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REVISED ORDINANCE NO. 16

AN ORDINANCE REQUIRING A PERMIT FOR STREET EXCAVATIONS AND RIGHT-OF-WAY  
IMPROVEMENTS WITHIN THE TOWN OF BUFFALO, SOUTH DAKOTA

BE IT ORDAINED BY THE TOWN OF BUFFALO

PERMIT REQUIRED) No street, alley, public property or public right-of-way shall be cut, trenched, excavated, or improved by any person without first having a written permit from the Public Maintenance Superintendent. A permit shall be issued by a two-thirds vote in favor of approval by the members of the Board of Trustees of the Town of Buffalo, when work done requires cutting of asphalt or concrete surfaced areas.

Unimproved portion of public right-of-way may be improved. Where there are no curbs and sidewalks, the area between the traveled portion of the public right-of-way may be improved and the surface treated only after approval of the permit by the Public Maintenance Superintendent.

Guards required separating private property from improved right-of-way. When the public right-of-way is paved to the property line and no curbs are provided, guards shall be installed within the private property to protect pedestrians using the right-of-way, and to prevent vehicles from access to the private property except at access points designated according to curb cut and driveway requirements set forth in this ordinance.

ADDITIONAL REQUIREMENTS FOR IMPROVED PORTIONS OF RIGHT-OF-WAY. When the public right-of-way is paved to the property line, and when traffic safety requires it, the Public Maintenance Superintendent shall also require:

- (a) Installation of guards within the right-of-way to serve as a curb or a barrier between the traveled portions of the right-of-way and the parking area at designated openings for access to the parking area within the right-of-way.
- (b) Installations to prevent backing of vehicles into traffic lanes.
- (c) Markings to designate parking angles, areas and traffic flow.

EXCEPTIONS TO PERMIT REQUIREMENT. No permit shall be required in the following cases:

- (a) When work is only for the purpose of repairing or installing a sidewalk and with prior approval of the Public Maintenance Superintendent.
- (b) When work is only for the purposes of removing or changing a curb or installing or repairing a driveway and with prior approval of the Public Maintenance Superintendent.
- (c) When work is done for municipal purposes by public works department or under a contract administered by the department of public works.
- (d) When, in an emergency, it is impractical to obtain a permit before work is done. The Public Maintenance Superintendent or any member of the Board of Trustees shall be immediately notified and a permit shall be obtained within forty-eight hours thereafter.
- (e) When work is done to an alley or street which has a non-permanent surface.

**APPLICATION FORMS.** Application for street excavation permit or for improvements to unimproved portions of the public right-of-way shall be made on forms furnished by the Town.

**FEES.** The fee for an excavation or improvement permit, payable in advance, is \$5.00. Said fee shall be doubled if work commenced prior to obtaining permit. Paying double fees does not waive other penalties.

**CONDITIONS FOR OBTAINING PERMIT.** Applicant for a permit and/or his agent and/or contractor doing the work shall before the issuance of the permit:

(a) Furnish bond or insurance to hold the town harmless and/or free of liability arising out of said work if such bond or insurance is deemed advisable by the Board of Trustees of the Town of Buffalo.

(b) Prove he is not delinquent in payments due the town on prior similar work.

(c) Prove he is competent and equipped to do the proposed work.

(d) Show he has proper licenses to do the work.

(e) Submit a plan of subject property and adjacent properties showing existing curb cuts, driveways, and their sizes.

**CONFORMANCE TO RULES AND REGULATIONS.** All work shall conform to specifications and to the rules and regulations established by the Town Board of Trustees prior to or at the time the permit is obtained.

**INSPECTION OF WORK.** All work shall be subject to inspection by the Town.

The Public Maintenance Superintendent shall be notified by permittee before starting work, and before starting backfill, and upon completion of work. Permittee shall not proceed with any further work in each instance until being authorized by the Public Maintenance Superintendent.

**BARRICADE; NOTICE.** Applicant shall adequately barricade his work and shall install sufficient warning lights and signs to protect the public. Applicant shall notify and obtain approval from the Public Maintenance Superintendent, Chief of police or the Chief of the Fire Department before closing or barricading any street or public right-of-way.

**RESURFACING.** Unless otherwise stipulated in the permit, all resurfacing after excavation shall be done by the Town. The Town shall make a charge for such work according to the costs as determined by the Board of Trustees of the Town of Buffalo.

**PERMIT EXPIRATION.** A permit shall expire for work not started within thirty days or completed within sixty days after issuance of a permit, and a new permit shall be required before beginning or completing the work.

**BACKFILLING AND FILLING.** Backfilling and filling material and the method of filling and backfilling shall meet Town specifications. Excavated materials not suitable for backfilling shall be removed from the site.

**"DRIVEWAY" DEFINED.** For the purposes of this ordinance, "driveway" means that portion of the public right-of-way from the private property line to the curb, or where there is no curb, to the improved or travelled part of the



roadway, which area is used to provide vehicular access from the private property to the curb or to the improved or travelled part of the roadway.

*Daniel Schiff*  
PRESIDENT, BOARD OF TRUSTEES

ATTEST:

*Diane Hawala*  
FINANCE OFFICER

( S E A L )

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