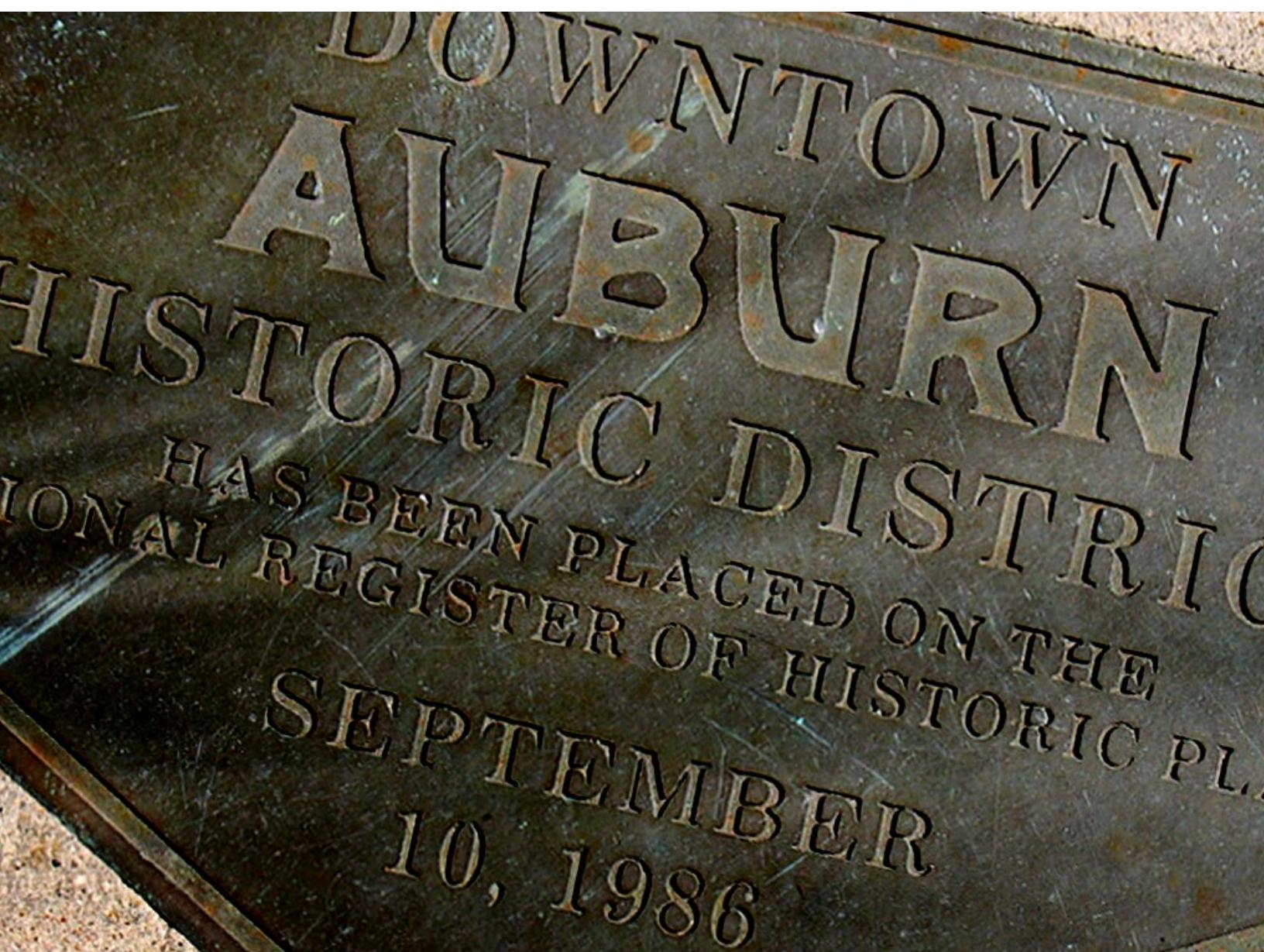




**Code of Ordinances**  
CITY OF AUBURN





# Code of Ordinances

## CITY OF AUBURN

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## Streets and Sidewalks

CHAPTER  
**95**

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## REGULATIONS GOVERNING STREETS

### 95.01 CERTAIN VEHICLES PROHIBITED ON STREETS

- A. No vehicle of any description with felloes and tires less than three inches in width where the vehicle with its burden weighs more than 3,000 pounds, shall be drawn or pass over or along any paved street, alley, or thoroughfare. No vehicle of any description whose weight with its burden exceeds 6,000 pounds shall be drawn or pass over or along any paved street, alley, or thoroughfare unless the felloes and tires of the vehicle are four inches or more in width.
- B. No person shall propel, draw, or cause to be propelled or drawn any traction engine over or along any paved street of the city. However, a traction engine may cross paved streets where necessary, but in these cases the person in charge shall securely muffle the wheels so that no injury results to the paving.
- C. No person shall propel or cause to be propelled or hauled any engine, engine and boiler, or other vehicle over or along any paved street of the city unless the tires of the wheels are smooth.

### 95.02 ACTS INJURIOUS TO STREETS

- A. No person shall burn or set fire to leaves, boxes, rubbish, or other combustible material upon any street paved with asphalt within the city.
- B. No person shall place upon or permit to escape, upon any street paved with asphalt within the city, any kerosene, petroleum, gasoline, or other oil or substance harmful to the pavement of the street.
- C. No person shall damage, mutilate, injure, destroy, or attempt to damage, mutilate, injure, or destroy any paved street in the city.

