



TO: City of Kokomo, Board of Public Works and Safety

FROM: Carey Stranahan, City Engineer

DATE: February 5, 2020

RE: Update to Right-of-Way Excavation Manual

Attached for your review and approval is an update to the City's Right-of-Way Excavation Manual. This manual guides city departments, utilities, and contractors with best practices and standards for the excavation and repair of city streets. Updates include:

1. A standard for calculating permit fees for directional boring
2. A bituminous sealer requirement for patch joints
3. Minimum pole spacing and a timing requirement for the removal of abandoned poles
4. The prohibition of utility markers and bollards
5. Small Cell Structure standards

I recommend the Board of Public Works and Safety approve the updated Right-of-Way Excavation Manual

APPROVED BY BOARD OF PUBLIC
WORKS AND SAFETY

FEB 12 2020

BOARD OF PUBLIC WORKS

City of Kokomo

Right of Way Excavation

Handbook



**Board of Public Works and Safety
City of Kokomo, Indiana**

Weston Reed, *President*

**Department of Engineering, Traffic,
and Inspection Services**

City Hall
100 S. Union St.
Kokomo, In 46901

Carey Stranahan, *Member*

Sarah Spencer, *Member*

Carey Stranahan, P.E., *City Engineer*

Tiffanie Bolen, *Secretary*

Date 2-12-20

APPROVED BY BOARD OF PUBLIC
WORKS AND SAFETY

FEB 12 2020

BOARD OF PUBLIC WORKS

1. Definitions	3
2. Permit.....	4
2.1. Application.....	4
2.2. Protected Pavements	4
2.3. Timing.....	5
2.4. Fees	5
2.5. Security	5
2.6. Inspections	5
3. Methods	6
3.1. Traffic Control	6
3.2. Cut.....	6
3.3. Refilling	6
3.4. Restoration	7
3.4.1. Street	8
3.4.2. Curb	8
3.4.3. Sidewalk	9
3.4.4. Lawns.....	9
3.4.5. Miscellaneous Surfaces	9
4. Housekeeping and Cleanup	9
5. Materials	9
5.1. Flowable Fill	9
5.2. Concrete	10
5.3. Seeding.....	10
5.4. Asphalt	11
6. Utility Standards	11
6.1. Utility Poles.....	11
6.2. Markers and Bollards	11
6.3. Small Cell Structures	11

1. Definitions

1. Board: City of Kokomo Board of Public Works and Safety
2. Call: Contact the City of Kokomo Building Department at 765-456-7362. In the case of emergency cuts, contact Police Dispatch at 457-1105.
3. Contractor: Person cutting the street under a contract with the Permittee.
4. Department: Department of Engineering, Traffic, and Inspection Services.
5. Emergency: A situation with the possibility of causing damage or injury per IC 8-1-26-19
6. Inspector: A department representative or any other person authorized by the City Engineer to perform inspections.
7. Non-Travel Lane: Any portion of pavement that is not within the traveled portion of the roadway. This area includes parking lanes and intersection radii.
8. Ordinance: City of Kokomo Code of Ordinances pertaining to excavations within the right-of-way.
9. Permit: A street cut permit issued by the City of Kokomo Department of Engineering, Traffic, and Inspection Services in accordance with the ordinance.
10. Permittee: Person to whom a permit described in these regulations has been issued.
11. Person: the term "person" shall include and be applied to associations, clubs, societies, firms, partnerships and bodies of politic and corporate as well as to individuals.
12. Summer: Time frame between the opening of the local asphalt plant and the closing of the asphalt plant.
13. Thoroughfare: All streets identified as collector or arterial on the transportation map in the latest adopted comprehensive plan. A copy of this plan is located on the city's website.
14. Travel Lanes: Any portion of pavement that is within the traveled portion of the roadway.
15. Winter: Time frame between the close of the local asphalt plant to the opening of the local asphalt plant.

2. Permit

2.1. *Application*

All excavations within the right-of-way in the City of Kokomo require a permit. Work requiring a permit includes, but is not limited to:

1. The extension of services to a new development in the existing right-of-way.
2. The extension of services to existing homes in the right-of-way.
3. The upgrade of service to single user within the right-of-way.
4. Directional bores occurring within the right-of-way.
5. Parallel, diagonal, or perpendicular cuts through the existing pavement of the right-of-way.
6. The installation of overhead services within the right-of-way, excluding those that fall under the exemption provided for in §97.15(B).
7. Emergency Excavations in the right-of-way performed under IC 8-1-26-19.
8. Open trenching.
9. The addition of auxiliary lanes (i.e. acceleration and deceleration lanes or any other traffic control devices) within the right-of-way.
10. The installation or repair of driveways or sidewalks that require curb cuts.
11. The installation or replacement of utility poles or guys.

