



Laurie D. Miller, Clerk/Treasurer
Mark W. Eagleson, Town Manager
1201 N Townline Road
LaGrange Indiana 46761
260-463-3241

Application for Permit for Excavation of Street, Alley, Gutter, Curbs or work within Public Right-of-Way

Application Date: _____

Name: _____

Address: _____

Location of work: _____

Utilities Located: Water _____ Sewer _____ Cable _____ Electric _____ Gas _____

Brief description of plans:

I have read and fully understand that I am bound by all the requirements contained in Ordinance No. 2023-04-17(A) pertaining to my application.

Signature

Date

Permit fee is \$500.00 Receipt No. _____ Received by _____

Approved by: _____

Date approved: _____

Title: _____

**This permit is valid for thirty (30) days from
the date of approval.**

ORDINANCE NO. 2023-04-17(A)

AN ORDINANCE REGULATING THE EXCAVATION AND RESTORATION OF STREET AND ALLEY PAVEMENTS (PAVED OR UNPAVED), GUTTERS, AND CURBS WITHIN THE PUBLIC RIGHTS-OF-WAY UNDER TOWN OF LAGRANGE JURISDICTION

WHEREAS; the Town has a legal duty to protect the safety and welfare of persons using public right-of-way for transportation and other public purposes and,

WHEREAS; other facilities owned privately or by public or government operated utilities are permitted to occupy space within the same right-of-way and,

WHEREAS; the need to protect the safety and welfare of the public should not be compromised more than necessary by such other permitted uses.

THEREFORE, BE IT ORDAINED THAT:

PERMIT REQUIREMENTS:

- (1) No person shall make any cut into the pavement or into any other portion of any street, sidewalk, curb, public place, or any area designated as Town of LaGrange Right-of-Way or under the jurisdiction of The Town of LaGrange, or to excavate therein, or to excavate beneath the surface for the construction, alteration or repair of any driveway, sewer, sidewalk, or water line or other buried facility, or for the installation of any such work, without first obtaining a Right-of-Way Permit from the Town of LaGrange. This section applies to proposed excavation, construction, or alteration of grassy areas within the Right-Of-Way, regardless of whether roadway, sidewalk, driveway or any other paved surface will be disturbed.
- (2) Any person seeking a Right-of-Way Permit shall provide the following information along with the Permit Application:
 - a) Proof of licensure (when applicable);
 - b) Proof of insurance;
 - c) Proof of participation in Gold Shovel Standard or similar program;
 - d) Proof of training for executives, management, and crews;
 - e) Indiana Proactive training (or approved equivalent) for executives, managers and Subcontracting principals; and
 - f) Indiana 811 Online excavation training for all supervisors, subcontractors and crews.
- (3) **SITE PLANS:** All permit applications must include a site plan, which shall include an engineered drawing showing the location of work, type of work that will be performed, and plan for restoring the right-of-way, including all paved and unpaved surfaces, to its original condition.

- (4) PERMIT FEE: Right-of-Way Permit applicants must pay a non-refundable Right-of-Way Permit fee of \$500.00 to the Town Clerk before any work can be started.
- (5) TIMING: Right-of-way Permits will only be approved from April 1st through October 1st, unless the applicant can show that an emergency exists.
- (6) THIRTY (30) DAYS: Permits expire thirty (30) days after the date the permit was approved. The Town Manager can issue an extension of that timeframe if applicant shows good cause for the delay.
- (7) PROHIBITED PERMITS: No permit will be issued to any person or entity that has outstanding fees, fines, or penalties from the Town. The Town also reserves the right to deny permits to any person or entity that has a history of failing to comply with permit requirements.
- (8) STOP WORK ORDER: The Town reserves the right to deny a permit application for failure to provide required information; revoke a Right-of-Way Permit for any violation of this section; or to issue a Stop Work Order to allow inspection of the excavation site, which shall remain in effect until released by the Town Manager.

EXCAVATION AND BACKFILL REQUIREMENTS:

- The edges of all excavations into paved or finished pavements, gutters, and curbs shall be sawed to a minimum depth of one-third (1/3) the depth of the pavement, gutter, or curb. In no case will the sawed cut be allowed to be less than two (2) inches.
- All excavations made into, under, across, or within two (2) feet of the finished edges of pavements (paved or unpaved), gutters, or curbs shall be backfilled with "flowable fill", also known as "controlled density fill".
- All materials unless specifically stated otherwise, shall be in accordance with the current Indiana Department of Transportation (INDOT) Standard Specifications.
- The flowable fill shall have a compressive strength from 50 PSI (pounds per square inch) to 150 PSI, and shall have a flow test spread diameter greater than eight (8) inches.
- The test for flow shall consist of filling a three (3) inch diameter by six (6) inch high open-ended cylinder placed on a smooth, level, nonporous surface to the top with the flowable fill. The cylinder shall be pulled straight up within five (5) seconds. The spread of the fill shall be measured. The minimum spread shall be eight (8) inches. This test may be performed by the LaGrange Street Superintendent or his designee at the site prior to placement of the flowable fill.
- The flowable fill mix shall consist of the following materials and be proportioned within the following limits for each material per cubic yard:

Portland Cement.....25 to 75 pounds per cubic yard
 Fly Ash..... 0 to 1500 pounds per cubic yard

Fine Aggregate..... 2010 to 3150 pounds per cubic yard
Water.....as required, approximately 500 pounds per cubic yard