### 95.03 MOVING STRUCTURES

- A. Except for a vehicle licensed for operation on the highways of the State of Indiana, or transportation of a State of Indiana certified manufactured, modular or mobile building, a relocation permit shall be obtained before moving or relocating any structure that requires movement over or across any public street or alley, or other public property owned by the city, where such move or relocation satisfies at least one of the following conditions:
  1. Any part of the structure is 15 feet or more above the ground when it is ready to be moved; or
  2. The structure covers a horizontal area greater than 120 square feet.
- B. The person(s) or company who will actually perform the work shall submit an application for relocation of a structure for each structure to be relocated. The application shall be submitted to the administrator of the Department of Building, Planning and Development, on forms provided by the Department, setting forth the details of the proposed relocation, including but not limited to:
  1. Height, width, length and weight of the structure;
  2. The type of structure;
  3. The beginning and end points of the move;
  4. The route along which it is intended to be moved;
  5. The estimated start date and length of time required to move the structure;
  6. The method and means by which it is to be moved;
  7. The name(s) of the company or person(s) who will actually perform the work; and
  8. Any other information required by the administrator.

C. The person(s) or company who will actually perform the work shall, not less than 48 hours before the time scheduled for the work to begin, notify the following agencies of the date, time, route and any other details of the proposed relocation:

1. The city utility, street and engineering departments, and police and fire dispatch;
2. The Indiana Underground Plant Protection Service or its successor organization;
3. The DeKalb Central Community Schools Bus Management Office; and
4. The DeKalb County Highway and Sheriff Departments, the Indiana Department of Transportation and Indiana State Police, CSX Transportation and the City of Auburn Port Authority, as required if any of the roads or lines operated, regulated and/or maintained by these organizations are crossed.

D. The person(s) or company who will actually perform the work shall submit with each permit application for each structure to be relocated, one of the following forms of surety:

1. A corporate surety bond issued by an insurance company licensed to bond in the State of Indiana; or
2. An irrevocable letter of credit issued by an insured financial institution; and which in either form complies with the following:
  - a. Is in the amount of \$1,000, payable to the city Board of Public Works and Safety;
  - b. Is valid for a term of not less than the time required to complete the work; and
  - c. Provides either the address of the work and description of the work to be done, or the statement "any and all purposes."

E. Any request for a reduction in the face value, or for early release, or for any other changes in or to a bond or letter of credit, shall require approval of the city's Board of Public Works and Safety.

F. The person(s) or company who will actually perform the work shall submit with each permit application, proof of insurance coverage for the person(s) who will actually perform the work, for not less than \$100,000 property damage and \$50,000 personal injury.

G. The administrator of the Department of Building, Planning and Development shall issue the relocation permit not more than 10 days following receipt of the application, subject to the following:

1. The city's Electric Superintendent shall have approved the plan for temporary or permanent relocation of electric service wires, poles and related devices, as necessary, and shall have signed the application;
2. The city's Water Superintendent shall have approved the plan for temporary or permanent relocation of fire hydrants and related devices, as necessary, and shall have signed the application;
3. The city's Police Chief shall have approved the plan for route safety and provision of police escort, as necessary, and shall have signed the application;
4. The city's Street Superintendent shall have approved the plan for adequacy of the city's streets and related infrastructure to accommodate the weight and bulk of the structure to be relocated, and shall have signed the application;
5. Certification by the applicant that the conditions stated herein and on the application have been satisfied;
6. Pre-payment by the applicant of a permit fee based on the following schedule:
  - a. Residential accessory structure: \$25
  - b. Residential primary structure: \$50
  - c. Commercial/Industrial structure: \$100; and

7. Pre-payment of all special assessments levied by the various departments of the city as compensation for the estimated cost to the city of relocating, modifying or removing utility lines, pipes, curbs and gutters, streets, sidewalks, and other public infrastructure or structures owned and/or maintained by the city, which must be temporarily or permanently relocated, or may be or have been damaged or destroyed, as a result of the move or relocation; and any other actions by the city required to facilitate the relocation of the structure. Actual assessments will be determined following completion of the project, and the owner shall be responsible for paying any additional assessments.
- H. A relocation permit shall be valid for a period not to exceed 60 days.
- I. Any appeal from the terms of this section shall be made to the Board of Public Works and Safety of the city.

**95.04 GRADING OF PARKINGS**

All parkings along the line of paved streets in the city shall be graded down to the curb from the sidewalk in a uniform manner consistent with the location, and as far as possible with the same grade, so that water will run away from the sidewalks toward the street. The grading shall in all cases be subject to the inspection and control of the City Director of Engineering and Superintendent of Streets, and shall be made, graded, or changed to their satisfaction.

**95.05 OIL AND GAS TORCHES ON STREETS REPEALED, ORD. 2010-03, PASSED 2-16-10****95.10 OBSTRUCTION OF SIDEWALKS**

No person shall place on the sidewalks within the city any box, barrel, board, sign, or article for display, or other things which would in any way be an obstruction to the free use of the entire width of the sidewalk, except where goods are received by merchants. A period of six hours shall be allowed for the removal of such goods and the boxes, barrels, or crates in which the goods are received, provided a sufficient walkway for pedestrians is maintained during these periods.

**95.11 AWNINGS REPEALED**

(Ord. 2010-03, passed 2-16-10)

**95.12 ACCUMULATION OF ICE AND SNOW ON SIDEWALKS****A. Clearing of Ice and Snow – Required**

The occupant of occupied premises and the owner of unoccupied premises situated in the city are hereby required to keep the sidewalks in front of or adjacent to such premises free from snow and ice, as provided in this division. The word "occupant," as used in this section, shall mean the person occupying for business, as a residence, or for other purposes the first floor of any building situated on the premises. If the first floor of any such building is not occupied, then such premises shall be deemed and held to be unoccupied, and the owner thereof shall be required to keep the sidewalks in front of or adjacent thereto free from snow and ice.

**B. Time Allowance for Compliance**

In case any snow or ice has accumulated on any sidewalk and has been removed by such occupant or owner within 24 hours from the time the snow has ceased to fall, or the ice has accumulated, then in such case the occupant or owner shall be deemed and held to have complied with section 95.12 (A).

**C. By City; Collection of Cost**

If any owner or occupant of property in the city does not remove the snow and ice as required by this division, the police department may cause to be removed the snow and ice, and report in writing the necessary expense incident thereto, to the city Clerk-Treasurer, who shall certify the amount, including the costs of recording and collection, with a description of the lot or parcel of ground and the owner's name. The amount shall then become a lien upon such lot or parcel of ground and shall be collected by the city Clerk-Treasurer at the same time and in the same manner that other assessments on real estate are collected.