A separate permit is required for each individual cut.

No permit will be issued to a permittee with outstanding balances due on previously issued permits.

Permits may be obtained from the City Hall Welcome Center, 765-456-7362

2.2. *Protected Pavements*

Streets having been paved within three years of an application are considered “Protected”. Permits issued under these circumstances are subject to an additional fee in accordance with the ordinance. Additional measures may also be required to repair the pavement.

A historical resurfacing map will be available for inspection at the Department’s office during normal working hours and available on the City’s website.

2.3. *Timing*

An application for a permit must be submitted at least 5 working days prior to commencing the work. Work that commences without a permit may be subject to an additional fee as described in the ordinance if an emergency cannot be substantiated.

Emergency Cuts: Cutting the street without a valid street cut permit is allowed under emergency circumstances only. An application for a permit must be submitted within 2 days from the commencement of the work. Inspections on emergency cuts are still required.

Permits are valid for the amount of time approved on the permit. All work being performed under the permit (except final surface during the winter months) shall be completed before the permit expires as weather permits. Extensions may be granted by the City Engineer. No additional permits will be issued to a contractor with an expired permit until the expired permit is closed.

2.4. *Fees*

Inspection costs for work performed under a valid street cut permit are included in the charges at the time the permit is issued. The fee for inspections is estimated based on normal working hours, 8:00 am - 4:00 p.m., Monday through Friday, excluding holidays. Work inspected outside of normal working hours will be considered overtime work. Overtime inspections will be reimbursed to the City at the hourly rate of the Inspector at the appropriate rate (time and a half or double time), plus fringes.

Directional Boring – The fees are calculated as follows: The estimated maximum length of bore is assumed to be 400 feet. Therefore, two cuts for the first 400 feet are assessed, then one cut for every 400 feet thereafter.

Fees may be refunded if the work is cancelled prior to commencing the work.

The city reserves the right to review the excavation after the work is complete and assess additional cuts based on the actual work.

2.5. *Security*

Prior to issuance of a permit, the contractor shall submit a valid license and permit bond or have a bond on file in accordance with the ordinance.

If the contractor cannot supply a valid license and permit bond, a certified check or other guarantee may be accepted at the discretion of the City Engineer.

2.6. *Inspections*

The following inspections are required for every permit unless otherwise noted:

1. Backfill Inspection

The contractor shall call for this inspection at least 1 hour prior to beginning

backfilling operations. This is not required if the excavation does not involve cutting the street, curb, or other concrete surface.

2. **Sub-Surface Inspection**

The contractor shall call for this inspection upon completion of the concrete sub-surface if the excavation involves cutting the street. If the excavation involves replacing a sidewalk or curb, this inspection shall occur just prior to replacing the concrete. This inspection is waived for alleys and where the excavation does not involve asphalt or concrete repair.

3. **Final Inspection**

The contractor shall call for this inspection upon completion of all work.

4. **One-Year Follow-up Inspection**

Prior to one year following the final inspection, the city will inspect the excavation to ensure that the repair is still in compliance.

Upon failure of any inspection, the contractor will be required to remediate the situation to the satisfaction of the Inspector at the contractor's cost.

Failure to properly notify the city may result in re-excavating to allow for a proper inspection.

3. Methods

3.1. Traffic Control

All traffic control devices shall be installed in accordance with the Indiana Manual of Uniform Traffic Control Devices.

The contractor shall notify the City Engineer a minimum of two days prior to cutting any thoroughfare. Additional provisions for the maintenance of traffic may be required and will be at the contractor's expense.

3.2. Cut

Prior to any excavation, the permittee shall contact the Indiana Underground Utility Locate Service and also notify any non-member utilities.

Pavement cuts shall begin with saw cutting the area anticipated to be cut. Concrete pavement and sidewalks shall be removed to the nearest control joint.

The City and all affected property owners shall be notified before removing any landscaping or street trees. The city may require the contractor to replace the landscaping or street trees at the contractor's expense.

