

## ORDINANCE NO.: 2023-14

### STREET AND UTILITY RIGHT-OF-WAY ORDINANCE

#### AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2021-08

**WHEREAS**, the Board of Public Works & Safety of the City of Franklin, Indiana is responsible for maintenance of the public rights-of-way (ROW);

**WHEREAS**, the City Council of the City of Franklin, Indiana has determined that it is in the best interest of the City to modify Ordinance 2021-08 which provides for the method and manner of construction, repair, replacement of utilities and driveways within the streets, alleys, and public ROW of the City, and provide for the method and manner of allocating the cost thereof;

**WHEREAS**, the Common Council finds that Ordinance No. 2021-08 requires certain amendments and revisions and shall be repealed in its entirety;

The Common Council of the City of Franklin Ordains:

#### **SECTION 1**            **PURPOSE**

The City of Franklin (CITY) monitors all work conducted in the streets, alleys, and public ROW through its ROW permitting process. This process allows the CITY to coordinate activities between CITY and other utilities, to maintain a record of street cuts and patches and to identify specific CITY requirements.

#### **SECTION 2**            **PERMIT REQUIRED**

Any work within the ROW which disturbs the pavement, curb and/or gutter, driveway entrances, sidewalks, landscaping, or grassed areas, requires a permit. If ROW limits are in question, the applicant must confirm those limits with the City Engineer or his/her designee. Work covered by this ordinance may include but is not limited to, installation of new driveways; utility main and/or lateral replacement and repair; valve and meter replacement or repair; hydroexcavation or other excavation methods used to identify location of underground public or private utility lines (potholing); installation of new underground mains or laterals, structures or accessories; splices, buried drops (under pavement or sidewalks); pole changes for height, accidents, etc.; cathodic protection; boxes and vault installations and jacking or boring under the ROW where disturbance within or crossing the ROW may occur. Installation of new aerial facilities crossing within public ROW will require a permit to work within the public ROW (whether the new aerial facility is being attached to existing poles owned by the CITY or a third-party utility). In cases in which the existing utility poles are owned by a third-party utility, the permittee shall provide written consent from the applicable utility granting permission of the new aerial facility installation with the permit application provided to the CITY.

Any utility work, excluding aerial installation within the ROW, that does not disturb or encroach the ROW is exempt from the permitting requirements except to the extent that traffic detours or lane closures must be approved by the City Engineer or his/her designee. Permits shall be valid for one (1) year from date of issuance.

**Exceptions:** Private irrigation systems are not permitted to be located within the public right-of-way (ROW). The CITY does not issue permits for private irrigation systems within the ROW and is not responsible for damage caused to irrigation systems placed within the ROW. This includes any work conducted by or for the CITY.

### **SECTION 3                    EMERGENCY STREETS CUTS**

The City Engineer or his/her designee may, if the public safety requires immediate action, grant permission to make a necessary street cut or excavation before a permit is issued. The permit application fee for an emergency street cut will be at the discretion of the City Engineer or his/her designee with the maximum application fee listed in the included fee schedule. Failure to receive approval from the City Engineer or his/her designee for an Emergency Street Cut shall result in assessment of a penalty as described in Section 4. Requests for an Emergency Street Cut must be made by contacting 317-346-1261 regardless of time of day, or day of the week. A detailed voicemail message must be left describing the need for an Emergency Street Cut, the location, the name and phone number of the person or company making the request, and the name and contact information for the company who will perform the work. A permit application for the Emergency Street Cut shall be submitted by 12:00 noon on the first work day following the emergency action.

### **SECTION 4                    OBTAINING PERMITS**

Before work within the ROW is started, the necessary permit shall be obtained from the Department of Planning & Engineering. The fee for such permit shall be in accordance with the fee schedule. Any contractor or person beginning work before being issued the proper permit will be subject to a penalty of two thousand five hundred dollars (\$2,500).

### **SECTION 5                    RESPONSIBILITY**

The permittee receiving the permit is held responsible for the work performed, and the CITY will contact the permittee for required adjustments or corrections regardless of whether the permittee performed the work or subcontracted and assigned the work. The permittee is solely responsible for the work performed.

### **SECTION 6                    INSPECTION AND AS-BUILTS**

- A. **Inspections:** In all cases, the permittee for a street cut shall notify the Department of Planning & Engineering (317-736-3631) at least 24 hours prior to when the work will commence so a pre-construction inspection can be made, and arrangements can be made to have an inspector present while the work is in progress. All connections made to sewer mains require inspections by the Franklin Department of Public Works (317-736-3640) prior to backfill. Permittee shall notify Department of Planning & Engineering upon temporary and permanent completion of ROW restoration. Permittee is to notify the Department of Planning & Engineering or the designee seven (7) days prior to the start of construction and twenty-four (24) hours after completion of construction for final inspection of all other types of permits, including but not limited to aerial installations.
- B. **As-Builts:** Prior to scheduling inspection of completion of work, the permittee shall provide as-builts for review and approval by the CITY or its designee which shall include:
  - 1. Exact depths and location of new product placed.
  - 2. A photo of each lateral showing the placement of the product either above or below the lateral.

## **SECTION 7 STREET CUTS AND NEW PAVEMENT**

- A. Interference with Public Use.** No permit shall be granted for making an excavation or opening within the limits of a street or alley which will result in permanent or prolonged interference with the public use of the street.
- B. Open Cuts.** No permit to make an opening or excavation in or under a paved street shall be granted to any person within five (5) years after the completion of any paving or resurfacing thereof. Open cuts on graveled streets are permitted. Paved streets that have been resurfaced within 5 years will be subject to underground boring of the street unless authorized by The Board of Public Works upon presentation by the Department of Planning and Engineering.
- C. Saw Cuts.** All pavement cuts shall be saw cut in a straight manner and shall be made at right angles or parallel with the centerline of the pavement, where practical. Diagonal pavement cuts may be permitted by the City Engineer if deemed necessary. If diagonal excavations or saw cuts are necessary, the City Engineer or his/her designee shall mark the pavement and/or ROW indicating the limits of restoration required to close the permit.
- D. Emergency Openings.** Pavement less than 5 years old may be cut in emergency situations as determined by the City Engineer or his/her designee.

