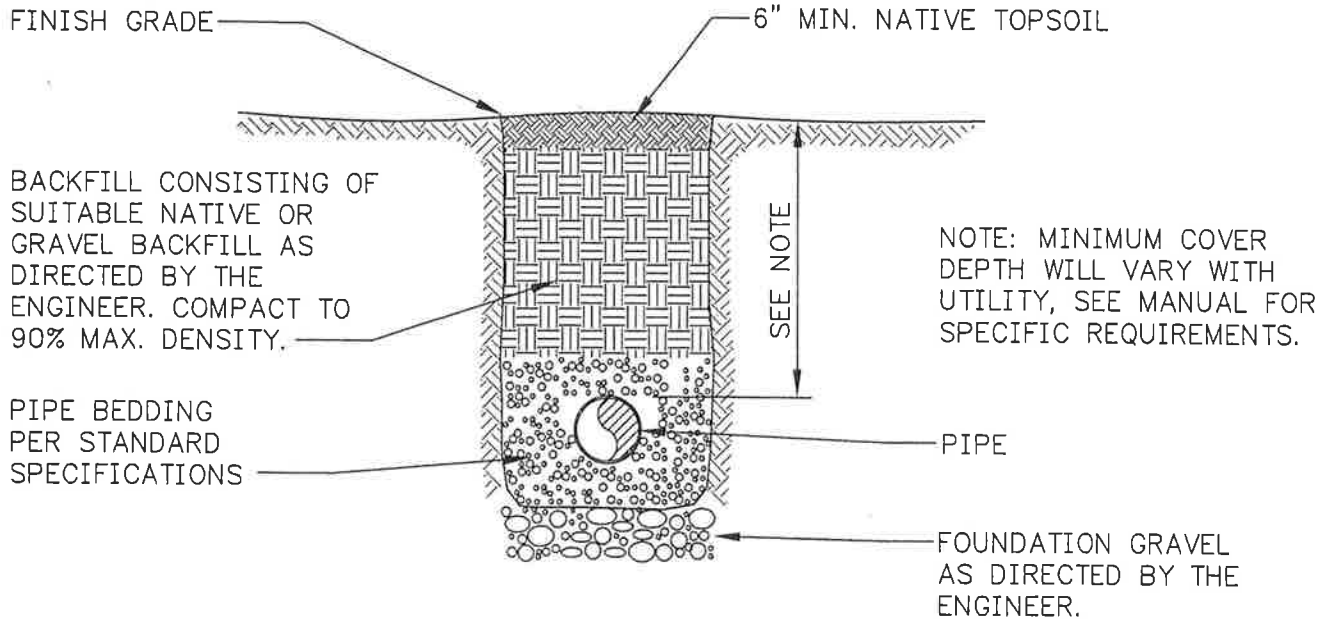
*Denied Reason for denial* \_\_\_\_\_

\_\_\_\_\_ *Date:* \_\_\_\_\_

Public Works Director



**PAVEMENT REPAIR SECTION  
TRENCH SECTION IN ROADWAY**



**TRENCH SECTION  
IN UNIMPROVED AREAS**

**G1 TYPICAL TRENCH SECTION**

**Chapter 11.10**  
**STREET EXCAVATIONS**

Sections:

- 11.10.010 Permit – Required.
- 11.10.020 Permit – Application.
- 11.10.030 Permit – Fees.
- 11.10.040 Excavations.
- 11.10.050 Performance bond.
- 11.10.060 Permit – Performance bond.
- 11.10.070 Restoration materials and techniques.
- 11.10.080 Pavement cut requirement.
- 11.10.090 Requirements for overlay, overlay widths.
- 11.10.100 Maintaining traffic flows and fire access.
- 11.10.110 Guards and warning lights.
- 11.10.120 Liability of permittee.
- 11.10.130 Performance of work – Utility facilities protection.
- 11.10.140 Inspection.
- 11.10.150 Violation – Penalty.

