RIGHT OF WAY CONSTRUCTION PERMIT

TOWN OF GRIFFITH

Type: Road Parkway Sidewalk Curb Alley (paved or unpaved)
Please check all that apply

LOCATION OF CUT _____

PROPERTY OWNER_____ ADDRESS_____

TELEPHONE _____ CITY/STATE _____

CONTRACTOR _____ ADDRESS _____

TELEPHONE _____ CITY/STATE_____

REASON FOR PERMIT _____

_____

PROPOSED STARTING DATE _____ COMPLETION DATE _____

ESTIMATE OF COST _____ TYPE OF SURETY _____

NAME OF INSURANCE AGENT_____

CERTIFICATE OF INSURANCE SUBMITTED YES NO

APPLICATION APPROVED BY _____ DATE____

PARKWAY AREAS TO BE RESTORED BY CONTRACTOR OWNER

INSPECTION COMMENTS

_____

_____

I, _____, being the petitioner of this permit application, agree to perform all construction in accordance with the Town of Griffith ordinances, codes and regulations. I further agree to comply with all local, state and federal regulations pertaining to all proposed construction, as stated herein. I also agree to gaurantee the workmanship of the above permitted cut for a period of one (1) year from the completion date.

Applicant Sinature_____ Date Public Works Director _____Date _____

CONSTRUCTION LOCATION _____

COMMON ADDRESS _____

CONSTRUCTION NOTES _____

_____

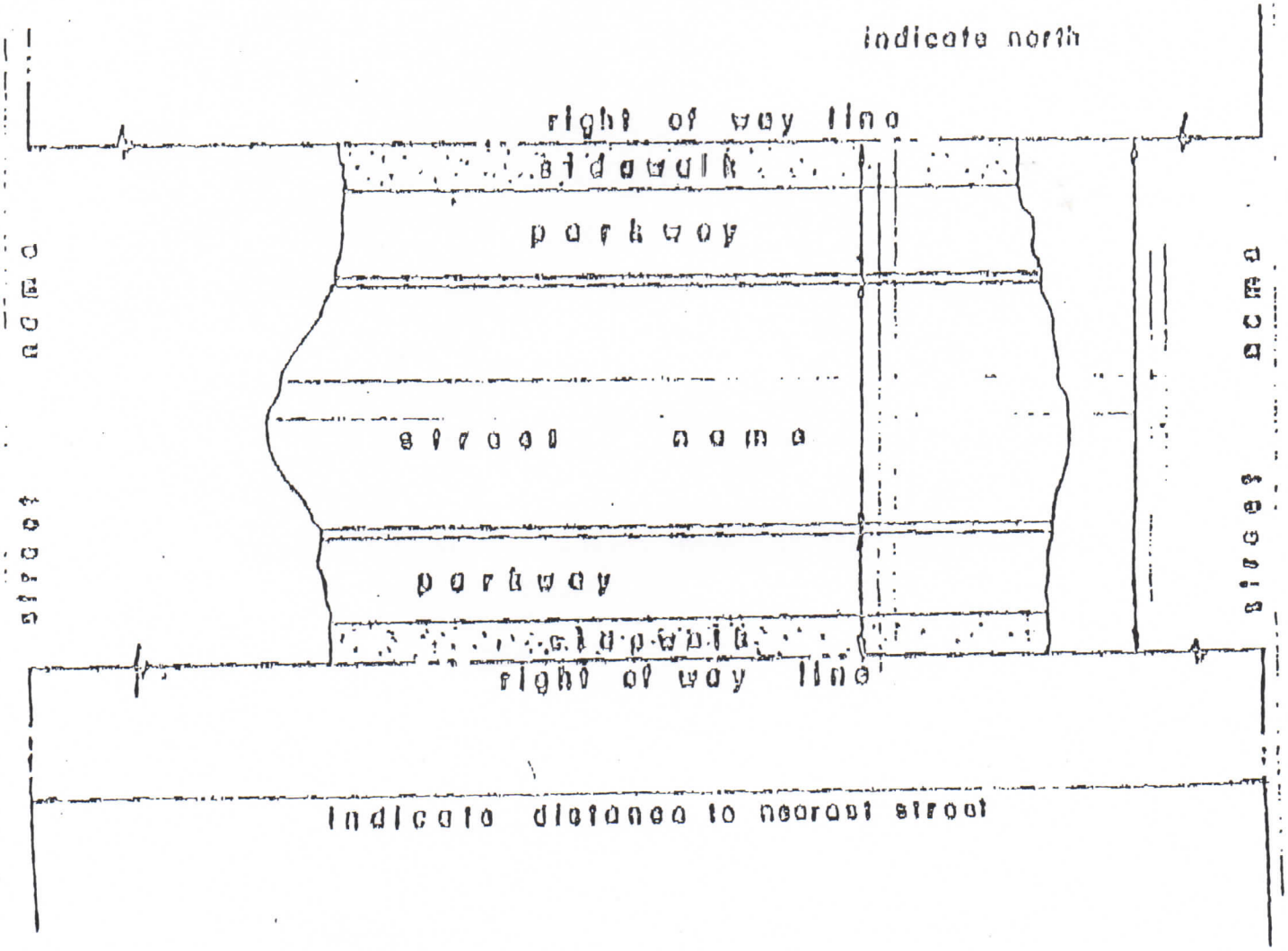
_____

Type of backfill material _____
(100% compaction required)

Pavement thickness Binder ___inches Surface ____ inches Concrete ____inches gravel ___

Pavement edges cut square yes____ no _____ curb type replaced roll___ square____

parkway restoration Sod ____ Dirt and Seed _____



ORDINANCE NO. 97-28

AN ORDINANCE AMENDING THE TOWN CODE BY THE ADDITION OF A NEW CHAPTER 67: EXCAVATIONS ON PUBLIC STREETS, ALLIES AND OTHER PUBLIC PROPERTY

I.

BE IT ORDAINED by the Town Council of Town of Griffith that a new Chapter 67: Excavations on Public Streets, Allies and Other Public Property, be and the same is hereby added to the Town Code, which new Chapter 67 shall read as follows:

CHAPTER 67: EXCAVATIONS ON PUBLIC STREETS, ALLIES AND OTHER PUBLIC PROPERTY

ARTICLE I - PERMIT

Sec. 67-1 Permit-Required.