## **SECTION 8 GENERAL WORKSITE RESPONSIBILITIES**

The permittee or its subcontractors shall have a copy of the permit on the job site at all times. The permittee shall be responsible for the condition of any ROW repairs. Pavement repairs shall be warranted for a period of two (2) years following the acceptance of work and close-out of the permit. Should the condition of any pavement patch become such that additional pavement is in jeopardy of failure, the permittee shall be held responsible for an area larger than the original repair. Other repairs (sidewalks, curb and gutter, trenches, etc.) shall be warranted for a period of two (2) years following the acceptance of work.

The permittee shall not park vehicles or equipment on trails or sidewalk. Any sidewalk or trail damaged by a permittee or its contractor shall be replaced at permittee's expense, regardless of when the damage occurred.

The permittee is responsible for all maintenance of traffic operations, including but not limited to flaggers, signage, and detour routes. Lane or full street closures require prior approval of the Board of Public Works & Safety. All work involving sidewalk or trails shall include signage and detour routes for pedestrians. Maintenance of traffic plans, if required by the City Engineer, shall be submitted for approval with the permit application.

Permittees engaging in horizontal drilling, trenching, directional boring, hand digging or plowing for installation of gas, telecom, or other underground lines are responsible for locating all utility lines within its work area, including private lines such as sanitary sewer laterals (sanitary sewer service lines). Construction crews performing the installation are required to locate the depths of each utility every one hundred (100) feet in the designated work area to prevent damage to other utilities. Locate flags are to stay in place until completion of construction, at which time the contractor is to remove the flags and dispose of them properly. The City does not maintain records of private utility lines (e.g. service lines), therefore it is the responsibility of the permittee to ensure that service lines are located through appropriate means. This may include but is not limited to televising sanitary sewer mains to determine approximate location of sanitary sewer laterals, followed by hydroexcavation to pinpoint both

location and depth. Damage to private utility lines shall be the responsibility of the permittee to repair immediately upon receipt of notice from the City.

## **SECTION 9 RESTORATION STANDARDS**

### **A. Rigid Base Pavements (Concrete on earth, asphalt on concrete base, asphalt on brick base, brick on earth)**

1. **Minimum Opening:** All excavated openings shall be a minimum of four (4) feet as measured in any horizontal direction.
2. **Saw Cut:** All pavement cuts shall be saw cut in a straight and true manner, and shall be made at right angles or parallel to the pavement centerline. Saw cuts shall be made to the depth of the existing pavement section. Pavements less than five (5) years old shall be cut only in emergencies or if no other alternative exists to make the utility repair, and only with prior approval by the Board of Public Works. If diagonal excavations or saw cuts are necessary, the City Engineer or his/her designee shall mark the pavement and/or ROW indicating the limits of restoration required to close the permit.
3. **Backfill:** For asphalt pavements on concrete or brick base, all trenches, holes, and pits shall be backfilled to a depth eleven and one-half (11.5) inches from the top of the existing pavement section. Backfill material is limited to flowable fill mixture in accordance with INDOT Standard Specifications (latest Edition) Section 213.

For concrete on earth pavements, all trenches, holes, and pits shall be filled with a flowable fill mixture, in accordance with INDOT Standard Specifications (latest Edition) Section 213, to a depth of six (6) inches from the top of the existing pavement section.

For brick on earth pavements, all trenches, holes, and pits shall be filled with flowable fill mixture, in accordance with INDOT Standard Specifications (latest Edition) Section 213, to a minimum depth of six (6) inches from the bottom of the existing pavement section. This six (6) inches is filled with a compacted sand leveling course to the bottom of the existing brick pavement section.

4. **Sizing of Surface Pavement Replacement (Restoration):** For asphalt pavements with a concrete or brick base, the existing pavement shall be milled one and one half (1.5) inches a minimum length of five (5) feet in each direction (measured parallel to the road centerline) from the edges of the excavated opening or saw cut, with the width of the milled area being from the edge of the asphalt pavement to the centerline of the road. For utility cuts that cross the road centerline, the width of the milled area shall be the entire roadway width. For concrete on earth or brick on earth pavement the existing pavement shall be removed to a necessary size, not less than the minimum excavated opening of four (4) feet. Where the line of cut would be less than five (5) feet from an existing expansion or weakened plane joint, concrete or asphalt shall be removed to said joint.
5. **Pavement Replacement:** For asphalt pavement on concrete or brick base, the work of final restoration of the paving surface shall consist of six (6) inches of HMA base compacted in three (3) inch maximum lifts and four (4) inches of HMA binder

compacted in two (2) inch maximum lifts. A tack coat shall be applied between all pavement surfaces and new asphalt layers. The surface restoration of the pavement shall consist of one and one half (1.5) inches of HMA surface to match existing grade. Crack seal (Crafco Roadsaver 221 Sealant, or approved equivalent) shall be placed along all edges of pavement restoration, including along curb and gutter boundaries. Surface asphalt shall be machine rolled and compacted to provide a smooth transition between the existing pavement and restoration pavement. Should the transition or surface repair be deemed unacceptable by the City Engineer or his/her designee, the entire restoration area shall be milled and HMA Surface reinstalled at the direction of the City Engineer or his/her designee. See Exhibit 1 for examples of restoration of asphalt pavement on concrete or brick base.

For concrete on earth pavement, the work of final restoration of the paving surface shall be performed by the permittee by placing six (6) inches of 4000 PSI concrete to match existing grade. All concrete replacement, including base material, shall be high-early strength concrete and shall be returned to traffic as soon as its strength reaches 2,800 psi (three (3) days at 50°F ambient temperature). Dowel bars shall be provided for all concrete patching. Bars shall be one (1) inch minimum diameter, 18 inch length epoxy coated installed at one (1) ft. intervals along the limits of the restoration. See Exhibit 2 for examples of restoration of concrete on earth pavement.

For brick on earth pavement, the work of final restoration of the paving surface shall be performed by the permittee by placing brick pavers to match grade, style, and color of existing brick pavement. See Exhibit 3 for examples of restoration of brick on earth pavement.

Pavement markings shall be restored where removed by work performed under a ROW permit.

