

TITLE VI - REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 165
LICENSING OF EXCAVATORS

165.01 License Required

165.02 Excavator Licenses

165.01 LICENSE REQUIRED.

1. Definitions. The following definitions apply to this chapter.
 - A. "Excavate" means to dig, place, repair, construct or bury anything in, on or under the public right-of-way, or in any way remove or physically disturb or penetrate any part of the public right-of-way.
 - B. "PROW" (see "public right-of-way" below).
 - C. "Public right-of-way" (PROW) means the area on, below, or above a public roadway, highway, street, cart way, bicycle lane and public sidewalk in which the City has an interest, including other dedicated PROW for travel purposes and utility easements of the City. A PROW does not include the airwaves above a PROW with regard to cellular or other non wire telecommunications or broadcast service.
2. Excavations. The Clerk shall grant no permit required under Section 175.09 except to licensed excavators or utilities licensed or franchised by the City. Except as may be specifically provided, the requirements of this chapter do not apply to municipal departments or to municipal utilities, except municipal telephone utilities.
3. Plantings. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to burden or occupy the PROW, and shall not be required to obtain any license under this chapter. However, nothing herein relieves a person from complying with the provisions of Iowa's "One Call" law. Additionally, nothing herein constitutes a grant of permission to permanently locate in the PROW, nor does the City waive any potential claims, counterclaims, crossclaims or interpleaders relative to persons putting plantings in the PROW that give rise to injuries or damage to others. The City may at any time require the removal or relocation of plantings at the owner's expense.

(Ord. 769 – Feb-99 Supp.)

165.02 EXCAVATOR LICENSES. Application for an excavator license shall be made to the Clerk on forms furnished by the City and a license shall be issued in accordance with the following:

1. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the license, covering the acts of the license, the licensee's agents and employees; and the City shall be named as additional insured; for the following minimum amounts. The policy shall also provide for at least ten (10) days' notice by the insurer to the City of termination of the policy by the insured or insurer.

Comprehensive General Liability Insurance Limits	
General Aggregate	\$2,000,000
Products-Comp/Op Aggregate	\$2,000,000
Personal and Adv. Injury	\$1,000,000
Each Occurrence	\$1,000,000
Worker's Compensation	Statutory Amount (Iowa)

(Ord. 986 – Sep. 11 Supp.)

2. License Fees. Before issuing of the license, a license fee shall be paid for each excavator in an amount established by resolution of the Council. Applicable fees shall be waived in recognition of the payment of the franchise fees paid by a franchised utility or provisions of a licensing agreement providing for such waived fees with other private PROW occupiers.

(Ord. 769 – Feb-99 Supp.)

3. License Expiration and Renewal. All licenses shall expire on December 31 of each year and may be renewed annually upon payment of the license fee.

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