3.3. Refilling

Once the cut is made, work shall be conducted continually during normal business hours so long as weather permits.

If, during the backfill inspection, the excavation is found to be undercutting an area adjacent to the excavation, the contractor may be required to either remove the undercut surface or backfill the excavation with flowable fill.

Temporary concrete driving surface is to be completed immediately after backfilling. Final surface should be completed within 15 days of subsurface or asphalt plant opening as required. Cold patch is NOT considered a temporary driving surface.

Frozen backfill will not be allowed to be placed in the excavation.

3.4. Restoration

Restoration shall be in accordance with the following table.

LOCATION	TIME FRAME	BACKFILL MATERIAL	TEMPORARY SURFACE	FINAL SURFACE
Alley	Any time	#53 or #73 stone compacted every 12"	N/A	7.5" concrete flush with the surface
Thoroughfare Travel Lane	Winter	Flowable Fill	9-1/2" concrete	Mill 1-1/2" and replace with 1-1/2" HAC surface
Thoroughfare Travel Lane	Summer	Flowable Fill	8" concrete down 1-1/2"	1-1/2" HAC surface
Thoroughfare Non-Travel Lane	Any time	Flowable Fill	8" concrete down 1-1/2"	1-1/2" HAC surface
Residential	Any time	#53 or #73 stone compacted every 12"	6" concrete down 1-1/2"	1-1/2" HAC surface
Sidewalk/ Driveway	Anytime	Grade "B" Borrow	N/A	4" Sidewalk/ 6" Driveway
Lawn	Winter	Excavated material	Erosion Control Measures	Grass seed/ original condition
Lawn	Summer	Excavated material	N/A	Grass seed/ original condition

3.4.1. Street

All excavations must have all straight edges prior to restoration, regardless of weather it was saw cut prior to excavation. Milling may be required to provide a straight repair if the excavation is not straight.

Protected pavements resurfaced within the previous 12 months may also require heat blending the patch into the existing asphalt. This requirement is at the discretion of the City Engineer.

Concrete alley restoration shall be float finish flush with the existing grade.

All milling will be the responsibility of the contractor. Thoroughfare driving lane restoration may be restored as Thoroughfare non-driving lane restoration if the repair is made between March 1 and the opening of the asphalt plant. All repairs made with this exception will be surfaced within 5 business days of the opening of the asphalt plant.

A bituminous sealer shall be placed along the entire boundary between new and existing asphalt.

Whenever a longitudinal opening or series of openings destroy the desired riding qualities of the street surface or appearance, the City reserves the right to require cold milling and resurfacing of the entire pavement within the overall limits of the disturbed area.

In the event of any settlement in the temporary surface, the City reserves the right to make the area safe and charge all costs incurred to the Permittee. The City also reserves the right to restore pavements in all cases where they feel proper efforts of maintenance or installation have not been immediately achieved by the Permittee or its agent and charge these costs against the permit. Costs incurred by the city for these repairs will be charged to the applicant.

NOTE: The City will attempt to notify the Permittee before Emergency Maintenance is performed. However, Permittee must provide appropriate emergency contact person(s) and phone number(s) on the application.

If any settlement in a restored area occurs within a period of one (1) year from the date of final acceptance of the permanent restoration, it shall be deemed conclusive evidence of defective backfilling. Upon notification, the permittee shall promptly make any repairs necessary. Any expense incurred by the City in correcting such settlement shall be paid by the Permittee.

3.4.2. Curb

Any curb removal must be replaced with a similar curb at the original elevation. Standing water will not be accepted. All replaced curb must tie into existing curb at a straight joint.

3.4.3. Sidewalk

Sidewalks must be replaced per City of Kokomo standard details within 15 days of backfilling. No sidewalk may be replaced without the forms being inspected prior to installation. Handicapped ramps must be installed per current ADA standards. The City may require that the sidewalk be replaced at an elevation different than the existing sidewalk.

3.4.4. Lawns

All seeding shall be performed as soon as possible after the repair is made. The contractor is responsible for insuring that grass is repaired to its original condition. The property owner should be notified of proper maintenance of the seeding area.

If, during excavation in a lawn, the excavation undermines a concrete or asphalt surface, the excavation will be restored with flowable fill or stone as indicated by the inspector.