#### **B. Flexible Base Pavements (Asphalt with Stone Base)**

1. **Minimum Opening:** Any excavated opening shall be a minimum of four (4) feet as measured in any horizontal direction.
2. **Saw Cut:** All pavement cuts shall be saw cut in a straight and true manner, and shall be made at right angles or parallel to the pavement centerline. Saw cuts shall be made to the depth of the existing pavement section and shall extend a minimum of twelve inches past the limits of excavation necessary for utility repair. Pavements less than five (5) years old shall be cut only in emergencies or if no other alternative exists to make the utility repair, and only with prior approval by the Board of Public Works. If diagonal excavations or saw cuts are necessary, the City Engineer or his/her designee shall mark the pavement and/or ROW indicating the limits of restoration required to close the permit.
3. **Backfill:** All trenches, holes, and pits shall be filled to a depth eleven and one-half (11.5) inches from the top of the existing pavement section. Such material is limited to flowable fill mixture in accordance with INDOT Standard Specifications (latest Edition) Section 213.
4. **Sizing of Surface Pavement Replacement (Restoration):** The existing pavement shall be milled one and one-half (1.5) inches a minimum length of five (5) feet in

each direction (measured parallel to the road centerline) from the edges of the excavated opening or saw cut, with the width of the milled area being from the edge of the asphalt pavement to the centerline of the road. For utility cuts that cross the road centerline, the width of the milled area shall be the entire roadway width.

5. **Pavement Replacement:** Final restoration of the paving surface shall consist of six (6) inches of HMA base compacted in three (3) inch maximum lifts and four (4) inches of HMA binder compacted in two (2) inch maximum lifts. A tack coat shall be applied between all pavement surfaces and new asphalt layers, including at saw cut joints. The surface restoration of the pavement shall consist of one and one half (1.5) inches of HMA surface to match existing grade. Crack seal (Crafco Roadsaver 221 Sealant, or approved equivalent) shall be placed along all edges of pavement restoration, including saw cut joints and along curb and gutter boundaries. Surface asphalt shall be machine rolled and compacted to provide a smooth transition between the existing pavement and restoration pavement. Should the transition or surface repair be deemed unacceptable by the City Engineer or his/her designee, the entire restoration area shall be milled and HMA Surface reinstalled at the direction of the City Engineer or his/her designee. Where the milling limits for HMA Surface replacement are less than five (5) feet from an existing patch, and/or existing joint the asphalt milling limits shall be extended to include said patch. Pavement markings shall be restored where removed by work performed under a ROW permit. See Exhibit 4 for examples of restoration of flexible base pavements.

#### C. **Brick Pavers**

1. All bricks from the restoration area shall be salvaged for re-use.
2. Geotextile on Portland Cement Concrete Pavement (PCCP) shall be cut with a utility knife and removed.
3. The seven (7) inch thick PCCP base pavement layer shall be saw cut and removed prior to excavation to utility depth. The area of PCCP removal shall be minimized to include only the amount of removal to provide access to complete the utility repair.
4. Following utility repair, the excavation shall be backfilled with excavatable flowable fill (INDOT Standard Specifications) to within between 18.75 and 19.25 inches of the pavement surface, and the fill allowed to cure for a minimum of 24 hours before any additional materials are placed.
5. Eight (8) inches of compacted #53 stone shall be placed above the cured flowable fill.
6. The PCCP pavement layer shall be restored with a seven (7) inch thick patch tied into existing pavement using dowel bars as shown in INDOT Standard Drawing set E506. The PCCP pavement layer shall be allowed to cure for at least seven (7) days.
7. Geotextile for Pavement, Type 1A shall be installed over the entirety of the restored PCCP pavement layer, and shall overlap undisturbed geotextile a minimum of 12 inches; this will require removal of brick pavers and sand bedding layer at least 12 inches past the limits of the PCCP patch.

8. Sand bedding consisting of #23 coarse sand shall be installed, compacted and graded to provide a bedding layer for re-installation of the brick pavers. Grading shall result in the finish surface of the pavers to be restored the original surface condition. Thickness of the sand layer following compaction shall be at least 1.0 inches and no more than 1.5 inches.
9. Brick pavers shall be re-installed to the original pattern. Broken or cracked pavers shall not be re-used. New pavers from the City's inventory may be requested to complete the work, however pavers used from this inventory shall be replaced by the utility company at utility company cost within 30 days. The Planning & Engineering Department will provide information on the manufacturer and type of brick required.
10. Sand bedding (#23 coarse sand) shall be broomed over the paver surface and a vibratory plate compactor shall be used to compact the pavers and work the sand into the joints to lock the pavers in place.
11. While flowable fill and PCCP pavement are curing, steel plates shall be installed to keep the street passable by vehicular traffic.
12. All restoration work must be inspected as the work is being completed (full time inspection). 24 hour advance notice of restoration work is required. Failure to provide the required notice of restoration work will result in a fine of up to \$2,500.
13. The right-of-way permit holder shall provide a maintenance bond in the amount of \$10,000 for a period of three (3) years following completion of the restoration.
14. In lieu of the permit holder performing bedding sand and paver installation, he may, at his cost, engage Decorative Paving Company (Loveland, Ohio) to perform this portion of the restoration.
15. Brick paver street cross-section is shown on Exhibit 1 and a detail of the pavement section is shown on Exhibit 2.
16. INDOT Standard Drawing E506 (7 Sheets) is shown on Exhibit 3.

#### **SECTION 10            REPLACING SIDEWALK, DRIVEWAY AND CURB**

Whenever a part of a block, square or section of curb, sidewalk or driveway is broken or damaged by the person making any excavation or opening in or under any street, alley or public place, the entire block, said square or section shall be removed to the score, groove or saw cut line and replaced. Thickness of concrete driveway and sidewalk where driveway crossings are located shall be at least six (6) inches thick.

#### **SECTION 11            MARKINGS**

Limits of HMA Surface repair for all Street Cuts shall be marked on its four (4) corners with a white paint marking by the City Engineer or his/her designee prior to milling. Failure by the permittee to perform restoration to the extents marked will result in either the work being rejected and repeated, or the permittees right-of-way bond being called.

## **SECTION 12 TRENCHING OPERATION**

At no time shall more than 200 lineal feet of trench be opened and remain not backfilled (i.e. active work area). Work areas where trenching operations have not yet occurred, and work areas that have been backfilled, shall be made passable for safe vehicular and pedestrian traffic at all times. Exceptions may be allowed by the City Engineer or his/her designee.