(Ord. 2024-06, passed 3-19-24)

### **95.13 REPAIR AND MAINTENANCE OF SIDEWALKS**

- A. All property owners abutting the public ways of the City shall keep respective sidewalks, curbs, and / or gutters in good repair, in safe condition, and in compliance with this code.
- B. The City of Auburn Street Department shall inspect residential, commercial, and industrial properties within the City of Auburn and develop an inventory of sidewalks, curbs, and gutters that are in substandard condition, per Section 95.13 G. Sidewalks identified to be in substandard condition shall be prioritized by the Street Department. Using the prioritized inventory, the Street Department shall determine those sidewalks that are the highest priorities; notifying and demanding repairs or reconstruction of said sidewalks as stated by procedures and policies set forth in this ordinance.
- C. The City of Auburn may, as determined by the Board of Public Works and Safety, construct sidewalks at the City's expense where no sidewalks exist or where sidewalks, curbs and/or gutters are in need of repair, reconstruction or replacement.
- D. All sidewalks in the City of Auburn, Indiana shall be constructed, reconstructed, and kept in good repair by the owners of property fronting upon the sidewalks. If any portion of a sidewalk is identified by the Street Department as substandard per Section 95.13 G. the City may call for the owner of the sidewalk or owner of property adjacent to the sidewalk to repair, replace or reconstruct the substandard portion of the sidewalk. Repair, construction, reconstruction, or replacement of sidewalks shall be subject to permitting requirements in Section 95.35 of this code.
- E. If the City of Auburn, Indiana determines that a sidewalk is substandard as per Section 95.13 G., the Street Department or another designee, shall notify the property owner of the duty to repair, reconstruct or replace the substandard portion of the sidewalk. Property owner shall have 30 days from the date of the notice to complete such repair, reconstruction or replacement. The City of Auburn, through the Board of Public Works and Safety, may modify the time limits upon good cause shown by the owner. Notice shall be made by certified mail, return receipt requested, to the address of known owner of the property per the property tax records or hand-delivered to the owner of the property. Said policy on demand for repair, reconstruction or replacement applies to all sidewalks within the City of Auburn. If, after 30 days from the notice, the property owner fails to make the necessary repair, reconstruction or replacement, the City may take appropriate steps under Indiana law to do so and charge the cost of said repair back to the owner.
- F. After completion of the work and upon failure of the owner to pay the charge for repair, reconstruction, or replacement of sidewalks, curbs and gutters levied by the City within a time as established by the Board of Public Works and Safety under Indiana law, the City shall file an appropriate lien as allowed by Indiana law and/or pursue all other remedies in law and/or equity to recover the costs of said work.
- G. Substandard sidewalks, curbs, or gutters are in disrepair or unsafe condition and characterized by the following problems. This list should not be considered all inclusive.

1. Where any vertical displacement of the adjoining sidewalk section(s) exceeds one (1) inch in displacement.
2. Where any lateral separation of adjoining sidewalk exceeds one (1) inch in displacement or unevenness.
3. Where any other condition of the sidewalk creates an unsound area exceeding one (1) inch in displacement or unevenness.
4. Where the surface condition of the sidewalk has deteriorated, shows a cracking in the concrete that heaves, separates, or settles in a manner to cause at least an inch in separation, or has settled, chipped, and/or is spalling, so as to create or constitute a hazard or unsafe condition to the public that would prevent individuals from traversing on an even grade by foot or with any other aide such as a wheelchair, walker, or other similar device.
5. Where the transverse or longitudinal slope is insufficient for adequate drainage of the sidewalk. Inadequate drainage would include the ponding of more than one-half inch of water in an area that results in the sidewalk being non-traversable or said ponding continues for a prolonged period of time (usually three (3) consecutive days in which no rain event occurs) after the end of a rain event.

#### H. Establishment of Residential Sidewalk Program.

1. In an effort to promote the repair, replacement, and reconstruction of substandard residential sidewalks and new construction of sidewalks within the City of Auburn, the City shall create a Residential Sidewalk Program. Public sidewalks in residential areas and in City rights-of-way that are determined to be in substandard condition using the problems identified in 95.13 G. shall be eligible for this program. Existing residential areas that lack sidewalks in City rights-of-way shall also be eligible for this program. Any property subject to Chapter 150, Section 5.62 shall not be eligible for the program (this is new home construction). The Auburn Street Department shall be responsible for the coordination and implementation of the Residential Sidewalk Program, and shall prepare and present a report annually to the City Council on the Residential Sidewalk Program.
2. Participation in the City's Residential Sidewalk Program is voluntary and open to any residential property owner or occupant. Interested residents shall make application to the City of Auburn on an application form provided by the Auburn Street Department. The Department of Building, Planning, and Development will assist with processing the applications and collecting fees.
3. The Street Department shall present a fee schedule annually for approval by the Auburn Board of Public Works and Safety for the Residential Sidewalk Program. The fee schedule shall include all material costs associated with the replacement or construction of the sidewalk including, but not limited to removal of substandard sidewalk, preparation, forms, pouring and finishing concrete, backfill, and lawn restoration.
4. The City of Auburn intends to maintain concrete laborers and finishers and appropriate equipment to substantially reduce the cost of sidewalks and aid in the implementation of the Residential Sidewalk Program. As an alternate, the City of Auburn may hire an outside contractor to complete the construction associated with this program.
5. The procedure for participating in the Residential Sidewalk Program begins with an initial application submitted by the resident. The Street Department makes a site visit to determine eligibility, complexity, and fee based on quantity of sidewalk to be replaced and provides that information to the applicant. Once the applicant pays the fee in full, the project is added to the schedule of work. The fee shall be placed into the Residential Sidewalk Program Account or other account designated for said purpose. The funds collected shall be used by the City to fund and offset the costs associated with the Residential Sidewalk Program.