3.4.5. Miscellaneous Surfaces

Any repair in brick, decorative asphalt, concrete, or other surface must be replaced to its original condition. The permittee must notify the City Engineer prior to cutting any miscellaneous surfaces. Additional permit fees may be required.

4. Housekeeping and Cleanup

The Contractor or Permittee shall at all times correct any undesirable condition identified by the inspector. Dust and/or cleanup operations shall be continuously performed at the job location. All excavated material, unless permitted to be reused, shall be removed at the end of the working day. No material shall be placed in such a manner that may cause blockage and/or clogging of surface water drains. All equipment left on site shall be stored in a safe manner. Upon completion of the project, total cleanup of all areas shall be performed to full satisfaction of the Inspector. All pavement shall be left in a clean condition, either swept or flushed clean. All excavated soils, materials, and equipment shall be removed from the job location. If the Inspector determines that the final cleanup is not sufficient in its final condition, the City reserves the right to complete and/or correct such work at the expense of the Permittee.

All water pumped from an excavation must be filtered so as to not negatively impact the storm sewer system.

5. Materials

All materials, unless specifically stated otherwise, shall be in accordance with the current Indiana Department of Transportation (INDOT) Standard Specifications.

5.1. Flowable Fill

Flowable fill shall have a compressive strength from 50 PSI (pounds per square inch) to 150 PSI.

Flowable fill mix may 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 as reducing admixtures and also air-entraining admixtures when used in accordance with the admixture's manufacture's recommendations. The flowable fill may have air content from 0-25% by volume.

Before any flow able fill is placed, any pipes, structure, or other objects that might be displaced by the placement of the flowable fill shall be adequately anchored, braced, or otherwise secured.

The mixture shall be delivered and discharged using ready-mix trucks approved for use by the Indiana Department of Transportation.

A copy of the "batch ticket" for the delivered flowable fill shall be required to be turned into the Department upon completion of repairs to the street.

Flowable fill shall not be placed on frozen ground.

Flowable fill shall be protected from freezing until material has stiffened and bleeding water subsided. When the temperature of the air at placement is below freezing (32 degrees F.), the inspector may require that freezing protection extend for as long as forty-eight (48) hour.

5.2. Concrete

All concrete shall be in accordance with Section 611 (CROSSOVERS AND DRIVEWAYS) of the CURRENT edition of the Indiana State Department of Transportation Standard Specifications. The concrete shall be Class "A" (6 bags per cubic yard minimum).

5.3. Seeding

The seeding shall be according to Section 403 "SEEDING AND SODDING" of the City of Kokomo Standard Specifications and shall include a minimum of 4" of topsoil in all restoration areas prior to seeding. The material shall be seed mixture "U" as specified in Section 621.05(b) and 621.06 (mulched seeding) of the Indiana Department of Transportation Standard Specifications.

5.4. *Asphalt*

The Indiana Department of Transportation (INDOT) Standard Specifications, Section 402 shall apply to all asphalt surface. Asphalt shall be 9.5mm surface delivered from an INDOT certified asphalt plant. The material shall be machine or hand laid in accordance with Section 408.03 in the current edition of the INDOT Standard Specifications.

6. Utility Standards

6.1. *Utility Poles*

The minimum distance between any utility poles is 15 feet.

During pole replacement operations, the pole to be replaced must be removed no later than 60 days after the installation of the replacement pole. Removing the pole is the responsibility of the owner of the replacement pole.

The installation of above-ground facilities must follow Board of Works Resolution 2019-10 and subsequent.

6.2. *Markers and Bollards*

Markers and other above-grade locating materials are not allowed within the right-of-way without the express written consent of the City Engineer.

Bollards are not allowed within the right-of-way without the express written consent of the City Engineer.

6.3. *Small Cell Structures*

Plans are required to be submitted for the installation of any Small Cell Structure. The plans should address the following requirements.

1. The structure is required to include an LED streetlight of at least 80 Watts.
2. The structure is required to be steel or aluminum.
3. All wiring serving the structure is required to be underground
4. Structures cannot be greater than 40 feet in height.

The city may require the installation to replace an existing utility owned street light.



RIGHT-OF-WAY EXCAVATION PERMIT APPLICATION

Revised May 1, 2009

City of Kokomo
Engineering Department
100 South Union, 2nd Floor

Date of Application: _____

Permit Number: _____

Fee: _____

The Permittee hereby requests permission to excavate in the public right-of way: street, sidewalk, alley or other public place at the desired location. Applicant shall submit **one original** application with plans attached either in person, or by mail. No verbal transmissions will be accepted. Facsimile transmissions will be accepted only at the approval of the City Engineer or his representative. The approved permit is to be picked up personally by applicant. Call (765) 456-7362 if there are any questions concerning the above procedures.