## **SECTION 13 ADDITIONAL RESTORATION REQUIREMENTS**

- A. The permittee shall contact the City at 317-736-3631 at least 48 hours prior to start of restoration for a pre-restoration inspection. If the City Engineer or his/her designee finds that the pavement surfaces and adjacent surfaces to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used might cause such damage, the City Engineer or his/her designee may require additional pavement removal and replacement, or milling and resurfacing throughout the limits of the work limits in such street.
- B. Restoration of areas such as lawns, roadside ditches, or other non-pavement areas shall be to at least the condition of the area prior to disturbance. Any excavation of soil within the ROW shall be backfilled from the base of the excavation to within twelve inches of the ground surface with flowable fill as specified in the INDOT Standard Specifications (latest Edition) Section 213. The remainder of the excavation shall be filled with lightly compacted topsoil to the ground surface. Clods shall be one-half (1/2) inch diameter or less, and the ground surface shall be raked smooth. Rock or stone one-half (1/2) inch or greater in diameter shall be removed from the surface. The permittee shall apply an appropriate seed mix for the location, and starter fertilizer at the appropriate rate for restoration areas that are at 5H:1V, or less. Erosion control blanket shall be installed a minimum of 6 inches past any disturbed areas (or to pavement or dissimilar surface) and stapled to the ground in accordance with manufacturer's recommendation. Sod shall be installed for all areas with a ground slope steeper than 5H:1V and in swales and ditches. Temporary restoration of non-pavement areas outside of the growing season shall be graded with mulch applied to minimize soil erosion.
- C. Any operation in the ROW not covered by the restoration specifications described in this ordinance shall be restored in accordance with instruction of the City Engineer or his/her designee.
- D. In granting any permit, the City Engineer or his/her designee may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to:
  1. Limitations on the period of one year in which the work may be performed;
  2. Restrictions as to the size and type of equipment commensurate with the work to be done;
  3. Designation of routes upon which materials may be transported;
  4. The place and manner of disposal of excavated materials;



5. Limitations on when work may be performed such as holidays, weekends, during or City events;
  6. Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and
  7. Regulations as to the use of streets in the course of the work.
- E. The permittee shall notify the City Engineer or his/her designee in writing upon completion of all work accomplished under the provisions of the permit. The City Engineer or his/her designee shall issue a certificate of final inspection and acceptance to each permittee two (2) years after the permanent restoration of the excavation has been made, provided that the work authorized by the permit has been performed according to the City specifications. Prior to the issuance of a certificate, the City Engineer or his/her designee shall make a full inspection of the restoration to determine whether the project complies with City specifications. If any settlement in a restored area occurs within two (2) years from the date of completion of the permanent restoration, any expense incurred by the City to correct such settlement shall be reimbursed by the permittee to the City, or recovered from the posted bond, unless the permittee submits proof satisfactory to the City Engineer or his/her designee that the settlement was not due to defective backfilling.
- F. In no case shall any opening made by a permittee be considered in the charge of the City, or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of police power, when it is necessary to protect life and property.

#### **SECTION 14            TEMPORARY TRENCH COVERING**

All cuts, trenches, holes, and pits shall be covered or protected while work is not being performed. Acceptable temporary coverings include: a) a granular, or flowable fill, backfill material capped with bituminous patching mixture conforming to INDOT Standard Specification (latest Edition) Section 403; or b) Metal plating that substantially covers the trench and allows for normal travel of traffic. Metal plating shall be anchored to prevent movement of the plate under traffic loads. At no time should a trench be temporarily backfilled with only a granular material.

All trenches or excavations within the ROW shall be backfilled with flowable fill to within twelve (12) inches of the ground or pavement surface within 48 hours of completion of work for which a permit is issued, regardless of season. Any temporary granular backfill placed in the trench or excavation shall be removed to within six (6) inches of the top of the utility lines prior to placement of flowable fill. If flowable fill placement is completed during the period November 15 to April 15, pavement restoration shall be considered temporary and will consist of bituminous patching mixture (cold patch) conforming to INDOT Standard Specifications (latest Edition) Section 403 as specified by the City Engineer or his/her designee. Temporary trench covers and/or pavement shall be properly maintained by the permittee until a permanent trench cover and/or pavement is placed.

#### **SECTION 15            TIME LIMIT TO FINAL RESTORATION**

Permanent restoration of the ROW shall be completed within fifteen (15) calendar days following completion of the work for which a permit is issued, unless said work is completed between November 15 and April 15; any work completed during November 15 to April 15 shall have the ROW permanently

restored no later than April 30 following the completion of the work. The permittee shall ensure final restoration occurs in a timely manner.

## **SECTION 16            UTILITY MAINTENANCE AND LINE POLLUTION**

- A. This section applies to the initial installation as authorized by the permit issued to the permittee and the service provider in regard to on-going maintenance of their facilities located in the public ROW.
- B. Cables and conduit installation, placement and storage are required to follow all federal, state, and local guidelines. The CITY for the purpose of this chapter has adopted the guidelines and best practices of the NESC last published in 2023 and all amendments/updates.
- C. Aerial cables are to be properly secured overhead and are not to hang loose or be placed at ground level. Cables that are abandoned or inactive are to be raked out (removed) and cables are to be properly disposed of.
- D. Cables transitioning from overhead to underground are to be secured within the proper utility pole riser guards, there should be no loose cables hanging.
- E. Conduits rising out of the ground at a utility pole are to be fastened to the bottom of the utility pole and not dangling or swaying.
- F. Conduit rising out of the ground that is not secured at a utility pole or in a structure is not to lay loose on the ground. Proper barriers must be placed around the conduit to prevent potential hazards. Permittee and/or service provider must schedule conduit to be placed in proper facilities within 7-14 (days).
- G. Buried hand hole and vaults – structures are to be installed at grade. Structures are to be in working condition. If structures are damaged, they must be repaired or replaced immediately. Damaged structures are a safety hazard and can potentially cause harm. Upon receiving notification, the permittee and/or service provider is to secure the structure and place proper barriers around the structure to prevent harm to the public. Permittee and/or service provider must schedule structure to be replaced or removed within 7-14 (days).
- H. Vertical structures including but not limited to pedestals, cable housing units and cabinets that are damaged and inoperable must be replaced or removed. Permittee and/or service provider is to secure the structure and place proper barriers around the structure to prevent harm to the public. Permittee and/or service provider must schedule structure to be replaced or removed within 7-14 (days).
- I. A line pollution violation is classified as non-compliance with any of the above requirements outlined in this subsection or any damaged, abandoned, loose, improperly secured cables, conduit, and utility structures within public ROW.
  - a. Line pollution violations will be issued to the permittee if the violation is associated with work included in their open permit. Once the permit has passed final inspection and has been closed, a line pollution violation will be issued to the service provider.