6. The Auburn Street Department shall schedule and complete projects including yard restoration within 90-days of payment, weather permitting.
7. The City of Auburn shall limit the number of participants in the Residential Sidewalk Program based on budgetary and seasonal constraints.
8. The City shall have the right to reject any application, but shall provide a reason for the rejection: the sidewalk is not considered in substandard condition; the project is determined to be too complex because of grades, adjoining public sidewalks, driveway approaches, etc.; and the like.

(Ordinance 2020-08 passed 8/4/2020)

## **95.14 MINIMUM DESIGN STANDARDS FOR SIDEWALK CONSTRUCTION**

- A. The minimum design standards for sidewalk construction that are or will be dedicated as public sidewalks in the city shall be:
  1. Cement types: Class A concrete, 4,000 psi in 28 days.
  2. Depth of concrete: 4 inches; except where crossing driveways, 6 inches.
  3. Surface width: 4-5 feet minimum, or match existing width where less than 4-5 feet.
  4. Expansion joints:  $\frac{1}{2}$  inch thick pre-formed expansion joint material shall be installed in expansion joints in the following locations:
    - a. Where new sidewalk abuts an existing sidewalk, a driveway or a curb;
    - b. Every 50 feet in sidewalks that are 100 feet or more in length; and
    - c. In the middle of a sidewalk that is less than 100 feet long.
  5. Scored construction joints:  $\frac{3}{4}$  inch deep, every 5 feet.
  6. Cross slope: Not more than 2%, with the lowest part of the sidewalk above the adjacent curb.
  7. Surface finish: Light broom finish applied from side-to-side of the sidewalk.
  8. Setback from property lines: Where possible, sidewalks shall be installed one foot away from the property line.
  9. ADA compliance: All construction shall be in compliance with the requirements of the Americans with Disabilities Act.

## **ORGANIZATION OF STREETS**

### **95.20 ERECTION OF STREET SIGNS AND SYSTEM OF NUMBERING HOUSES**

- A. At diagonal corners of each street intersection in the city there shall be erected and maintained suitable signs of metal, wood, or other suitable material upon which shall be placed in plain and readable letters the names of the street intersections at these corners. The signs shall be placed either upon the buildings located at the corner or upon a post or pole set for this purpose. Each sign shall be placed so as to be easily distinguishable to one passing by.
- B. A uniform system of numbering of the houses and premises in the city is established, and the provisions thereof shall be carried out under the direction of the City Building Commissioner.
- C. For the purpose of numbering the houses and premises upon the streets, the City of Auburn Address Committee shall make recommendations for address numbers.
- D. All street address numbers shall meet the requirements set forth in 95.70 through 95.72.

### **95.21 MAJOR STREET OR HIGHWAY PLAN AND DRAWING**

The major street or highway plan of the city consists of a map entitled "City of Auburn, Indiana, Thoroughfare Development Plan", as amended, which shows the locations of existing and proposed thoroughfares within the jurisdiction of the Auburn Plan Commission. The major street or highway plan is declared to be a part of this chapter, and notations, references, indications, and other details shown therein are as much a part of this chapter as if they were fully described.

## 95.22 DESIGNATION OF THOROUGHFARES

The major streets and highways comprising the major street or highway plan are classified on the basis of width and type in accordance with their proposed function as arterial, feeder, and residential streets, as shown in the major street or highway plan.

(Ordinance 2019-23 passed 12/03/2019)

## 95.24 RESIDENTIAL STREETS

- A. Residential streets shall be those streets in the city other than those designated on the thoroughfare map as arterial streets and feeder streets.
- B. The minimum right-of-way width for residential streets shall be 60 feet.
- C. The right-of-way for residential streets shall be provided by the development of any land within the planning jurisdiction of the Auburn Plan Commission, and no subdivision shall be approved unless it contains residential streets abutting upon each lot or parcel of land therein except the lots or parcels which abut upon the feeder street.
- D. All improvements of residential streets within any development or necessitated by it shall be provided by the developer in accordance with the specifications for improvement adopted by the Board of Works. The improvements shall be provided prior to the issuance of any use permit for any property abutting upon the residential street.
- E. Where a development borders on a residential street, the developer shall be required to furnish and improve only one-half thereof, but no use permit for the property proposed to be developed shall be issued before the residential street is fully improved, except by a special use permit issued in accordance with the procedures provided by the zoning code of the city.
- F. Divided pavements may be permitted only by a special use permit issued in accordance with the procedures provided by the zoning code of the city, and then only if the sub-divider provides or arranges for the construction of both pavements and for the care of the area between the pavements.

## 95.25 FEEDER STREETS

- A. The minimum right-of-way width for feeder streets shall be 66 feet.
- B. The right-of-way for feeder streets shall be provided by the developer of any land within the planning jurisdiction of the Auburn Plan Commission, and no subdivision shall be approved unless it contains or has access to a feeder street or streets adequate to accommodate the traffic generated by the development.
- C. The right-of-way of all feeder streets within the development or necessitated by the development shall be provided by the developer.
- D. All improvements of feeder streets within any development or necessitated by it shall be provided by the developer in accordance with the specifications for improvement adopted by the Board of

Works, and these improvements shall be provided prior to the issuance of any use permit for the development.

- E. To the extent feasible, developments shall be designed to avoid the entry of private drives into feeder streets. Access by private drives into feeder streets shall be permitted only by a special use permit issued under provisions of the zoning code of the city.
- F. Where a development borders on a feeder street, the developer shall be required to furnish and improve only one-half thereof, but no use permit for the property proposed to be developed shall be issued before the feeder street is fully improved, except by a special use permit issued in accordance with the procedures provided by the zoning code of the city.