Name of Prime Contractor/Utility (Permittee) _____

Street Address City, State & Zip Code Telephone

Name of Sub-Contractor performing work _____

Street Address City, State & Zip Code Telephone

Address of Work (required) _____

Location of Work Street () Alley () Sidewalk () Shoulder/Berm/Tree Lawn () Type Cut () Bore () Trench () Other ()

Type of Construction WATER GAS ELECTRICAL TELEPHONE CATV SEWER OTHER _____

New Construction () Existing Construction ()

Please Describe Work Proposed: _____

IUPPS NUMBER _____

SIZE OF STREET OR RIGHT-OF-WAY CUT

Traffic Lanes: Length _____ Feet Width _____ Feet Depth Within Traffic Lanes _____ Feet

Sidewalk: Length _____ Feet Width _____ Feet Depth Within Sidewalk _____ Feet R/W _____ Feet

Circle Surface: CONCRETE ASPHALT ASPHALT OVER CONCRETE BRICK ASPHALT OVER BRICK GRAVEL DIRT

OTHER (explain) _____

Total Width of Traffic Portion of Street or Road Affected by Permit _____ Feet

No. of Traffic Lanes _____ No. of Traffic Lanes to be Closed _____ Hours Closed _____ Length _____ Feet

Are construction vehicles/equipment to be left on site unattended? Circle: YES NO (If yes, refer to Items 4 and 5)

Length of time unattended: _____ Number of weekdays _____ Number of weekends _____

START DATE: _____

COMPLETION DATE: _____ (temporary surface completed immediately after backfilling, final surface completed within 15 days of temporary/asphalt plant opening)

(Signature required on back)

TERMS AND CONDITIONS FOR RIGHT-OF-WAY EXCAVATION PERMIT

1. It is understood that any permit by virtue of this request is revocable at the pleasure of the City of Kokomo and that the same shall be voided if the following terms and conditions are not fulfilled by the Permittee. The Permittee hereby agrees to observe all requirements of the Right-of-way Excavation Ordinance and comply with the conditions set forth by the MUTCD Rulings and Revisions.
2. The undersigned shall notify the City Engineer or his representative a minimum of 72 hours prior to the time the work is to be performed. The undersigned will furnish placards identifying equipment, flashers, barricades, and/or other warning devices at the construction site. When two-way traffic is confined to one lane, flagging personnel shall be required. Permittee must follow Chapter XVII of Title 29, Code of Federal Regulation, Part 1926 known as Safety & Health Regulation for Construction.
3. In cases where the work authorized by the permit will cause major interference with traffic flow on streets, Permittee shall provide a uniformed traffic officer when requested by the City Engineer or his representative to provide traffic control at the construction site. Work shall not be performed on any major arterials, streets, and thoroughfares during rush hours or peak hour of vehicular traffic flow, unless in case of emergencies.
4. The Permittee shall not create a hazardous or unsafe situation at construction sites, which would cause injury or damage to vehicular and pedestrian traffic. The permittee shall not leave unattended open cuts unprotected overnight or during weekend periods. Permission to use temporary steel plates or any authorized substitutes shall be requested at open cuts or construction sites. The City Engineer or his representative shall be notified of these steel plates or substitutes by the Permittee.
5. All construction equipment and/or vehicles left unattended for any length of time shall be parked in locations as to not create hazardous and unsafe situations to vehicular and pedestrian flow. The construction equipment and/or vehicles shall be parked in such a manner as to not restrict sight distance to vehicular traffic.
6. The Permittee shall hold harmless and indemnify the **CITY OF KOKOMO** from, for and against any claim of any person in tort, contract, or otherwise arising out of the act or omissions of the Permittee, their agents, representatives, servants, contractors, and the latter's subcontractors, whenever such acts or omissions of any rights or performance of exercise thereof, of the Permittee arise under this permit from alteration, modernization, replacement, operation, maintenance, change or removal of any part or portion of the public right-of-way, or facility thereof.
7. The Permittee shall stipulate the type of materials and method of repair utilized to close any open cuts, subject to the City Engineer or his representative's approval.
8. The Permittee shall begin work within 45 working days from the date of application approval, and work must be completed within the time specified in this permit. Any construction and/or work not completed by this date shall be grounds to nullify and void this permit. Re-application would then be necessary.
9. The Permittee shall be required upon completion of construction and/or work to notify the City Engineer or his representative for inspection and verification. The construction and/or work shall be inspected prior to being accepted by the City of Kokomo as being complete. The City Engineer or representative shall perform the inspection.
10. Upon the completion of all open street cuts, permanent patches shall be placed no later than 15 working days from the temporary patch inspection date. Any construction work or repair measures utilized to close any open cuts made under this permit that are found to be unsatisfactory shall be corrected within 10 working days by the Permittee. The Permittee shall be responsible to maintain and repair any and all open cuts granted by this permit for a period of one year upon final acceptance, unless the City of Kokomo and/or other utilities, contractors, or subcontractors or other parties remove, damage, modernize, replace, change any part or portion of the public right-of-way or facility or thereof granted under this permit.