## SECTION 17 PERMIT FEES, BONDING, AND INSURANCE

The fee, ROW bond, and insurance required for work performed under this ordinance shall be paid in accordance with the adopted fee schedule.

At the discretion of the City Engineer or his/her designee; residential driveways do not require a ROW bond if work is performed solely by the property owner. If the work is performed by a private contractor, a ROW bond is required in accordance with the adopted fee schedule. Requirements for driveway width and concrete thickness are found in the City of Franklin Subdivision Control Ordinance.

## SECTION 18 VIOLATIONS AND PENALTIES

- A. Responsible Party:** Violations will be issued to the permittee if the violation is associated with work included in their open permit. Once the permit has passed final inspection and has been closed, a violation will be issued to the service provider.
- B. Line Pollution Violation:** Any person, firm, corporation, permittee or service provider violating any provision classified as line pollution is responsible for a civil infraction and is subject to a fine of five hundred dollars (\$500) per offense per day the line pollution violation is outstanding passed the date of compliance requested by the CITY, not to exceed two thousand five hundred dollars (\$2,500).
- C. General ROW Violation:** Any person, firm, or corporation violating any provision of this ordinance, excluding line pollution violations, is responsible for a civil infraction, subject to a fine of two thousand five hundred dollars (\$2,500).
- D. Deposit and Administration of Money from Fines:** All money received by the City Clerk-Treasurer of the City from violators of all sections of this chapter shall be deposited in the general fund of the City of Franklin, all in accordance with the laws of the State of Indiana.
- E. City Court Jurisdiction:** In addition to any other jurisdiction that the Franklin City Court may have, such Court shall also have jurisdiction over all violations of this ordinance and municipal code violations and is authorized to exercise all powers permitted by law.
- F. Prosecution and Court Penalties:** If a violation of this ordinance is not adjudicated within the terms of this ordinance within 30 days of the date of compliance requested by the CITY and fine paid in full, said violation will be referred to the City Attorney for prosecution. The violator will be arraigned in the City Court and, upon conviction, becoming liable for all fines, penalties, and costs of prosecution including attorney fees.

## SECTION 19 SAVINGS CLAUSE

That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

## SECTION 20 CONSTRUCTION OF CLAUSE HEADINGS

The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

**SECTION 21 REPEAL OF PRIOR ORDINANCE**

The provisions of all other ordinances, specifically Ordinance 2021-08, Ordinance 15-02 and Ordinance 10-16 are repealed in their entirety and are no further in force or effect upon passage and adoption of this ordinance in the manner prescribed by law.

No ordinance or part thereof, previously repealed shall be considered, re-ordained or re-enacted by virtue of this ordinance unless specifically re-enacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby. Nothing in this ordinance is intended to repeal ordinances not otherwise in conflict with the provisions of this ordinance.

**SECTION 22 REPEAL OF CONFLICTING ORDINANCES**

The provisions of all other ordinances in conflict with the provisions of this ordinance are no further force or effect, and are now repealed.

**SECTION 23 SEVERABILITY**

The various parts, section and claim of this ordinance are to be declared to be several. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder if the ordinance shall not be affected.

**SECTION 24 DURATION AND EFFECTIVE DATE**

This Ordinance shall be in full force and effect (until their repeal by ordinance) thirty (30) days after the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code §36-4-6-15,16.

## **RIGHT-OF-WAY FEES, BONDING & INSURANCE**

### **Residential Rates**

Residential driveways (maximum width at ROW line per Section 7.12 of Franklin Zoning Ordinance: \$50.00.

### **Commercial Rates**

Commercial driveway: \$250.00

Horizontal boring or pushes within the ROW: \$250.00 per 1,000 ft. maximum length

For open road/street, sidewalk or trail cuts: \$250.00 per 500 ft. maximum length

For underground construction, grading, trenching, or excavation parallel to the road/street: \$50.00 flat rate

Emergency Right-of-Way Permit: \$500.00

Setting line poles: \$40.00 first pole, \$5 for each additional pole

Aerial facilities: \$250.00 per 1,000 ft. maximum length

Penalty for failure to obtain permit prior start of work: \$2,500.00

Penalty for non-compliance with permit provisions, excluding line pollution violations: \$2,500.00

Penalty for line pollution violation: \$500.00 per offense per day (not to exceed \$2,500.00)

### **Bonding**

Residential Driveways Done by Property Owner – no bond required

All permittees shall post a \$10,000 ROW bond for each project performed. Companies performing multiple projects within the City may post a \$25,000 blanket ROW bond, to be renewed annually, in lieu of ROW bonds for each individual project.

ROW bonds shall remain in full force until a Certificate of Final Inspection and Acceptance has been issued by the City Engineer or his/her designee. ROW bonds may not be terminated prior to issuance of the Certificate of Final Inspection and Acceptance without the bonding company providing at least thirty (30) days prior notice to the City Engineer. Should a notice of termination be issued, the permittee shall provide a replacement ROW bond prior to termination of the original ROW bond.

### **Insurance Requirements**

All ROW permit holders shall provide a certificate of insurance with the City of Franklin, Indiana named as an additional insured providing the following limits at a minimum:


Public Liability Bodily Injury Insurance (per occurrence)	\$1,000,000
Public Liability Property Insurance (per occurrence)	\$1,000,000
Automobile Public Liability Bodily Injury (per occurrence)	\$1,000,000

INTRODUCED on the 6 day of November, 2023.

DULY PASSED on this 20 day of November, 2023, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

**Voting Affirmative:**

  
Kenneth Austin, President

  
Robert D. Heuchan

  
Anne McGuinness

  
Irene Nalley

  
Jennifer Price

  
Josh Prine

  
Shawn Taylor

**Voting Opposed:**

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Robert D. Heuchan

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Jennifer Price

\_\_\_\_\_  
Josh Prine

\_\_\_\_\_  
Shawn Taylor

Attest:

  
Jayne Rhoades, City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 20 day of November, 2023 at 6:10 o'clock p.m.