#### 95.26 ARTERIAL STREETS

- A. The minimum right-of-way width shall be 80 feet.
- B. Where the arterial street, or a part thereof, is wholly or substantially required to accommodate the traffic generated by the development of land for residential, commercial, or industrial purposes, the developer shall provide the right-of-way therefore. Otherwise, the right-of-way shall be provided by the city.
- C. Improvement of arterial streets shall be accomplished by the city when and if feasible.
- D. No access shall be permitted to arterial streets from residential areas at intervals of less than 330 feet. Access thereto from an access devoted to other purposes shall be permitted only by a special use permit granted under provisions of the zoning code of the city.
- E. Future residential developments abutting on arterial streets shall be designed to prevent private drives from entering arterial streets.

#### 95.27 DEVELOPMENT-THOROUGHFARE PLAN

##### A. Designation

This section shall be known as the development-thoroughfare plan, a part of the master plan of the city.

##### B. The development plan - guide for future development

After the adoption of the development-thoroughfare plan, the Common Council, the Board of County Commissioners of DeKalb County, or any other governing body or official agency within the territorial jurisdiction of the City Plan Commission shall be guided by and give consideration to the general policy and pattern of development set out in the development-thoroughfare plan: in the authorization, construction, alteration, or abandonment of public highways and public structures; in the approval of land subdivisions and the street patterns involved in land subdivisions; in the determination of sites for schools, parks and recreational facilities, shopping centers, and industrial districts and the acquisition of land therefore; and in other matters affecting the development of the territorial jurisdiction area of the City Plan Commission.

##### C. Maps

1. A map entitled "Auburn, Indiana, Thoroughfare-Development Plan", which shows the land use plan and the location of major thoroughfares and certain minor streets within the city limits.
2. A map entitled "Auburn, Indiana, Jurisdictional Area Thoroughfare-Development Plan", which indicates the land use plan and the location of major thoroughfares located beyond the city.

##### D. Standards, policies, and directives

1. Right-of-way widths

The minimum right-of-way widths for major streets and secondary streets shall be:

- a. Major streets Minimum of 80 feet
- b. Secondary streets Minimum of 66 feet
- c. Minor streets Minimum of 60 feet

2. Roadway widths (face to face of curbs).

- a. Major streets Minimum of 36 feet
- b. Secondary streets Minimum of 34 feet
- c. Minor streets Minimum of 30 feet

3. Opening or widening of major streets

Whenever a major street designated on the plan is to be platted as part of a subdivision of land, the right-of-way width shall conform to the policies and specified designations and indications in the development-thoroughfare plan and the subdivision control ordinance of the city. However, where a major street borders a tract of land to be subdivided, the owner of the land shall be required to plat only one-half of the right-of-way width designated for the major street, measured at 90 degrees to the center line thereof.

4. Location of major streets

Wherever the locations of major streets are indicated as following existing roads or streets, section or half-section lines, or other established property lines, they shall conform to these locations. Major streets which follow irregular alignments, or indicate revised alignments, or are not referenced to established lines, shall follow in a general manner the alignment shown on the maps which accompany the development-thoroughfare plan. They shall be subject to detailed surveys of their alignments, which may be made by the City Engineer, the City Plan Commission or other public agencies, or by the owners of the land to be subdivided. The surveys shall be subject to the approval of the City Plan Commission prior to the acquisition of land or the filing of subdivision plans affecting the major streets.

5. Consideration by public agencies

The Common Council shall be guided by and give consideration to the general policy and pattern of development set out in the development-thoroughfare plan in the authorization, construction, alteration, or abandonment of public highways and structures.

6. Issuance of permits

In the issuance of permits authorized by the Building Commissioner of the city for the erection or alteration of structures and other improvements, the proposed street and thoroughfare rights-of-way as set forth by this plan shall be protected and no permits shall be issued if the work proposed thereunder would encroach upon the existing or proposed sites or existing or proposed rights-of-way indicated on the development-thoroughfare plan.

7. Dead-end streets

The provisions of (1) and (2) above shall not apply to dead-end streets. No dead-end street shall be platted, located, dedicated, or opened unless the City Plan Commission, with the approval of the Board of Works of the city, shall determine the length, width, and turning facilities thereof, considering the probable volume of traffic, the area to be served, the nature of the expected traffic, the location of water mains, sewers, and other utilities, and the manner in which the streets will affect the public health, safety, convenience, comfort, and general welfare of the community. The

Commission shall have the power to disapprove the establishment of the dead-end street if the considerations require the continuation of the street to serve other property or through traffic.

**E. Continuing authority of City Plan Commission**

The City Plan Commission may:

1. Determine lines for new, extended, widened, or narrowed thoroughfares in any portion of the city.
2. Certify to the Common Council the amended or additional plan under the same procedures as established for the certification and approval of the original development-thoroughfare plan.

**F. Amendments**

In addition, amendments may be initiated as follows:

1. The Common Council may direct the City Plan Commission to prepare an amendment as desired, and submit it to public hearing within 60 days after formal written request by the Common Council.
2. The owners of 50 percent or more of the area of property abutting upon a major street may also petition the City Plan Commission requesting an amendment to the Development- Thoroughfare Plan.

**G. A copy of the development-thoroughfare plan including maps shall be kept on file in the office of the Clerk-Treasurer and shall be subject to public examination during the regular office hours of the Clerk-Treasurer.**

## EXCAVATIONS

### 95.35 EXCAVATIONS

**A. Permit required**

1. Subject to the exemptions that follow, an excavation permit issued by the city shall be required before any person, organization, agency or company ("party") undertakes any boring, drilling, opening, cutting, excavating or earth-moving operations ("work") on or under property owned by the city for any of the following purposes:
  - a. The installation, repair or replacement of pipes, wires, cables, lines, conduit, utility poles not exceeding 50 feet in height, curbs and gutters, sidewalks, driveways, or pavement ("improvements");
  - b. Whenever the city's Street Superintendent or Engineer determines that work in progress or proposed work is such that it compromises or may compromise public health, safety or welfare, then the Superintendent or Engineer shall order that the work cease or that it not begin, and said party shall secure the approval of the city's Board of Public Works and Safety before continuing; or
  - c. Whenever required by the city's Board of Public Works and Safety.
2. The city Street Department shall be exempt from the requirement to obtain an excavation permit when performing work using only its own workforce.
3. Where an accident or any other emergency has damaged or may damage an improvement, or causes or may cause an interruption of service by a city utility, public utility or rural electric membership corporation, and repair to or replacement of the improvement or service requires work in city property, then upon verbal request the city's Street Superintendent or Engineer

may, after consulting with the managing superintendent for the utility in question, approve an emergency permit for the work. In those cases where an excavation permit would normally be required for the same work in non-emergency circumstances, an excavation permit shall be obtained as soon as possible after the emergency has been resolved.