Company Name _____

Signature of Applicant _____ Title _____ Date _____

Printed Name _____ Telephone Number () _____

For Office Use Only:

Traffic Control Personnel: YES NO Uniform Police: YES NO Number of Personnel Necessary: _____

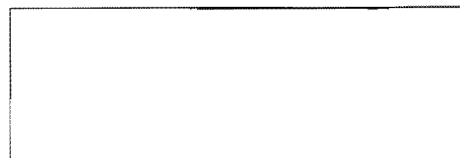
Steel Plates or any other authorized substitute to be used? Circle: YES NO (if yes refer to Item 4) Bond Number: _____

Type of materials and methods used to close or repair open cuts shall conform to the Right-of-way Excavation Manual. The required methods are described below:

City Engineer/his representative _____ Date of Approval _____

City of Kokomo
Engineering Department (765) 456-7400; Permit Records and Inspections

Work Completed Date: _____



ORDINANCE # 6567 (As Amended)

AN ORDINANCE ESTABLISHING PROTOCOL FOR STREET AND SIDEWALK CUTS

WHEREAS, the Kokomo Department of Engineering, Traffic, and Inspection Services (the "Department") provides certain services related to public infrastructure, including inspection services and the management of public rights-of-way; and

WHEREAS, The Department incurs costs for providing such inspection services; and

WHEREAS, the fee structure currently in place and provided for in local ordinance §150.04(B) does not adequately defray the costs associated with providing the aforementioned services; and

WHEREAS, the Kokomo Common Council has determined that it would be in the best interest of the City of Kokomo if the current fee structure was adjusted to better reflect the costs incurred by the Department to complete inspections responsibilities;

NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Kokomo, Howard County, Indiana, that pursuant to this ordinance the following sections of the Kokomo Municipal Code shall be amended to read as follows:

1. §97.03 (D): No person shall allow the temporary or permanent installation of any signage within the public right-of-way. The City Engineer shall notify the owner of a sign located within the right-of-way and provide a reasonable time to remove the sign. Failure to remove the sign will result in the sign being removed and destroyed.
2. §97.05: Shall be deleted from the Kokomo Municipal Code.
3. §97.06: MAINTENANCE OF SIDEWALKS
It shall be the responsibility of every person owning premises adjoining a sidewalk to immediately notify the Board of Public Works and Safety of any damage, defects, or obstructions to the sidewalk which might impede, endanger, or preclude the public's lawful use of the sidewalk.
4. §97.15: EXCEPTIONS
(A) The provisions of this subchapter shall not apply to excavations made under contract with or by order of the City.
(B) Aerial work rising five (5) feet vertically above the pavement or sidewalk which does not obstruct traffic or cause any traffic hazards and does not damage the City's right-of-way is exempt from this permit.

(C) The bonding requirements of §97.18 are not required for work conducted under §97.16(C)(10).

5. §97.16: PERMIT

(A) Any person, firm, or corporation desiring to open, cut, bore into or under any street, alley, or other public way or right of way, paved or unpaved, shall be required to obtain a specific permit for such purpose.

(B) The City of Kokomo Department of Engineering, Traffic, and Inspection Services shall have the responsibility for the management of all City rights of way. Determinations regarding the proper use of the public rights-of-way shall be at the discretion of the Department of Engineering, Traffic, and Inspection Services. The City of Kokomo Common Council shall hereby grant the City Engineer the authority to enforce the provisions of this section as an agent of the City.