  
Jayne Rhoades, City Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was **[Approved]** by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1) [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2), this 20 day of November, 2023 at 6:37 o'clock p.m.

  
\_\_\_\_\_  
Steve Barnett, Mayor

Attest:

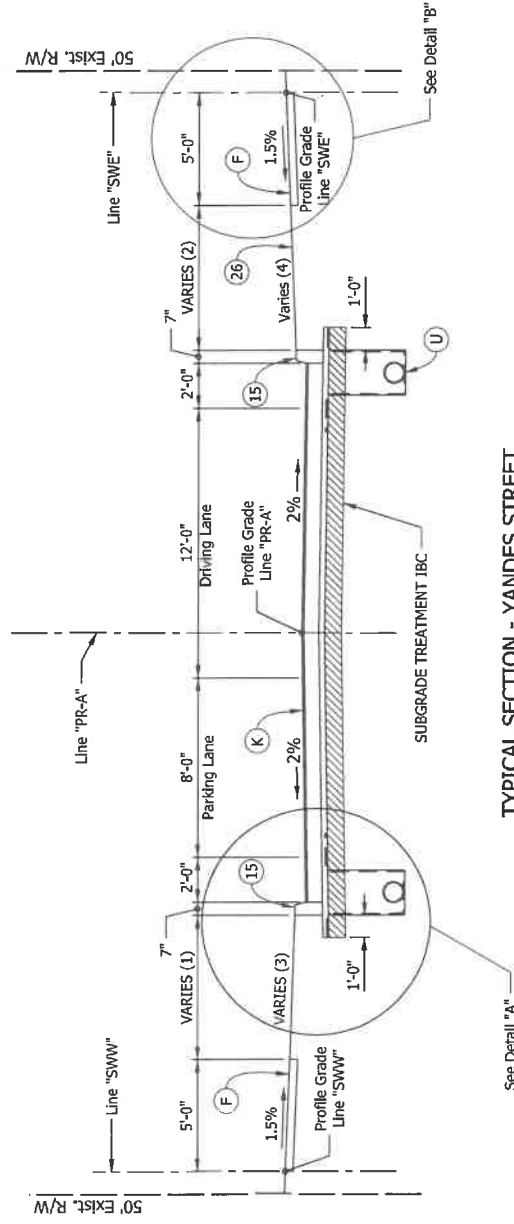
  
\_\_\_\_\_  
Jayne Rhoades, City Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signed 

*Prepared by:*  
*Department of Planning & Engineering*  
*70 E. Monroe Street*  
*Franklin, IN 46131*

Exhibit 1



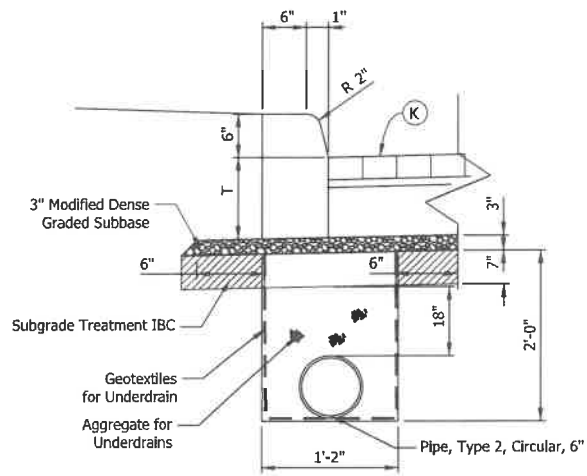
**TYPICAL SECTION - YANDES STREET**  
 STA. 10+87.80 TO STA. 27+75.00, Line "PR-A"

**Notes:**

- (1) VARIES 4.5' TO 6.0'
- (2) VARIES 6.4' TO 8.1'
- (3) VARIES -6.6:1 TO 9.7:1
- (4) VARIES -10.2:1 TO 16.9:1



Exhibit 2



**DETAIL "A"**

**INTEGRAL CONCRETE CURB, MODIFIED W/UNDERDRAIN**

**Notes:**

T = Pavement thickness, including sand & brick layers.

All reinforcing options from standard drawing 605-CCIN-01 apply.

INDEX	
SHEET NO.	SUBJECT
1	Concrete Pavement Patching Index and General Notes
2	Joint Details
3	Joint Placement
4	Patch Length $\geq 6'$ and $\leq 15'$
5	Patch Length $> 15'$ and $\leq 60'$
6	Patch Length $> 60'$
7	Dowel Alignment and Saw Cut Tolerances

**GENERAL NOTES:**

1. Dowel bars shall be epoxy coated.
2. Tie-bars shall be epoxy coated.
3. Additional preparation of existing subgrade will be determined by the Engineer.
4. See Standard Drawing E 503-CCPJ-02 for sawed joint and joint sealant details.
5. See Standard Drawing E 503-CCPJ-03 for D-1 contraction joint details.
6. See Standard Drawing E 503-CCPJ-05 for retrofitted tie-bar details.
7. The minimum patch length shall be 6 ft.

