

ORDINANCE NUMBER 969

AN ORDINANCE OF THE CITY OF NORTH VERNON, INDIANA  
REQUIRING THE ISSUANCE OF A PERMIT AND DEPOSIT  
FEE FOR WORKING IN THE PUBLIC RIGHT OF WAYS,  
AND CREATING SPECIFICATIONS FOR SUCH WORK.

WHEREAS, from time to time work is performed in the Right of Ways of the streets and alleys of the City of North Vernon, Indiana, by various persons, firms or corporations for the purposes of constructing, installing, altering or repairing driveways, and service lines of various types and other structures which may lie or are planned to lie beneath said road surface; and

WHEREAS, the Common Council of the City of North Vernon, Indiana, has determined that it is in the best interests of the public welfare and safety of the citizens of said city that procedures and specifications be established to ensure the uniform and proper placement and repair of cuts made into the road surface of the streets and alleys, and other work in the Right of Way and to preserve the safety of those traveling on city streets and alleys.

THEREFORE, BE IT, AND IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH VERNON, INDIANA, THAT:

No person, firm, public utility or corporation or the agents thereof, shall cut into the streets or alleys or cause to perform permanent work in the Right of Ways of the City of North Vernon, Indiana, without first making application for and obtaining a permit to do so from the Street Commissioner of the City of North Vernon, Indiana, and by making a minimum deposit of the sum of One Thousand Dollars (\$1,000.00) in cash or approved Surety Bond with the Clerk-Treasurer of the City of North Vernon for the satisfactory repair and performance of the work in the street or alley in accordance with the specifications outlined in the following sections of this ordinance.

Persons, firms, public utilities and corporations or there agents thereof, will be allowed to post a standing bond, in the minimum amount of \$5,000.00, by surety bond only, valid from January 1, to December 31 of a calendar year, to cover multiple cuts or large projects. Application for each individual cut or project shall still be required, and the applicant shall note on the application that they have a standing bond. In the instance that it appears that the minimum bond will not cover all of the proposed or outstanding work, then the City may ask that the bond amount be increased in increments of \$5,000.00 to cover the satisfactory performance of the work.

The North Vernon Wastewater Department and the North Vernon Water Department shall be obligated to comply with all of the terms and conditions of this ordinance in connection with work done by, or on behalf of, the City of North Vernon except that the bond requirements shall not apply to said public entities when performing the work themselves. The bond requirements shall apply to any and all independent contractors performing work at the request of the North Vernon Wastewater Department and/or the North Vernon Water Department.

SECTION 1:  
APPLICATION:

Within the City Limits of North Vernon, Indiana, no one shall cut, jack, bore, place utility lines, place drainage structures, place a driveway or block a City Right of Way without first obtaining a permit from the Street Commissioner, and posting a Bond sufficient to cover the costs of repair. The amount of the Bond shall be determined as based upon the extent of the cut, and in no case shall it be less than \$1,000.00, for each and every cut, jack, bore, blockade or drive. If the cut in any street or alley is planned to exceed or does exceed twenty-five (25) feet in length, an additional deposit of the sum of Twenty Dollars (\$40.00) per foot for the amount of footage of the cut in excess of twenty-five (25) feet shall be made with the Clerk-

Treasurer of the City of North Vernon for the satisfactory repair of the street or alley in accordance with the specifications as outlined in the following sections of this ordinance

The form of such permit shall be determined by the Street Commissioner. Forms shall be available at both the Street Department and the Clerk-Treasurer's Office.

Applicants for a permit for any work in a Right of Way shall submit a sketch or drawing or otherwise clearly communicate the location and design, the traffic control plan, and the proposed restoration for the proposed cut in a manner satisfactory to and approved by the Street Commissioner. In cases where an entire street is needing to be closed between intersections, then the applicant shall also submit a detour plan, and make allowance for local access to affected properties. All signage and traffic control shall meet INDOT standards.

In the case of any planned operation, the applicant shall submit their application for the necessary permit to the Street Commissioner at least 7 working days prior to beginning construction. Written authorization, with or without conditions or denial with reasons for said denial shall be issued by the Street Commissioner. The applicant is responsible for forwarding a copy of the final permit before any work begins to the 911 Dispatch Center, the Police Department, the Fire Department, and the School System.

This application time period need not apply to emergency conditions wherein a public utility must open cut a street to repair or replace a failed or ruptured main or service connection, but the utility shall immediately notify the Street Commissioner, as well as the 911 Dispatch Center, the Police Department, the Fire Department, and the School System. Within three calendar days after beginning the emergency repair the application shall be submitted along with the other detailed information.

Permits issued shall be valid for a period of no more than ninety days until work commences, and all work shall be performed within an additional 90 day period.