It is unlawful for any person to cut, alter, change, break, disturb, tunnel under or cut into, through, along or across any pavement, berm, parkway, street, alley, sidewalk or other public place in the Town without first obtaining a permit from the Clerk-Treasurer, approved and ordered issued by the Department of Public Works.

Sec. 67-2 Permit-Application.

Prior to the commencement of any work specified in the preceding section the prospective permittee shall file an application for a permit upon forms to be furnished by the Department of Public Works and the Town Clerk may issue such permit under and pursuant to the provisions of this article.

Sec. 67-3 Permit-Bond and Insurance Required.

(a) Before any permit shall be issued for work contemplated under this article an appropriate bond with satisfactory surety or cashier's check in the minimum amount of $5,000.00, but in no case less than the actual cost of the work to be performed. The bond shall provide that permittee will faithfully perform and complete such work in a manner satisfactory to and in compliance with Indiana State Highway and Town standards. Such bond shall further indemnify the Town and save it harmless from and against any damages to third persons arising out of or as a result of any thing or act constituting negligence or improper work done by such person.

(b) The bond required by this section shall be kept in force by the permittee for a period of at least one (1) year after the completion of the work, and shall not be released by the Town clerk-treasurer until the permittee has settled all claims, either on behalf of the

Town or by any other persons, resulting from such work.

(c) Such bond shall be forfeited to the Town, if the repair or replacement has not been made to the satisfaction of the Department of Public Works within the time limit specified in the permit, and in any case within sixty (60) days from the date of the permit.

(d) As a further condition precedent to permit issuance applicant shall furnish proof of liability insurance in the following amounts:

(1)	Property Damage	$	300,000
(2)	Injury to Person		300,000
(3)	Injury to Person Per Occurrence		1,000,000

Sec. 67-4 Permit-Term.