**B. Application**

1. The party that will actually perform the work shall submit an application for an excavation permit for each location at which work is to be performed. However, a single application may be used for multiple work sites when all of the following conditions exist:
  - a. The same improvement will be installed, repaired or relocated in more than one location;
  - b. The work locations are adjacent to one another and part of a common project;
  - c. The work is performed as a series of like operations, all of which are conducted by the party that is applying for the permit; and
  - d. The work will be completed within one year after the date that the permit is issued.
2. The application shall be submitted to the Department of Building, Planning and Development, on forms provided by the Department. The application shall provide details of the proposed work, including but not limited to:
  - a. Names of the owner and contractor;
  - b. Location and description of the work and improvement;
  - c. Public property to be disturbed;
  - d. Estimated start and completion dates;
  - e. Proof of required insurance coverage;
  - f. A site plan and drawing showing the location of the work and the improvement; and
  - g. Any other information required by the special circumstances of a request as determined by the Administrator of the Department of Building, Planning and Development.

**C. Permit fee**

Subject to the exemptions that follow, where a requirement exists to secure an excavation permit under this section a permit fee of \$25 shall be paid by the applicant after the application has been approved and prior to issuance of the permit. The following parties are exempt from the requirement to pay the permit fee:

1. Any unit of federal or state government, county or city government, or any city municipal department, regardless of who performs the work.
2. Any party installing, repairing or replacing new or existing sidewalks or driveways, which does not include modification or replacement of curbs and gutters.

**D. Additional fees**

The person, persons or other entity that will own and/or be responsible for the improvement after its installation, repair or replacement, shall in addition to any permit fee pay all costs and expenses that the city incurs for any improvements as defined herein or other public infrastructure and services that are owned and/or maintained by the city, which improvements, infrastructure or services must be temporarily or permanently interrupted, relocated, damaged or destroyed, as a result of the work. All costs shall be based on true and actual costs as demonstrated by itemized receipts or itemized cost accounting, which shall be provided to the owner of the property by the city's Board of Public Works and Safety.

**E. Permit issuance**

The Administrator of the Department of Building, Planning and Development shall issue an excavation permit within 10 days following receipt of the application package in the Department, subject to the following:

1. All required information on the application has been provided;
2. A certificate of insurance as required in this section has been provided;
3. Required contacts have been completed including requests for marking of utility locations;
4. The plan for the work to be accomplished has been reviewed and determined to be consistent with the city's safety policies;
5. The work methods and materials comply with city specifications as determined by the city's Street Superintendent;
6. The application has been approved by the city's Street Superintendent;
7. Certification by the party performing the work that the conditions stated herein and on the permit application have been satisfied; and
8. The permit fee and all other applicable fees have been paid.

**F. Term of permit**

An excavation permit shall be valid for a period not to exceed one year from the date that the permit was issued.

**G. Insurance**

1. Subject to the exemptions that follow, where a requirement exists to secure an excavation permit under this section, the party that will actually perform the work shall prior to application approval submit a certificate of liability insurance issued by a company that is licensed to provide liability insurance in the State of Indiana. The policy's coverage shall begin not later than the date on which the work begins, and shall terminate not less than 30 days later than the estimated completion date for the work shown on the permit application. No work shall be conducted unless the required insurance coverage is in effect. The party that will actually perform the work shall notify the city's Department of Building, Planning and Development of any changes in coverage or changes in the beginning or termination dates of coverage. The insurance certificate shall provide for the following types and minimum amounts of insurance coverage:

a. General Commercial Liability Coverage:

|   |             |
|---|-------------|
| General aggregate                       | \$1,000,000 |
| Products-completed operations aggregate | \$500,000   |
| Personal and advertising injury         | \$500,000   |
| Each occurrence                         | \$500,000   |
| Fire Damage (any one fire)              | \$100,000   |
| Medical expenses (any one person)       | \$5,000     |

- b. Automobile Liability: \$100,000.
- c. Excess Liability: Not required.
- d. Workers Comp and Employer Liability: Statutory State of Indiana coverage.

(As amended Ordinance 2017-04 passed 2/21/2017)

#### H. License to encroach

- 1. Subject to the exemptions that follow, where a requirement exists to secure an excavation permit under this section for installation or relocation of an improvement, the city's Board of Public Works and Safety shall approve a license to encroach upon the identified city property prior to issuance of an excavation permit.
- 2. The following work shall be exempt from the requirement to obtain a license to encroach:
  - a. Installation, repair or replacement of new or existing sidewalks, driveways or curbs and gutters.
  - b. Installation, repair or replacement of electric, water or sanitary sewer lateral service wires or pipes, where those wires or pipes provide only a service connection between the structure to be served and a city electric primary line, or water or sanitary sewer main.
  - c. Installation, repair or replacement of pipes, wires, cables, lines, conduit, or monopole utility poles not exceeding 50 feet in height, that are required for delivery of the service that is provided by a public utility or a rural electric membership corporation, as those terms are defined and regulated at I.C. 8-1-2 and I.C. 8-1-13, respectively, that is performing the installation, repair or replacement.