INDIANA DEPARTMENT OF TRANSPORTATION

CONCRETE PAVEMENT PATCHING  
INDEX AND GENERAL NOTES

SEPTEMBER 2020

STANDARD DRAWING NO. E 506-CCPP-01

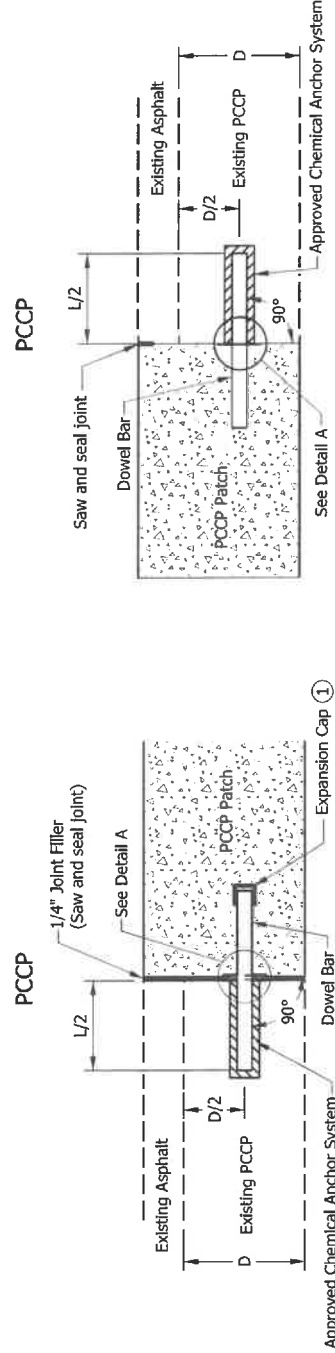
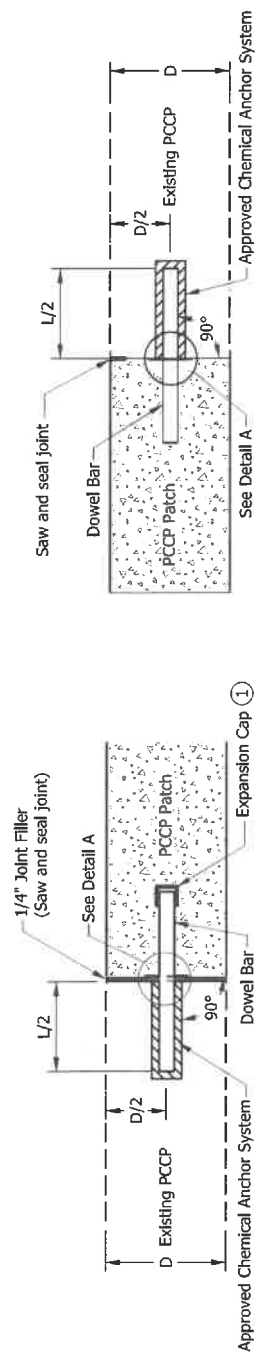


*Elizabeth W. Phillips*  
DESIGN STANDARDS ENGINEER

03/10/20  
DATE

*[Signature]*  
CHIEF ENGINEER

05/01/20  
DATE

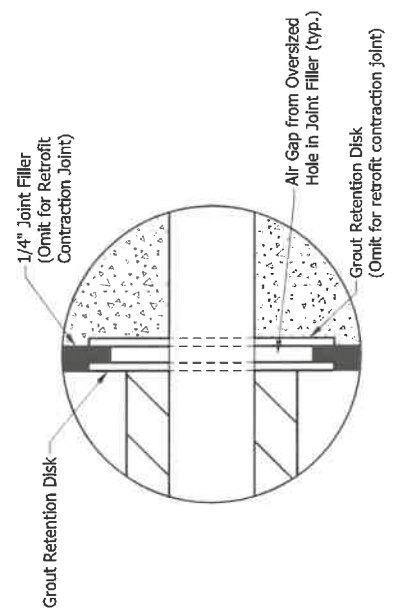


**COMPOSITE PAVEMENT**

**RETROFIT PRESSURE RELIEF JOINT**

**COMPOSITE PAVEMENT**

**RETROFIT CONTRACTION JOINT**



**DETAIL A**

(Retrofit Pressure Relief Joint shown  
Retrofit Contraction Joint same by opposite hand)

**NOTE:**

- 1 Expansion cap shall be placed with a gap of 1/4 in. minimum between end of dowel bar and cap.
2. Dowel bar diameter shall be as follows:
  - 1 in. for existing PCCP thickness 10 in. or less
  - 1.5 in. for existing PCCP thickness greater than 10 in.
3. Dowel bar length shall be 1 ft 2 in. minimum and 1 ft 6 in. maximum, regardless of dowel diameter.
4. Sawing and sealing joints shall be omitted where the concrete patch is to be overlaid with asphalt or concrete.

**LEGEND**

D = Existing PCCP Thickness  
L = Dowel Bar Length

INDIANA DEPARTMENT OF TRANSPORTATION

JOINT DETAILS

SEPTEMBER 2020

STANDARD DRAWING NO. E 506-CCPP-02



DESIGN STANDARD'S ENGINEER  
DATE 03/10/20

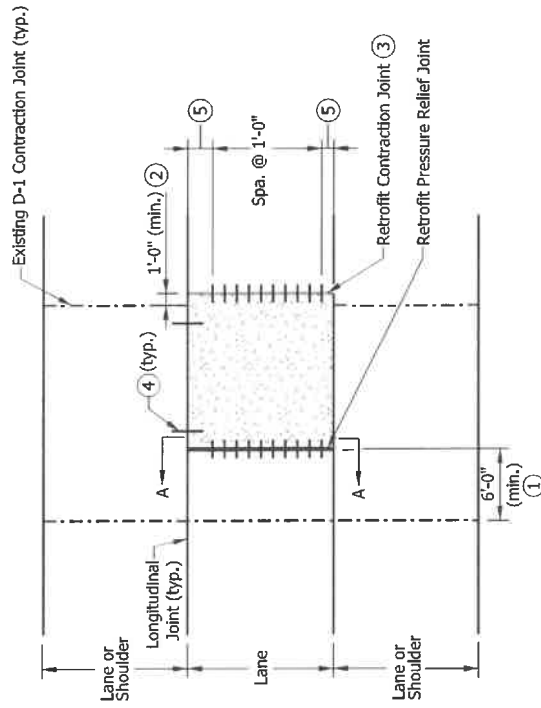
CHIEF ENGINEER  
DATE 05/01/20

**NOTES:**

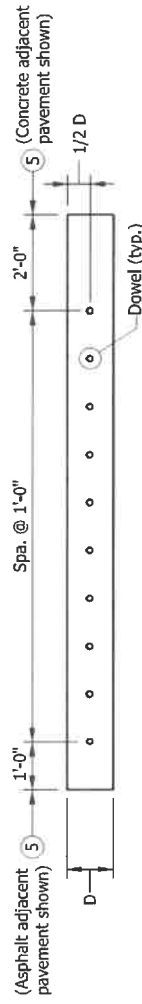
- ① Retrofit pressure relief joints and retrofit contraction joints shall be placed a minimum of 6 ft from an existing D-1 contraction joint located in the same lane as the patch.
- ② Retrofit pressure relief joints and retrofit contraction joints shall be placed a minimum of 1 ft from an existing D-1 contraction joint located in a lane adjacent to the patch.
- ③ Where the total patch length exceeds 60 ft, a retrofit pressure relief joint shall be used in lieu of the retrofit contraction joint.
- ④ Retrofitted tie-bars as required for patches greater than 15 ft.
- ⑤ Distance to first dowel shall be as follows:
  - 1 ft 0 in. where adjacent pavement is asphalt
  - 2 ft 0 in. where adjacent pavement is concrete