No permit required by this article shall be granted for a period longer than sixty (60) days without the permission of the Director of Public Works.

Sec. 67-5 Completion of Work.

All work done under this article shall be completed within sixty (60) days from the date the permit is issued, unless extended by the Department of Public Works.

Sec. 67-6 Inspection-Certificate of Inspection.

All work contemplated in Section 18-6 shall be subject to the inspection of the Director of Public Works, and any person performing any of the work shall notify the Director of Public Works of the commencement of the work, the progress of the work and the completion of the work. When the work is completed, to the satisfaction of the Director of Public Works, he shall issue a certificate of final inspection.

Sec. 67-7 Safety Precautions.

The permittee under this article, or his agent, servant or employee shall agree to maintain barricades, lights, signals, watchmen or temporary crossovers, and to take all necessary precautions to safeguard persons and property and to maintain the payment, berm, parkway or sidewalk while under construction and until such time as permanent replacement and repairs are made, satisfactory to the Director of Public Works.

Sec. 67-8 Application Fee.

Each application shall be accompanied by a non-refundable permit/application fee in the amount of $25.00 which fee shall be paid in the form of cash or by guaranteed negotiable instrument.

Sec. 67-9 Permit Fee.

(a) Prior to issuance of the permit applicant shall pay issuance fee in accordance with the following schedule.

Fee	Linear Feet Of Excavation
$50.00	1-500
$80.00	501-1000
$100.00	1001-1500
$140.00	In excess of 1500 feet

(b) The standard fees set forth in the schedule above shall be adjusted for pavement which has been surfaced or resurfaced within three years of the date the application is filed in accordance with the following schedule:

Pavement Age	Adjustment to Fee
0-12 months	4 x standard fee
13-24 months	3 x standard fee
25-36 months	2 x standard fee

Sec. 67-10 Time Limits

(a) *Permit time limit.* Upon approval of the permit under this division, the applicant shall have three months in which to complete construction. If construction may require additional time for completion, a 30-day extension may be granted to applicant at no additional cost provided such extension is applied for prior to expiration of the permit. If an extension request is not submitted prior to permit expiration, construction will be halted until such time as permittee shall:

(1) Reapply for an additional street cut permit;
(2) Obtain approval of the application; and
(3) Post bond, pay the required fees and comply with all other conditions of the permit.

Sec. 67-11 Use of Funds.

All fees received for issuance of permits under this article shall be credited and go to the MVH fund of the Town. All fines and penalties shall be paid to the general fund of the Town.

Sec. 67-12----67-20 Reserved

ARTICLE II - STANDARDS

Sec. 67-21 Standards and Specifications for Construction.

(a) It shall be the obligation of any person obtaining a permit for an opening or excavation in the public right-of-way to backfill the excavation and replace the pavement as set forth in the following specifications:

(1) *Backfill.* All excavations under pavement shall be backfilled with clear granular material meeting the requirements of Section 211 of the Indiana State Highway Standard Specifications. Each layer shall be compacted to at least 95 percent of the maximum dry density as determined by AAHTO T99, as modified from time to time. Special care shall be taken in filling around sewers, water pipes, gas lines, etc., to keep the earth at the same height on both sides to avoid shifting of the pipeline. No removed paving materials or debris shall be used in backfilling the excavation unless approved by the Department of Public Works or its designee. Excavations not under pavement may be backfilled with virgin material removed from the excavation.

(2) *Pavement and Replacement.* All pavement shall be replaced with a type of construction equal to or better than that which is removed and as approved by the Director of Public Works. All cuts in pavement shall be first outlined with a saw cut not less than 1½ inches deep.

(3) *Concrete or Brick Pavements.* Concrete used in the replacement of concrete or brick pavements not presently surfaced with an asphaltic material shall consist of six-bag concrete with seven percent air entrainment. Slump shall not exceed three inches. Coarse aggregate shall be limestone or blast furnace slag. No natural gravel aggregate will be allowed. Where concrete that has an asphaltic concrete surface is replaced, six-bag concrete shall be used and the concrete shall be furnished flush with the surface of the existing concrete and the asphaltic surface replaced.