(C) Activities that shall require a right-of-way permit shall include but not be limited to the following:

- (1) The extension of services to a new development in the existing right-of-way.
- (2) The extension of services to existing homes in the right-of-way.
- (3) The upgrade of service to single user within the right-of-way.
- (4) Directional bores occurring within the right-of-way.
- (5) Parallel, diagonal, or perpendicular cuts through the existing pavement of the right-of-way.
- (6) The installation of overhead services within the right-of-way, excluding those that fall under the exemption provided for in §97.15(B)
- (7) Emergency excavations in the right-of-way performed under IC 8-1-26-19.
- (8) Open trenching
- (9) The addition of auxiliary lanes (i.e. acceleration and deceleration lanes or any other traffic control devices) within the right-of-way.
- (10) The installation or repair of driveways or sidewalks that require curb cuts.

(D) Excavation of brick streets, alleys, sidewalks or any other decorative surface within the right-of-way shall require an additional permitting fee to be established by the Board of Works and Safety upon recommendation by the City Engineer.

(E) Permit applications may require review of construction plans by the Department of Engineering, Traffic, and Inspection Services.

6. §97.17: RIGHT OF WAY EXCAVATION PERMIT FEES

(A) A separate permit application shall be required for each individual right-of-way cut.

(1) Unless otherwise stated, permits being requested pursuant to §97.16 shall require a minimum \$50.00 application fee to be paid upon the receipt of the approved permit.

(2) Permits being requested pursuant to §97.16(C)(10) require a minimum \$25.00 application fee to be paid upon the receipt of the approved permit.

(3) In addition to the fee assessed under §97.17(A)(1) a permit sought under §97.16(C)(8) shall require an additional fee of \$.10 per foot if the trench is extended in excess of one hundred (100) feet.

(B) A separate permit fee shall be assessed, at the time of permit approval, under the following conditions:

(1) Excavation of pavement resurfaced within twelve (12) months of the right-of-way excavation application shall require an additional permit fee of \$300.00.

(2) Excavation of pavement resurfaced within twenty four (24) months of the right-of-way excavation application shall require an additional fee of \$200.00.

(3) Excavation of pavement resurfaced within thirty-six (36) months of the right-of-way application shall require an additional fee of \$100.00.

(4) For any surface covered under §97.16(D), an additional fee of \$100.00 shall be required upon receipt of an approved right-of-way excavation.

7. §97.19: COMPLETION OF WORK; EXTENSIONS.

(A) The holder of any permit, issued under this section, shall complete the work and repair the place or places where the work was done within the time specified in the permit. Failure to timely complete the repair work shall result in a fine of one hundred dollars and no cents (\$100.00) a week until such time as the City Engineer or his designee shall certify the repair work has been properly completed.

(B) The City Engineer may extend the time for the completion of the work for which the permit was granted.

8. §97.20 RIGHT OF WAY APPLICATION PROCEDURE

(A) All excavations within the right-of-way shall be performed in accordance with the latest adopted edition of the "City of Kokomo Right-of-Way Excavation Handbook" as approved by the Board of Public Works and Safety.

(B) All right-of-way excavation permit applications shall be in writing in a form prescribed by the City Engineer. All applications must be submitted to the Department of Engineering, Traffic, and Inspection Services prior to the encroachment being granted. The right-of-way excavation permit application shall be administered and reviewed by the Department of Engineering, Traffic, and Inspection Services and approved only after the required conditions of the permit have been established and all conditions are met to the satisfaction of the City Engineer or his designee.

(C) Applications for permits under this section are subject to five (5) day review period. No work will be allowed prior to the review. In addition to any penalty fee, a stop work order for unauthorized work will be enforced for work performed before permits are reviewed.

(D) All permit work shall be performed during the City's normal business hours unless preapproved by the City Engineer or his designee.

(E) All permittees are responsible for reimbursement of any overtime incurred by the inspectors for any work done outside normal business hours.

(F) Possession of a properly endorsed right-of-way excavation permit shall constitute permission to excavate in the right-of-way. The permit shall be made available at all time on site during the excavation.

(G) Excavations in the right-of-way without a valid permit are allowed under emergency circumstances only. An application for an emergency permit must be submitted within two (2) working days from the commencement of the work and must include the properly issued IUPPS emergency locate ticket number. Inspections on emergency cuts shall still be required.