#### I. Notification and start of work

Not less than three working days before the date scheduled for the work to begin, excluding weekends and holidays, the party that will actually perform the work shall notify the agencies listed below and advise them of the date, time, location, duration and other relevant details of the proposed work. No work shall be undertaken until all utility lines and pipes have been located and marked. The agencies that shall be notified include:

- 1. City Electric, Water, and Water Pollution Control, Street and Engineering Departments, and Police and Fire Dispatch;
- 2. Indiana Underground Plant Protection Service or its successor organization;
- 3. DeKalb Central Community Schools Corporation, Bus Management Office, if the work will take place in a street; and
- 4. All other private and governmental companies and agencies that have improvements in the city property where the work will be done.

#### J. Completion of work

The party performing the work shall be responsible for completing all necessary restoration and repairs to city property that has been disturbed by the work, and shall return the area to its original condition in accordance with the standards of the city's Street Department, including but not limited to:

- 1. Completion of the work within one year after the date on which the permit was issued;
- 2. Construction barricades shall be placed around the work site at all times;
- 3. All pavement, sidewalk and curb cuts shall be saw cuts;
- 4. Backfill of the type and placed in the manner specified by the city's Street Superintendent;
- 5. Not less than two inches of cold mix shall be used as a temporary patch on the day that the work site is closed with backfill; and

6. Maintenance of all temporary patches and other work until the work has been accepted by the city's Street Superintendent, and maintenance of permanent repairs to the site for one year after acceptance of the work by the city's Street Superintendent.
- K. Appeals  
Any appeal of the terms of this section shall be made to the Board of Public Works and Safety.
- L. Penalties  
Any party that violates any of the provisions of this section shall be fined \$100. Each day that a violation continues shall constitute a separate offense.

## REGULATIONS GOVERNING PORTLAND CEMENT

### 95.45 BOARD OF PUBLIC WORKS TO ADOPT SPECIFICATIONS

- A. The Board of Public Works and Safety shall adopt specifications for portland cement concrete street and alley pavement, curbs, gutters, and sidewalks. These specifications may from time to time be amended by the Board.
- B. All construction of concrete street and alley pavement, curbs, gutters, and sidewalks, shall adhere to these specifications which shall always be considered minimum.
- C. Any permit holder or contractor who does not adhere to the minimum specifications shall immediately remove any work done pursuant to this section, and replace it with construction in adherence to these minimum specifications. If the permit holder or contractor does not comply within 30 days notice by certified mail to either the permit holder, the contractor, or the owner of the adjacent real estate, the work shall be done at city expense and charged to the property owner. The charge shall be certified to the County Treasurer with taxes due on the real estate, and it shall become a lien on the real estate.

### 95.46 ADOPTION OF SPECIFICATIONS

Sections 95.47 through 95.60 shall be the minimum specifications to be followed by any person desiring to determine specifications for portland cement concrete street and alley pavement, curbs, gutters, and sidewalks within the public thoroughfare and within the city limits.

### 95.47 DESCRIPTION

This item consists of portland cement concrete pavement in one course on a prepared subgrade conforming in all respects with the lines, grade, thickness, and typical cross section shown on the plans, or as may be otherwise specified.

### 95.48 MATERIALS

All materials shall conform to the Tentative Specifications as established by the American Society for Testing Materials, except that aggregates failing to meet these specifications but which have been shown by special test or actual service to produce concrete of the required quality may be used where authorized by the Engineer. All coarse aggregate shall be limestone aggregate.

### 95.49 REQUIREMENTS FOR CONCRETE

- A. All portland cement concrete pavement shall be constructed of air-entrained concrete, and the concrete shall contain not less than 4% nor more than 7% entrained air. The required amount of

entrained air shall be obtained by using air-entraining portland cement and an approved admixture, if necessary, or portland cement and an admixture approved by the Engineer.

B. Each cubic yard of concrete shall contain no less than 1-1/2 barrels of cement except when the Engineer orders a cement content of more than this amount. In that case the contractor will be compensated for the additional amount of cement over and above the 1-1/2 barrels of cement required at the net unit price paid by the contractor for the cement as shown by certified vouchers.

#### **95.50 AGGREGATE CONTENT**

The coarse aggregate shall be proportioned to obtain the most satisfactory gradation. The aggregates shall be proportioned to use the maximum amount of coarse aggregates that will produce a workable mix. The fine aggregate shall be not less than 30% nor more than 40% of the total weight of the aggregate in each cubic yard to concrete.

#### **95.51 CONSISTENCY OF CONCRETE**

In no case shall the water used, including any free water in the aggregate, exceed six gallons per bag of cement used. If the characteristics of the combined materials are such that the required slump cannot be obtained when using the allowable maximum amount of water, the cement content shall be increased sufficiently to produce the required slump. This increased cement, as well as the maximum of 1-1/2 barrels, shall be furnished by the contractor and included in the contract. The slump of machine-placed concrete shall not be less than one nor more than three inches. If concrete is to be hand-placed, the slump shall be not less than two nor more than four inches.

#### **95.52 CONSTRUCTION METHODS**

The subgrade shall be so constructed that it will have, as nearly as possible, uniform density throughout. All soft, yielding, or other unsuitable material which will not compact readily when approximately dry shall be removed. Any holes or depressions resulting from the removal of unsuitable materials shall be filled with satisfactory material and compacted to conform with the surrounding subgrade surface. The subgrade shall be moist but not muddy at the time the concrete is placed. If required by the Engineer, it shall be sprinkled the evening prior to placing the concrete, or not less than six hours before concrete is placed thereon. If it subsequently becomes too dry just prior to placing the concrete, it shall be sprinkled again, but mud or pools of water shall not be formed. At the time of placing the concrete the subgrade shall not be muddy, soft, or frozen.

#### **95.53 FORMS**

Forms will be set to the line and grade as established by the Engineer. Bent, twisted, or broken forms shall be removed from the work until satisfactorily repaired.

#### **95.54 PLACING CONCRETE**

- A. No concrete shall be placed around manholes or similar structures until they have been adjusted to the proper grade and alignment.
- B. The concrete shall be distributed to such depth that, when consolidated and finished, the required slab thickness shall be no less than that called for in the plans. The batches shall be so deposited as to require as little handling as possible. Any necessary re-handling shall be with power-distributing devices or shovels, not with rakes. Workmen shall not walk in the fresh concrete with footwear coated with earth or other foreign matter.
- C. Concrete which has developed initial set will not be permitted.