## SECTION 2:

### NO CUT STREETS:

The following streets are considered "No Cut" Streets, and this ordinance shall apply to the existing utility mains and service lines, and any new utility connections. All attempts shall be made to bore or jack under these streets so as not to impede traffic. In no instance will total closure of any of these streets be allowed. Open cuts will be allowed in the instance where the existing main is in the street and no other method appears available for making a connection other than an open cut, but no work shall proceed without first obtaining the approval and written permission of the Street Commissioner of the City of North Vernon for such open cut.

- 1) Madison Avenue from Second to State Road 3
- 2) Rodgers Park Drive
- 3) 4th Street from Hoosier to the City Cemetery
- 4) Gum Street from US 50 to Base Road
- 5) Norris Avenue from US 50 to Base Road
- 6) Middle School Road
- 7) Hurley Drive from State Street to the West City Limits
- 8) FDR Drive
- 9) JFK Drive
- 10) Hoosier from Madison to Second
- 11) Hayden Pike
- 12) Greensburg Street
- 13) Vernon Street
- 14) Lincoln Street
- 15) College Street
- 16) Long Street
- 17) Henry Street from State Street to Brookside Drive
- 18) Veterans Drive from Henry Street to Hurley Drive
- 19) O & M Avenue from State Street to the West City Limits
- 20) O & M Avenue from 4th Street to 5th Street

- 21) Old State Road 3 from State Road 7 to the North City Limits
- 22) County Road 350N from State Road 3 to the East City Limits
- 23) Walnut Street (old US 50) from Madison Avenue to the West City Limits
- 24) Buckeye Street (old US 50) from Madison Avenue to the East City Limits
- 25) Fifth Street from Madison to the North City Limits

Applicants for a permit for any construction on these streets shall submit a sketch or drawing or otherwise clearly communicate the location and design, and the traffic control plan in a manner satisfactory to and approved by the Street Commissioner. These streets shall remain open to traffic, and remain completely open and accessible through the life of the construction project. The permit holder will be allowed to close one lane at a time, provided proper warning devices and flagmen are utilized and conform to current INDOT specifications. All necessary warning devices and signs shall be utilized by the permit holder. The minimum bond for these streets shall be \$5,000.00, cash or approved Surety Bond.

SECTION 3:  
OPEN CUT SPECIFICATION:

Said specifications for the repair of cuts are as follows:

(A.) Before the hole caused by the cut is to be filled the existing surface shall be cut or sawed to a smooth edge, 6" deep, at a minimum of 6" wider than each side of the trench. The open cut to a depth of 8" below finished grade, shall be backfilled with either stone (Sizes #5 or #53) and compacted with a suitable mechanical roller or hand tamp, depending upon the area involved. Existing Asphalt Streets shall be replaced by two layers of full depth asphalt at least six (6) inches in total depth, the top surface of which shall be two (2) inches below the top surface of the street grade, and two (2) inches of hot asphalt topping mix shall be placed atop the base layers and compacted with a suitable mechanical roller or hand tamp, depending upon the area involved. In the case of existing Concrete Streets Six inches of 4,000 psi Reinforced Concrete, broom finished, shall be placed.

(B.) In special approved cases, wherein bituminous materials may not be readily available, the cut may be filled with 6" Class A Concrete to a point 2" below finished grade. The final 2" hot asphalt surface then may be placed at a later date.

(C.) In special approved cases, the stone may be placed up to the top of the existing surface and may be kept in place for a period of thirty (30) days after which time such material shall be dug out to a depth of at least eight (8) inches below the top surface of the street grade and finished as stated in (A) above.

(D.) All excess materials from the cut shall be loaded and hauled away by the persons firm or corporation or the agents thereof cutting into the street or alley.

SECTION 4:  
DRIVEWAY CONDITIONS

In the city of North Vernon, no one shall: 1) alter a street curb by cutting the curb or otherwise demolishing the curb, 2) alter or block the city street gutter, 3) alter a sidewalk, or 4) construct a new driveway for the purpose of driving on and off a city street, without first obtaining the approval and written permission of the Street Commissioner of the City of North Vernon for such driveway. The minimum bond for residential drives shall be \$1,000.00. The minimum bond for commercial drives shall be \$5,000.00.

The following specifications apply to all that portion of the driveway which falls within the right-of-way of the city street.

All efforts shall be made to locate all driveways off of Local Streets, rather than Arterial or Collector Streets. No driveway shall be placed within 50 feet of an intersecting Public Street. No driveway shall be placed closer than 10 feet to another driveway as measured at the right of way line. All driveways shall be perpendicular to the Street they are connecting to from the connection point to the right of way line.

All new residential driveways shall meet the street with a minimum radius of ten (10) feet. The minimum radius for driveways intended for commercial traffic or high volumes of vehicle traffic shall be twenty-five (25) feet. That portion of the driveway which falls within the right-of-way of the city street shall have a minimum width of ten (10) feet as measured at the right of way for residential driveways, or a minimum width of twenty (20) feet as measured at the right of way for commercial or high traffic driveways.