**11.10.010 Permit – Required.**

No person, firm or corporation shall dig or excavate in the town streets or right-of-way any trench for utility installation, maintenance or for any other purpose in the town streets without first obtaining an excavation permit issued by the town clerk. The town clerk shall issue the permit upon the written approval and recommendation of the public works director, planning director or their designee. [Ord. 857, 2002; Ord. 486 § 1, 1981.]

**11.10.020 Permit – Application.**

All applicants for an excavation permit shall file a written application therefor in duplicate on forms furnished by the town clerk; one copy to be delivered to the applicant and the original to be retained by the town clerk. [Ord. 857, 2002; Ord. 486 § 2, 1981.]

**11.10.030 Permit – Fees.**

A permit for any excavation in any town street or right-of-way shall be issued only upon the applicant furnishing a bond as required by LCMC 11.10.050 and upon payment to the town clerk of the following fees:

- (1) Each excavation in a paved street or alley to install or maintain utilities serving one adjacent zoning lot for each separate trench excavation, \$100.00;
- (2) Each excavation in an unpaved street or alley to install or maintain utilities serving one adjacent zoning lot for each separate trench excavation, \$45.00;
- (3) For each excavation other than those described in subsections (1) and (2) of this section, the fee shall be the reasonable cost to the town, as estimated by the public works director or town engineering firm, of restoring the site area to the original pre-excavation condition. [Ord. 857, 2002; Ord. 486 § 3, 1981.]

**11.10.040 Excavations.**

- (1) In order to minimize excavations in paved streets, no permit shall be granted to excavate a paved street for the purpose of installing sewer where there exists in good working order an already installed sewer drain pipe leading to the sewer main from the zoning lot to be served by the new excavation.
- (2) No excavation shall be permitted in streets that have been paved or overlaid within the previous five years. In the event of an emergency or new development, pavement excavation may be allowed subject to the provisions of LCMC 11.10.090, provided a more reasonable alternative is not feasible. Reasonable alternatives include alternate routes, alternate locations and boring.

(3) It is unlawful for any person to leave unguarded any excavation within four feet of any street or other public place, or to fail to maintain the lateral support of any such public place. [Ord. 857, 2002; Ord. 486 § 4, 1981.]

**11.10.050 Performance bond.**

The permittee shall file with the town clerk a performance bond fixed in such amount as deemed necessary by the public works director either with personal or corporate surety, approved by the town attorney, conditioned and as a guarantee that the permittee shall replace the surface of the street in the same condition and with the same material as same was prior to any excavation; the bond to remain in force for a period of one year after completion of excavation restoration to guarantee that the town shall not be required to expend any funds to repair any portion of any excavation restoration, should it be required. [Ord. 857, 2002; Ord. 486 § 5, 1981.]

**11.10.060 Permit – Performance bond.**

The town shall make an estimate of the restoration cost and shall set a bond amount equal to 120 percent of the estimated cost. [Ord. 857, 2002; Ord. 486 § 6, 1981.]

**11.10.070 Restoration materials and techniques.**

The town has adopted standards for materials and techniques to be used in construction. The requirements can be found in:

- (1) The town of La Conner sewer developer extension manual;
- (2) The town of La Conner comprehensive water system plan;
- (3) Washington State Department of Transportation (WSDOT) Standard Specifications (latest edition) except as modified by subsections (1) or (2) of this section.

All requirements listed in the manuals are the minimum requirements and may be modified by the public works director or town engineer to meet traffic loading or site-specific conditions. [Ord. 857, 2002; Ord. 486 § 7, 1981.]

**11.10.080 Pavement cut requirement.**

The following guidelines shall be followed when doing trench or excavation work with the paved portion of any town of La Conner right-of-way:

- (1) Before commencing excavation in a paved street, every permittee doing so shall first cut the pavement around the circumference of the excavation.
- (2) Modifications or exemptions to these policies may be authorized by the planning/public works directors, upon formal request by the permittee and demonstration of an equivalent alternative. [Ord. 857, 2002; Ord. 486 § 8, 1981.]