(4) *Hot Asphaltic Concrete, Sheet Asphalt, Emulsified Asphalt, Chip Seals, and Oil Mat Pavements.* All asphaltic and oil type pavements shall be replaced with a hot asphaltic concrete surface conforming to the standard specifications, hot asphaltic concrete base, binder and surface of these prevailing specifications. The thickness of the pavement shall be equal to that which existed, but not less than three inches. Not less than 11 inches of coarse aggregate class A or B, size No. 53 shall be placed under any asphaltic concrete patch unless a concrete base is necessary. Asphalt placed over a concrete patch shall be cut back six inches around the concrete patch so that the two joints are offset.

(5) *Temporary Patch.* If it is not possible due to weather conditions for the permittee to replace the pavement within 14 days following completion of work, a coarse aggregate base eight inches thick and a cold asphaltic surface shall be applied and maintained as a temporary patch until permanent repairs can be made. In no case shall a temporary patch be maintained more than six months before permanent repairs are made.

Sec. 67-22 Commencement of Construction, Inspections.

(a) The permittee is required to contact the Director of Public Works one day before the cut is to be made. An inspector will visit the construction site to determine that construction, safety, and repair methods as provided for in the approved permit are implemented. The inspector shall verify that all of the conditions of the permit are being met and work is in compliance with Town and Indiana State Highway standards.

(b) The number of interim inspections necessary will depend upon the type and size of the job and will be determined by the Department of Public Works at the time of the initial inspection.

(c) Upon completion of the work, the permittee is required to contact the Director of Public Works. An inspector shall verify that all of the conditions of the permit have been met and work is in compliance with local and state standards. Any equipment, surplus materials, and construction debris of any description shall be removed and the entire area put in a neat and orderly condition. All manholes, catchbasins or other structures disturbed or adjacent thereto shall be examined, any debris caused by the permittee shall be removed therefrom, and/or any damage caused by the permittee shall be repaired by the permittee.

(d) Upon acceptance by the inspector, the date of completion shall be noted on the inspection form. The permittee's performance and damage bond shall guarantee the maintenance of the work for a period of one year from that date. One year after the date of final inspection and approval, the permittee's bond shall be released, provided the quality and workmanship of the excavation have been maintained and the work remains in compliance with Town and Indiana State Highway standards.

Sec. 67-23 Penalties.

(a) Any person who shall make an excavation or opening in or underneath the surface of any street, alley or public place in the Town without a proper permit from the Town, or of larger dimensions than is authorized by such permit, or without a proper bond or certificates of insurance on file, or who fails to erect or maintain suitable warning signs, lights or barriers at or near any such excavation in order to prevent damage to persons or property, or who fails to fill any excavation or opening promptly when the work has been completed therein, or who fails to apply for or pay for a permit after making an emergency excavation, or who shall fail to, neglect, refuse or omit to perform or discharge any other act or duty imposed by this article, shall be punished as provided in Section 1-13.

(b) If any permittee shall violate any of the provisions of this article, or shall cause or create a public nuisance, or create a condition which is hazardous to the public health,

safety, or welfare, or otherwise act unlawfully in connection with this article, the Town may enjoin such person from further excavation activities.

(c) In addition to the remedies provided in this section, if any permittee shall violate any of the provisions of this article, the Town may take all appropriate legal action to call and collect upon the surety bond posted by the permittee.

(d) In any action commenced by the Town to enforce the provisions of this article, and in any legal proceedings initiated by any applicant or permittee, if the Town shall prevail therein, the applicant or permittee shall pay the Town's attorney's fees incurred in connection with such proceedings, at the rate customarily charged by the Town's attorney to nonmunicipal clients.

II.

An emergency exists for the immediate taking effect of this ordinance and the same shall be in full force and effect from and after its passage, approval and publication.

PASSED by the Town Council of the Town of Griffith, Indiana, this 5TH day August, 1997.

TOWN COUNCIL
TOWN OF GRIFFITH

Wayne Gaut

Ronald C Konopnik

Daniel Blount

Katherine A Schanott

Stanley Dobosz

Attest

Ronald J. Szafaryzyk
Clerk-Treasurer