If the new driveway is to cross a drainage or roadside ditch, or for any other reason it is deemed necessary that a culvert is required to be placed in the public right-of-way; such culvert shall be no less than twelve (12) inches in diameter and twenty (20) feet in length. Larger diameter and length culverts may be required by the Street Commissioner, if drainage conditions so warrant. In order to prevent impeding normal drainage, culverts for new driveways are never in any case to be smaller than the closest upstream culvert.

In the construction of the new driveway, the portion of the driveway which falls inside the city street right-of-way is to be composed of hard surface material of the same character as the material of the connecting street.

City sidewalks are not to be used as driveways, nor are they to be driven or parked upon. Existing city sidewalks are not to be used as portions of the new driveway. In the construction of the new driveway, the existing city sidewalk is not to be covered over or crossed by the new driveway material; but must be removed and the new driveway surface material must be placed flush with the remaining sidewalk surface, OR, if not placed flush with the sidewalk surface, then sloping ramps must be placed in the sidewalk on each side of the drive so that there is a smooth continuation from sidewalk to driveway to sidewalk which is accessible to the handicapped.

This ordinance shall apply to any widening or reconstruction of any existing drive. This ordinance shall not apply to the surfacing or resurfacing of existing driveways.

#### SECTION 5: WARRANTY

The applicant shall be entitled to a return of their cash bond or the release of their Surety Bond once the Street Commissioner has determined that the work done as contemplated by the permit has been satisfactorily completed and the applicant has complied with all the terms and conditions of this ordinance. If no such determination is made within ninety (90) days of the date the bond is submitted to the City of North Vernon, any cash bond shall be forfeited and paid into the Street and Alley fund of the City of North Vernon and/or the City shall take appropriate action to collect any Surety Bond whose proceeds shall be paid into the same fund.

Any person, firm or corporation obtaining a permit to cut into a city street or alley thereby warrants the repair of the cut to be made in accordance with the specifications, of this ordinance and to be free from defects in material and workmanship for a period of one (1) year after the date the asphalt topping required by this ordinance is placed in the cut.

#### SECTION 6: ENFORCEMENT

Anyone found in violation of these conditions or found performing work in the Right of Way without a valid permit, shall be subject to a fine of not to exceed \$5,000.00, along with being responsible for the cost of any and all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each and every occurrence may be treated as a separate violation.

The Street Commissioner of the City of North Vernon, Indiana is hereby directed to draft or to cause to be drafted the necessary written forms requiring such information as is reasonably related to the purposes of this ordinance to be used in the implementation of this ordinance.

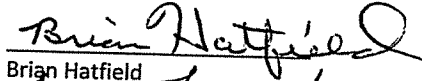
SECTION 7:  
ENACTMENT

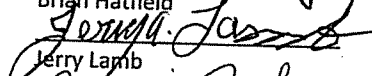
Ordinance number 792 of the City of North Vernon, Indiana passed and adopted December 21, 1998 is hereby expressly repealed, as are all other ordinances or parts of ordinances in conflict herewith.'

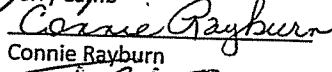
This ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

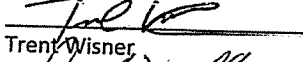
ADOPTED by the Common Council of the City Of North Vernon, Indiana this

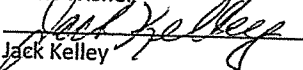
30 day of MAY, 2018

  
Brian Hatfield

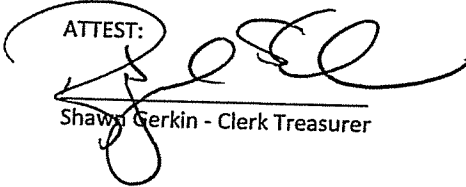
  
Jerry Lamb

  
Connie Rayburn

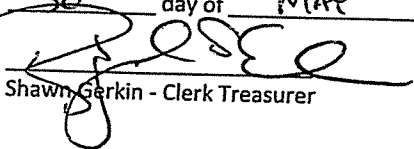
  
Trent Wisner

  
Jack Kelley

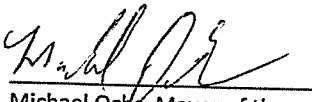
ATTEST:

  
Shawn Gerkin - Clerk Treasurer

Presented by me to the Mayor of the City of North Vernon, this  
30 day of MAY, 2018 at 8:00 P.M.

  
Shawn Gerkin - Clerk Treasurer

Approved and signed by me this  
30 day of MAY, 2018, at 8:00 P.M.

  
Michael Ochs, Mayor of the  
City of North Vernon, Indiana