

Chapter 114.
Excavations.

Article I. Excavations.¹

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¹ For state law as to authority of city relative to excavation in streets, etc., see Indiana Code § 36-9-6-14.

Sec. 114.01. Permit--required.

Within the West Lafayette city right-of-way, it shall be unlawful for any person to make an excavation or cause an excavation to be made on, in or under a street, alley, sidewalk, curb, gutter, median or planting strip, without first obtaining a permit to make such excavation and installation from the West Lafayette city engineer's office. (Ord. No. 5-96, § 1)

When any sidewalk is made new, replaced, or repaired at an intersection within the city limits of the city, a handicapped ramp shall be constructed to conform with specifications furnished by the West Lafayette city engineer.

(Code 1960, § 7-1; Ord. No. 37-86, 1986)

Sec 114.02. Application.

All applications for permits to make excavations and installations for the purposes stated in this chapter, shall be made in writing on printed forms at the office of the city engineer by the applicants, and shall give the exact location, using a map or diagram, the starting point, course and termination and the purposes of the excavation contemplated. (Code 1960, § 7-2, Ord. No. 5-96, § 2.)

Sec. 114.03. Issuance.

The city engineer shall issue a permit on the prescribed form upon payment, by the applicant, of the fee for excavation, and in accordance to such rules and regulations as established by the engineering department. All permits must be signed by a representative of the city engineer's office to be valid. (Code 1960, § 7-3, Ord. No. 5-96, § 3.)

Sec. 114.04. Fees.

The applicant shall pay to the city clerk-treasurer a fee of fifteen dollars per excavation permit. (Code 1960, § 7-5, Ord No. 5-96 § 4)

Sec. 114.05. Possession and display.

The applicant shall have the applicant's copy of the permit on the premises of the work at all times when work is being done thereupon, and it shall be the duty of the police department to stop progress of work on any and all excavations in the city until a proper permit is shown for such work. (Code 1960, § 7-11; Ord. No. 5-96 § 5.)

Sec. 114.06. Bond.

Before a permit is issued, the city engineer's office shall require the applicant to file a bond in the penal sum of five thousand dollars covering liabilities under this chapter for the term of one year, thereby guaranteeing to conduct operations in strict accordance with the provisions of this chapter. The applicant shall keep the city free and harmless from the payment of any and all damages, cost, expenses, royalties, patent fees, attorney fees or any sum of money whatsoever, by reason of any, action, claim, demand or proceeding arising out of any infringements, or alleged infringements, or use of any patent or patent device, article, systems or arrangement that may be used by the applicant in the procedure of this work, or default or negligence of such applicant in doing and completing of the work. (Code 1960, § 7-4; Ord. No. 5-96 § 6.)

Sec. 114.07. Guarding of excavations.

Any person to whom a permit is granted under this chapter, who shall make an excavation or cause an excavation to be made on, in or under a street, alley, sidewalk, curb or gutter carefully guard such excavation during the progress and completion of the work. (Code 1960, § 7-6, Ord. No. 5-96, § 7.)

Sec. 114.08. Filling.

Back filling for streets, alleys, and sidewalks shall be done with granular material and deposited with special reference to the future stability of the street, alley or sidewalk. The materials shall be mechanically compacted to the subgrade of the street, alley or sidewalk base. All surplus excavation shall be hauled away. In lawn spaces the fill shall be made with the best of the excavated material suitable to maintain the previously existing turf. (Code 1960, § 7-7; Ord. No. 5-96 § 8.)

Sec. 114.09. Restoration of streets, alleys, etc.

The restoration of the streets, alleys, sidewalks, curbs and gutters, shall be the responsibility of the applicant and shall conform the specifications furnished by the West Lafayette city engineer's office. All restorations shall be done under the supervision of the West Lafayette city engineer's office.

When any sidewalk is made new, replaced, or repaired at an intersection within the city limits of the city, an accessible ramp shall be constructed to conform with specifications furnished by the West Lafayette city engineer. (Code 1960, § 7-8; Ord. No. 5-96 § 9.)

Sec. 114.10. Restrictions on extension of excavations.

When permission is granted to a telephone, telegraph or power company to install an underground conduit in any street or alley, not more than one section or the space between any two manholes shall be torn up at any one time; except, that when the conduits are laid in any one section and the filling of the trenches in the same has begun then the company may commence to proceed with the opening up of the next section. But the preceding section shall be filled and restored to its proper condition as speedily as possible. (Code 1960, § 7-9.)

Sec. 114.11. Removal of utility poles following excavation.

Upon the completion of any underground conduits system the company installing the same shall within sixty days take down and remove from the course or route of the underground conduit system all pole anchors owned and formerly used by the company, and thereafter, no poles shall be used by the company along the course or route except such as are necessary for the distribution of lines to patrons and all poles used for such distribution purposes shall be placed in alleys or utilities easements as directed by the city engineer. (Code 1960, § 7-10.)