**11.10.090 Requirements for overlay, overlay widths.**

Lane-width or a full street-width overlay will be determined based upon the location and length of the proposed trench within the roadway cross-section.

- (1) Pavement Overlay Requirements on Five Years and Older Roadway.
  - (a) Longitudinal trenches or crossings, perpendicular to the roadway edge, shall be repaired either by sawcut and removal, or by grinding the top two inches and paving two inches with class B asphalt, per standard detail. At the discretion of the director, an overlay may be required over wide longitudinal trenches or crossings.
  - (b) If the trenching is down the middle of a single lane, then a lane-width overlay will be required.
  - (c) If the trenching is down the middle of two lanes, or is within three feet of any lane line, the lanes affected will be overlaid.
  - (d) If the trenching is greater than or equal to 40 percent of lane per block, then the lanes affected will be overlaid.
  - (e) The minimum length of overlay shall be 10 feet.

(f) Pavement restoration associated with potholing shall be a minimum of two feet around the excavation.

(2) Pavement Overlay Requirements for Five Years and Newer Roadway Sections – Longitudinal Trenching.

(a) Arterial Streets. The entire roadway width for the length of the trench and an additional 10 feet at each end of the trench will be ground down to a depth of one and one-half inches and a one and one-half-inch overlay of Class B asphalt will be applied per standards.

(b) Nonarterial Streets. The entire half of the roadway width for the length of the trench and an additional 10 feet at each end of the trench will be ground down to a depth of one and one-half inches. A one and one-half-inch overlay of Class B asphalt will be applied per standards. If the trench is in the center of the roadway, or within three feet of the center of the roadway, the entire roadway width must be ground down and repaved.

(3) Pavement Overlay Requirement for Five Years and Newer Roadway Sections – Transverse Trenching.

(a) Arterial Streets. An area including the trench and 10 feet on each side of the trench for the entire width of the street will be ground down to a depth of one and one-half inches. A one and one-half-inch overlay of Class B asphalt will be applied per standards.

(b) Nonarterial Streets. An area including the trench and five feet on each side of the trench for the entire width of the street will be ground down to a depth of one and one-half inches. A one and one-half-inch overlay of Class B asphalt will be applied per standards.

(4) Pavement Requirements for Concrete Roadway – 1st Street. Trench area shall be replaced with four inches of Portland cement concrete per standards and to widths to be determined by the public works director at the time of occurrence.

(5) Pavement Removal in Lieu of Grinding. The contractor may in all cases remove the pavement area instead of grinding out the specified one and one-half inches of asphalt. Full pavement replacement shall meet or exceed the existing pavement depth for the area of removal. [Ord. 857, 2002.]

**11.10.100 Maintaining traffic flows and fire access.**

(1) All permittees shall, unless authorized by the public works director, excavate only one-half of any street at any one time and shall backfill the portion so excavated prior to the excavation of the remaining one-half so that traffic may not be unduly interfered with, or in the alternative the permittee, with written approval of the public works director, may bridge across a trench so as to maintain proper traffic flow.

(2) Permittee shall take appropriate measures to ensure pedestrian and traffic safety during the performance of work.

(3) In the event of a street closure, permittee shall route and control traffic as directed by the public works director and submit a temporary traffic control plan in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) for approval a minimum of three working days prior to commencement of work.

(4) Permittee shall notify the La Conner fire department, Cascade Dispatch and public transit offices of a street closure.

(5) If determined necessary by the public works director, flagmen and/or other protective measures shall be furnished by the permittee at their expense.

(6) Any work performed pursuant to this chapter shall be performed so as not to prevent access to fire stations and hydrants. Materials or other obstructions shall not be placed within 15 feet of fire hydrants. Passageways leading to fire lanes or firefighting equipment shall be kept free of all obstructions. [Ord. 857, 2002; Ord. 486 § 9, 1981. Formerly 11.10.090.]