- The producer may use water reducing admixtures and also air-entraining admixtures when used in accordance with the admixture's manufacturer's recommendations. The flowable fill may have an air content ranging from 0-25% by volume.
- The proposed mix design shall be submitted and approved by the LaGrange Street Superintendent. A trial batch demonstration and compressive strength report may be required.
- Before any flowable fill is placed, any pipes, structures, or other objects that might be displaced by the placement of the flowable fill shall be adequately anchored, braced, or otherwise secured. All sanitary sewer and storm sewer piping shall be bedded in washed No. 8 stone to a minimum of twelve (12) inches above and below all piping and fittings from the public sewer to the outer edge of the easement of Right-of-Way. No. 8 washed stone or approved equal shall be used as bedding to a minimum of six (6) inches above and below all piping and fittings for the remainder of sewer service lateral. Water lines and fittings shall be bedded in sand a minimum of twelve (12) inches above and below all piping and fittings from the public water main to the outer edge of the easement of Right-of-Way. Sand shall be used as bedding to a minimum of six (6) inches above and below all piping and fittings for the remainder of the water service lateral before backfilling with flowable fill mix. Any piping, structures, or other objects that require bracing must be inspected by the appropriate Town of LaGrange Superintendent or his designated representative and approved before backfilling the excavation site with flowable fill mix.
- The mixture shall be delivered and discharged using ready-mix trucks approved for use by the Indiana Department of Transportation.
- Flowable fill shall not be placed on frozen ground.
- Flowable fill shall be protected from freezing until the material has stiffened and bleeding water subsided. When the temperature at placement is below freezing (32°F), the LaGrange Street Department Superintendent may require that freezing protection extend for as long as forty-eight (48) hours.
- When the flowable fill is being placed in Industrial Streets, Commercial Streets, Federal Aid Highway Streets, or other streets used for non-residential uses, the flowable fill shall extend to a minimum of six (6) inches below the finished surface of the adjacent pavement. If the final six (6) inches of the pavement is being finished with concrete, the concrete may be placed as soon as bleeding water has subsided from the flowable fill. The concrete shall meet all current INDOT specifications for Class C concrete (high early strength concrete). The concrete shall be protected from traffic for a minimum of forty-eight (48) hours. When hot asphalt is used for restoring the final six (6) inches, the flowable fill shall be allowed to cure for a minimum of twenty-four (24) hours, unless otherwise approved by the Town of LaGrange Street Superintendent. The hot asphalt shall consist of five (5) inches of HAC #5 Base and one (1) inch of HAC #11 surface meeting current INDOT specifications. When the existing pavement depth is greater than six (6) inches, the Town of LaGrange Street Superintendent may require that the final restoration match the existing pavement depth.

- When flowable fill is being placed in Residential Streets or alleys, the flowable fill shall extend to a minimum of four and one-half (4 1/2) inches below the finished surface of the adjacent pavement. Placing of concrete is the same as for Industrial Streets above but the depth may be four and one-half (4 1/2) inches. After the flowable fill has cured for twenty-four (24) hours, unless otherwise approved by the Town of LaGrange Street Superintendent, hot asphalt may be placed and shall consist of three and one-half (3 1/2) inches of HAC #5 Base and one (1) inch of HAC #11 surface meeting current INDOT specifications. When the existing pavement depth is greater than four and one-half (4 1/2) inches, the Town of LaGrange Street Superintendent may require that the final restoration match the existing pavement.
- When flowable fill is being placed in unpaved streets or alleys, the flowable fill shall extend to a minimum of six (6) inches below the adjacent surface grade. After the flowable fill has cured for twenty-four (24) hours, unless otherwise approved by the Town of LaGrange Street Superintendent, six (6) inches of compacted aggregate #73 limestone, meeting current INDOT specifications, shall be placed and compacted.
- Granular backfill, meeting INDOT Specifications for B Borrow, #53 compacted aggregate, and #73 compacted aggregate, may be used when placed in eight (8) inch lifts and compacted to ninety-five per cent (95%) of the material's maximum dry density, as determined by accepted AASHTO (American Association of State Highway and Transportation Officials) Standards and procedures.

RESTORATION OF RIGHT-OF-WAY

All permit approvals require the permit holder to perform work according to the designs, descriptions, or conditions outlined in the permit. All public property disturbed while work is being performed must be restored in as good or better condition than its condition prior to the beginning of said work. Restoration of public property must be completed within seven (7) days of completion of work. In the event that the public property, including any non-paved surface, has not been properly restored within 7 days from work completion, the Town Manager may issue fines as outlined below. If permit holder fails to complete the restoration work within ten (10) days of receiving notice of violation and fine, the Town Manager can order the Street Superintendent or contractor to perform the restoration work and bill the Right-of-Way Permit Holder for work performed and any additional costs associated with restoration. Permit holder will still be required to pay all outstanding balances for fines and any costs or fees the Town incurs, including legal fees, to get permit holder to comply with this section.

INDEMNITY

Any person performing any work described within this section and pursuant to a permit from the Town of LaGrange, shall agree to indemnify the Town for any claims, demands, actions, fines, judgments, losses or expenses which may arise from any injuries or damage to person or property resulting from work performed by permit holder, its employees, agents, or contractors.

VIOLATIONS

Any failure to comply with the terms of this ordinance, including failure to restore the public right-of-way to its previous condition or failure to perform work as outlined in the permit

application shall result in the Town Manager issuing penalties as outlined below.

PENALTIES

The following penalties are in addition to and supplemental to any fee assessments, restoration costs, or other remedies the Town may have:

- Penalty: \$500 per day for every day that violation exists
- Max Penalty: \$2,500.00 maximum penalty
- Ban on future permits

EMERGENCIES

If the Town of LaGrange or any of its departments, determines that an emergency situation exists, the requirements of this Ordinance may be temporarily waived in order to protect the health, welfare, and safety of the public.

This ORDINANCE shall be in full force and effect from and after its passage and promulgation according to law.

Dated: April 17, 2023

LaGrange Town Council











ATTEST:



Clerk-Treasurer