

AN ORDINANCE TO AMEND 23-54, 23-55, 23-56, 23-57, 23-58, 23-59
AND 23-60 OF ARTICLE III OF CHAPTER 23 OF THE LEBANON CITY CODE
AND SUBSTITUTING THE WORDS BUILDING INSPECTOR FOR THAT OF STREET
COMMISSIONER IN CERTAIN SECTIONS OF CHAPTER 23.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, THAT:

Section 1: That the above sections of ARTICLE III EXCAVATIONS shall be amended to read as follows:

Section 23-54 Permit-Required

No opening or excavation, as described in Section 23-53 shall be made until a permit therefor shall have been duly given by the City Clerk-Treasurer.

Section 23-55 Same-Petition; bond

Any person desiring a permit to make openings or excavations as required by Section 23-54 shall file with the City Clerk-Treasurer a petition which shall definitely state the location of the proposed opening and the purpose of the same, together with a bond payable to the City in a sum of not less than one hundred dollars (\$100.00) and not more than five thousand dollars (\$5,000.00) as the Clerk-Treasurer may designate, which bond shall be conditioned for the saving of the city harmless from any loss, cost or damage by reason of such proposed work; and the same shall be done in all and other ordinances of the city; provided, however, that a single or continuing bond may be given to embrace all work of the petitioner.

Section 23-56 Same-surface restoration fees

Any person desiring a permit required by Section 23-54 shall pay to the city, for the replacing and repairing of the pavement or street necessary to be taken up, as follows:

- (1) A flat inspection fee by the City Building Inspector of \$5.00
- (2) All asphalt or cement pavement replaced by the street commissioner shall be charged at the local selling price

The minimum charge for each excavation.....\$15.00

- (3) The above permit fees shall not be charged to any city owned utility or department.

Section 23-57 Same-Issuance

(a) (Generally.) It shall be the duty of the City Clerk-Treasurer upon the filing of the petition for the permit required by Section 23-54, the approval of the bond and the payment of said money, as aforesaid, to issue to such petitioner a permit to make such excavation and do such work, and such permit shall describe the kind and location of the same. Such permit shall only be issued after the petition has been reviewed by the Building Inspector and approved by the Board of Works and Safety.

(b) (Restricted during certain period.) No permit shall be issued for the digging into or excavation of any paved street, alley or sidewalk or any public place between the first day of December of any year and the first of the succeeding April, except by special permission of the Board of Works which permission shall be based upon a petition filed as above stated; provided, however, that in any emergency in connection with utility service, the utility involved may be permitted to proceed before a permit is issued by informing the Building Inspector of the circumstances.

(c) (Restricted during construction or guarantee period.) In the event any person shall desire to cut into or excavate any pavement, street, alley or sidewalk during the construction thereof and before the same is accepted by the City Officials or in cases where such improvement is subject to guarantee by any contractor or individual securing said permit who has constructed the same, no petition for opening, excavation or cutting into such street, alley or sidewalk shall be granted during the construction thereof, or during the guarantee period, unless the petitioner first secures the consent of the contractor or individual securing said permit who is constructing the same, or who has guaranteed the same. Such consent must be in writing in which such contractor or individual securing said permit waives any and all rights he may have to object to such opening or excavation, and also in such consent such contractor or individual securing the permit shall agree that he will not hold the city liable to him in any way and that such consent will in no way impair or lessen his obligations to repair or rebuild such street, alley or sidewalk, or in any way change his obligations or guarantee, in such cases any person desiring to petition for such entering into such improvement, shall first obtain such consent and agreement from any such Building Inspector, who will then grant a permit upon the compliance with the other terms of this article. It shall be the duty of the Building Inspector, either in person or by deputy, to determine the proper location for the water, gas, sewer, or other connections or conduits to be made, locate all sewer slants and taps and supervise the replacing of the excavations and pavement and see that all work in connection therewith is made and completed in a workmanlike manner. All dirt is hauled away by the petitioner and clean sand or pea gravel is replaced in the excavation and settled by tamping or working with water.

The provisions of Section 23-58 are hereby repealed and said section is reserved for future use.

Section 23-59 Notice upon completion of work; filling

After the purpose of an excavation for which a permit is required under this article has been accomplished, the petitioner who has obtained such permit shall give notice to the Building Inspector that the opening is ready for the filling and pavement to be replaced and the contractor or individual securing the permit shall proceed to replace the same as soon as possible.

Section 23-60 Barricades, danger lights

All proper barricades and danger lights shall be maintained by the party to whom a permit required under this article was issued until the opening has been repaired and replaced by the petitioner or his representative.

Section 23-61 Backfilling by installation of utility conduits