**11.10.110 Guards and warning lights.**

All permittees shall at all times during period of excavation and backfill maintain proper guards and warning lights including but not limited to advance warning signs and OSHA compliant barricading and shoring. [Ord. 857, 2002; Ord. 486 § 10, 1981. Formerly 11.10.100.]

**11.10.120 Liability of permittee.**

(1) Any permittee shall be responsible for any injury to persons or damage to property by reason of such excavation or manner of performance of work, including but not limited to damage done by mobile equipment required to be present at the site; the permittee to be so liable for a period of one year after completion of backfill.

(2) All damage shall be repaired by the permittee, or if the public works director determines, the town shall repair such damage and the cost thereof shall be billed to the permittee. [Ord. 857, 2002; Ord. 486 § 11, 1981. Formerly 11.10.110.]

**11.10.130 Performance of work – Utility facilities protection.**

(1) Permittee shall not interfere with any existing utilities without the written consent of the utility company or person owning the utility.

(2) If it becomes necessary to remove or relocate an existing utility, this shall be done at the expense of the permittee.

(3) In the case of any such utilities being damaged by the work, it shall be repaired at the expense of the permittee.

(4) The permittee is responsible for ascertaining, prior to commencement of work, the location of all underground utilities and shall protect same against damage. [Ord. 857, 2002.]

**11.10.140 Inspection.**

The town reserves the right to inspect all work addressed in this chapter. No work shall be covered prior to town inspection. The public works director may determine in the field that a full street-width overlay is required due to changes in the permit conditions such as the following:

(1) Trenches need to be relocated due to conflicts with existing utilities.

(2) There has been additional damage to the existing asphalt surface due to the contractor's equipment.

(3) The trench width or depth was increased significantly or the existing pavement is undermined.

(4) There were significant problems discovered during construction. [Ord. 857, 2002.]

**11.10.150 Violation – Penalty.**

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a civil infraction and upon conviction thereof be subject to a fine of not to exceed \$500.00. Each day's violation of the terms of this chapter constitutes a separate violation thereof. [Ord. 857, 2002; Ord. 839 § 24, 2001; Ord. 486 § 12, 1981. Formerly 11.10.120.]



**TOWN OF LA CONNER  
HOLD HARMLESS AGREEMENT  
RIGHT-OF-WAY – CONTRACTOR USE**

THE UNDERSIGNED, \_\_\_\_\_, of \_\_\_\_\_,  
(Name) (Company)

Washington, hereby agrees to indemnify and hold the Town of La Conner, it's employees, elected officials, insurers and volunteers harmless from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises from any activity or work done, permitted, or suffered by User in or about the Rights-of-Way, except only such injury or damage as shall have been occasioned by the sole negligence of the Town, whatsoever, arising from \_\_\_\_\_, on the  
(Description of work being done)  
Rights-of-Way of the Town of La Conner, and to defend the Town against any claim and/or pay any judgment related in any manner to the approval and/or conduct of such event.

The undersigned further agrees to conduct said activity in a safe manner, so that it is not a hazard to pedestrian or vehicular traffic, and to conform to all zoning, traffic and safety ordinances of the Town of La Conner.

The undersigned further agrees to remove debris and/or barricades on or before \_\_\_\_\_, or immediately in the event it should be deemed by the Town  
(Date work to be completed)  
Public Works Director to be hazardous to the health, safety and welfare of the Town.

***Insurance Requirements:***

The User shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property, which may arise from or in connection with use of the Premises.

User shall provide a certificate of insurance evidencing *General Liability* insurance covering the event, products completed, operations and contractual liability.

The Town shall be named as an additional insured on User's General Liability insurance policy.

The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate.

The insurance policy shall contain, or be endorsed to contain, that the User's insurance coverage shall be primary insurance as respect the Town. Any insurance, self-insurance, or insurance pool coverage maintained by the Town shall be excess of the Lessee's insurance and shall not contribute with it.

The User shall provide a certificate of insurance evidencing the required insurance before using the premises.

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

For: \_\_\_\_\_