- D. Retempering concrete by adding water or by other means or remixing will not be permitted. Admixtures for lowering the freezing point, increasing workability, or accelerating hardening of the concrete will not be permitted except when specifically approved in writing by the Engineer.
- E. If the temperature in the shade and away from artificial heat is not less than 35° F. and rising, concrete may be placed, but if 40° F. or below and falling, it shall not be placed. All concrete placed when the temperature within the preceding 24 hours has reached 35° F. or lower shall, if damaged by frost, be replaced by the contractor at his expense.

#### **95.55 CONSOLIDATION AND STRIKE-OFF**

A machine method of consolidation and strike-off shall be used except for areas where hand finishing is permitted.

#### **95.56 FINISHING**

- A. After initial consolidation and strike-off, the surface shall be further smoothed and consolidated by longitudinal floating. Depressions appearing shall be filled with fresh concrete, and the float on its final passage shall show full contact for its entire length and width.
- B. As soon as the longitudinal floating is complete, the surface smoothness shall be checked with a ten-foot straight edge. The surface shall be free from irregularities and make contact at all points with the straight edge blade. After the surface has been prepared as described above, all curbs, gutters, and pavements shall be finally finished by brooming. Corrugations shall be uniform and not more than 1/8 inch deep. Brooming shall be perpendicular to the center line of the pavement. Sidewalks shall be finished smooth and even by means of a wood float and light broom finish.

#### **95.57 CURING**

Provision shall be made for maintaining the concrete in a moist condition for at least five days. In lieu of moist curing, an approved membrane cure can be used. It shall be uniformly applied at the rate of no less than 200 square feet per gallon and shall be white pigmented only. Another acceptable alternative would be covering with 15-pound roofing felt over both the form and finished concrete.

#### **95.58 SIDEWALK AND CURB AND GUTTER JOINTS**

Expansion joints shall be required at the ends of all returns, at intervals which do not exceed 100 feet, and at all intersections of walks, driveways, curbs, and gutters. Scored joints shall be required at five-foot intervals on sidewalks and a dummy groove contraction joint at 20-foot intervals. Curbs and gutters shall have a dummy groove contraction joint at 20-foot intervals also. Expansion joint material shall be bituminous expansion joint material 3/4 inch thick, have a height 1/2 inch less than the finished surface, and conform to the cross section of the concrete item.

#### **95.59 SEALING JOINTS**

After the concrete has hardened sufficiently and before traffic is permitted, all joints must be filled with a plastic joint-sealing material approved by the Engineer. Immediately before sealing the joints, they shall be cleaned in such a manner that all loose and foreign material is removed. Joints shall be filled so that the sealing material is flush with the surface. Any excess sealer on the pavement shall be removed.

#### **95.60 OPENING TO TRAFFIC**

Traffic will not be permitted on the pavement until the concrete has attained a flexural strength of at least 500 pounds per square inch.



### STREET ADDRESS NUMBERS

#### 95.70 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- **APARTMENTS**  
Structures which may include one or more residences.
- **BUSINESS**  
An establishment located in some structure who is a purveyor of goods or services.
- **HOUSE**  
A residence which may contain one or more residences.
- **RESIDENCE**  
Any structure wherein persons live as distinguished from business.
- **STREET ADDRESS NUMBERS**  
Identifying numerals which are consistent with identification as recognized by the United States Postal Service.

**95.71 MINIMUM REQUIREMENTS**

- A. Every house, residence, apartment and business within the corporation borders of the city, shall have numbers identifying the location. These numbers are herein referred to as street address numbers for all structures subject to this subchapter.
- B. All street address numbers shall be a minimum of 4-1/2 feet above the ground, sidewalk, driveway or any other surface reasonably presumed to be a reference point.
- C. All street address numbers shall be of a color which, when viewed from the street in a vehicle, can be seen easily. It is required that said numbers are to be of a color contrasting or nearly contrasting with the background surface color upon which they are mounted.
- D. There shall be no obstructions to preclude the street address numbers from being seen as noted in no 95.71(C).
- E. All street address numbers shall be a minimum of 3 inches in height and 1-1/2 inches in width.

**95.72 ENFORCEMENT**

- A. It shall be the responsibility of the Police Department, the Fire Department and the Building Administrator to enforce this subchapter.
- B. Enforcement will be accomplished as follows:
  1. Upon notice of violation of 95.71, an initial letter will be sent to the offending party advising of the violation.
  2. The violator will be allowed four days in which to correct or cure the violation.
  3. If the violation is not cured or corrected within the four-day period, a notice of imposition of penalty shall be delivered to the responsible violator.
- C. The City Clerk-Treasurer or designee shall collect all paid penalties through the Collection Bureau.
- D. The Clerk-Treasurer shall initiate suit for collection in the DeKalb Superior Court, Small Claims Division, for all penalties assessed yet unpaid.

**95.99 PENALTY**

- A. Any person who violates 95.01 shall, upon conviction, be fined any sum not exceeding \$100.
- B. Any person who violates 95.02 shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than \$25.
- C. Any person who violates any of the provisions of 95.03 shall be fined not less than \$50 nor more than \$100.
- D. Any person found guilty of the violation of 95.05 shall be fined in any sum not to exceed \$10.
- E. Any person who violates 95.10 shall, upon conviction, be fined not more than \$10. Each day's violation shall constitute a separate offense.
- F. Any one who violates the provisions of 95.11 shall, upon conviction, be fined not more than \$10. Each day's violation shall constitute a separate offense.
- G. Any person who maliciously injures, defaces, or destroys street signs or numbers placed upon houses in pursuance of 95.20 shall be deemed guilty of a misdemeanor and shall be fined not more than \$25.
- H. Failure to meet the minimum requirements prescribed in 95.71 will result in a fine of no more than \$30. Each day that a violation of 95.71 exists is considered a new offense.