9. §97.21: Shall be deleted from the Kokomo Municipal Code.

10. §97.22 ACTIONS BY THE CITY ON FAILURE TO COMPLY

On the failure of the holder of a permit holder, of this chapter, to make repairs as provided in the most recent and adopted "City of Kokomo Right-of-Way Excavation Handbook", the City may make such repairs as are deemed necessary to bring a right-of-way into compliance and may charge the associated permittee up to 110 percent of the cost of bringing the right-of-way into compliance.

11. §97.23: Shall be deleted from the Kokomo Municipal Code.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA

this 8th day of December, 2008.


Presiding Officer

ATTEST:


City Clerk

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this 9th
day of December, 2008, at 8:00 A.m.

Brenda Ott
City Clerk

APPROVED by me, as Mayor of the City of Kokomo, Indiana, this 9th day of December, 2008, at 8:00 A.m.

Greg Goodnight
Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:

Brenda Ott
City Clerk

M Kennedy
Presiding Officer

**KOKOMO COMMON COUNCIL
OF HOWARD COUNTY, INDIANA**

ORDINANCE NO. 6850

**AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF KOKOMO, INDIANA, AMENDING ORDINANCE 6567 (AS AMENDED)
OF THE KOKOMO CODE OF ORDINANCES REGARDING STREET AND
SIDEWALK CUTS**

WHEREAS, the Kokomo Department of Engineering, Traffic, and Inspection Services (the "Department") provides certain services related to public infrastructure, including the oversight and management of public right-of-ways; and

WHEREAS, the Department incurs costs for providing such services; and

WHEREAS, the fee structure currently in place and provided for in § 97.17 does not adequately defray all the costs associated with providing certain of the aforementioned services; and

WHEREAS, the Kokomo Common Council has determined that it would be in the best interest of the City of Kokomo if the current fee structure was adjusted to better reflect the costs incurred by the Department to complete inspections responsibilities associated with street and sidewalk cuts;

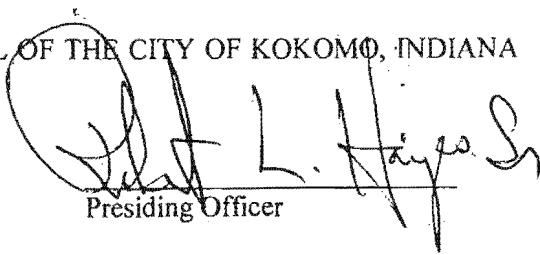
NOW THEREFORE, BE IT ORDAINED, by the Common Council of the City of Kokomo, Howard County, Indiana, that pursuant to this ordinance, Chapter 97 of the Kokomo Code of Ordinances shall be amended to read as follows:

1. § 97.17(B)(1): Excavation of pavement, curb, or sidewalk resurfaced within twelve (12) months of the right-of-way excavation application shall require an additional fee of \$300.00.
2. § 97.17(B)(2): Excavation of pavement, curb, or sidewalk resurfaced within twenty-four (24) months of the right-of-way excavation application shall require an additional fee of \$200.00.
3. § 97.17(B)(3): Excavation of pavement, curb, or sidewalk resurfaced within thirty-six (36) months of the right-of-way excavation application shall require an additional fee of \$100.00.
4. § 97.17(B)(4): Excavation of pavement, curb, or sidewalk resurfaced greater than thirty-six (36) months before the right-of-way application shall require an additional fee of \$50.00.
5. § 97.17(B)(5): For any surface covered under 97.16(D), an additional fee of \$100.00

shall be required upon receipt of an approved right-of-way excavation.

* * * * *

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF KOKOMO, INDIANA
this 12th day of December 2016.


Presiding Officer

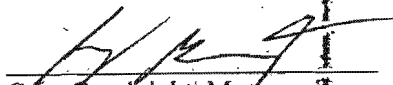
ATTEST:


City Clerk

PRESENTED by me to the Mayor of the City of Kokomo, Indiana, this 13th day of
December, 2016, at 8 : 00 A.m.


City Clerk

APPROVED by me, as Mayor of the City of Kokomo, Indiana, this 13th day of
December, 2016, at 8 : 00 A.m.


Greg Goodnight, Mayor
City of Kokomo, Indiana

ATTEST:


City Clerk