**LEGEND**

D = Existing PCCP Thickness



**PLAN**



**SECTION A-A**



INDIANA DEPARTMENT OF TRANSPORTATION

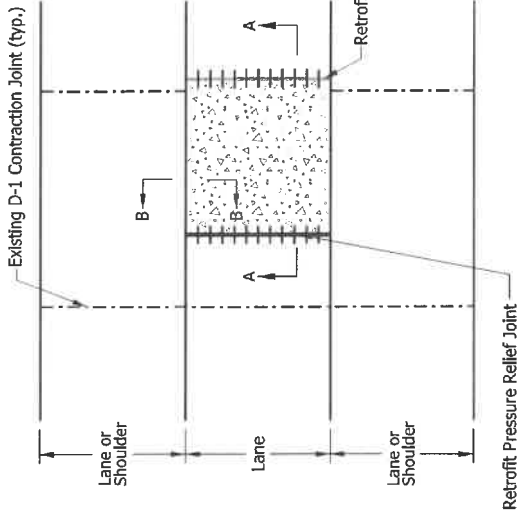
JOINT PLACEMENT

SEPTEMBER 2020

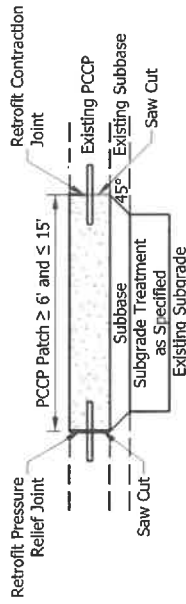
STANDARD DRAWING NO. E 506-CCPP-03



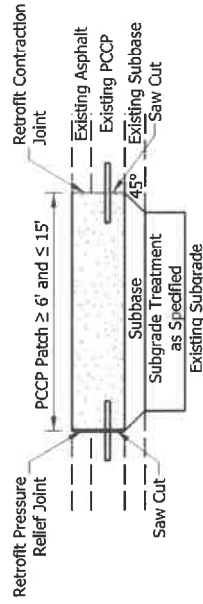

 DESIGN STANDARDS ENGINEER  
 DATE 03/10/20  

 CHIEF ENGINEER  
 DATE 05/01/20



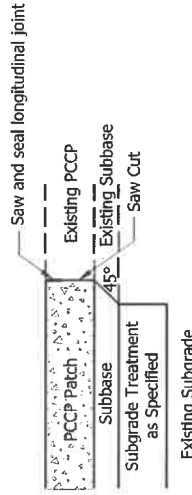
**PLAN**



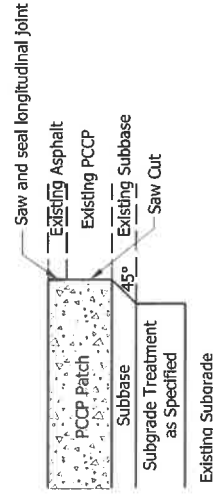
**COMPOSITE PAVEMENT SECTION A-A**



**COMPOSITE PAVEMENT SECTION B-B**



**PCCP SECTION B-B**



**COMPOSITE PAVEMENT SECTION B-B**

INDIANA DEPARTMENT OF TRANSPORTATION

PATCH LENGTH  $\geq 6'$  AND  $\leq 15'$

SEPTEMBER 2020

STANDARD DRAWING NO. E 506-CCPP-04

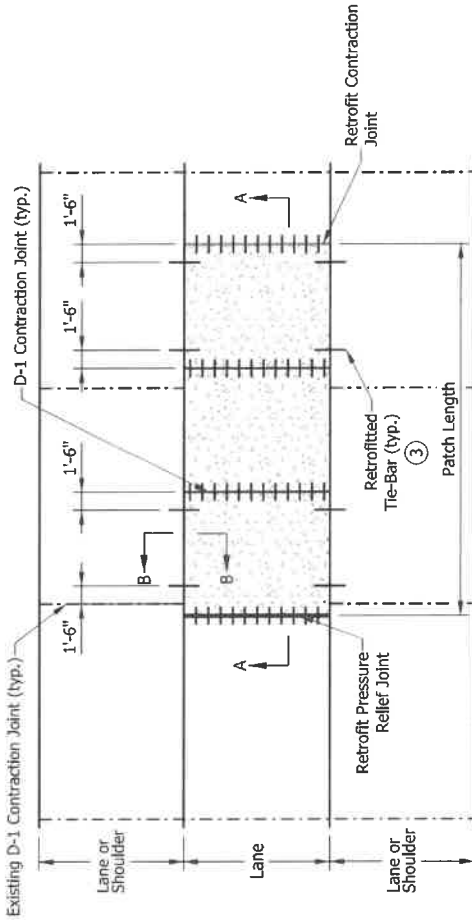


DESIGN STANDARDS ENGINEER  
 DATE 03/10/20

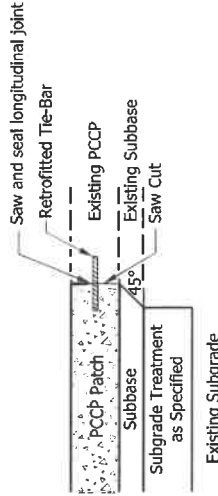
CHIEF ENGINEER  
 DATE 05/01/20

**NOTES:**

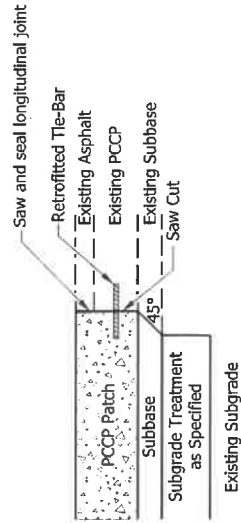
1. D-1 contraction joints shall be spaced at 15 ft. Where 15 ft spacing results in the last panel being less than 6 ft in length, the last D-1 spacing shall be adjusted to create two equal panel lengths greater than 6 ft.
2. Retrofitted tie-bars shall be placed in every other panel as shown.
3. Retrofitted tie-bars shall be used where adjacent lane or shoulder is PCCP or composite pavement.



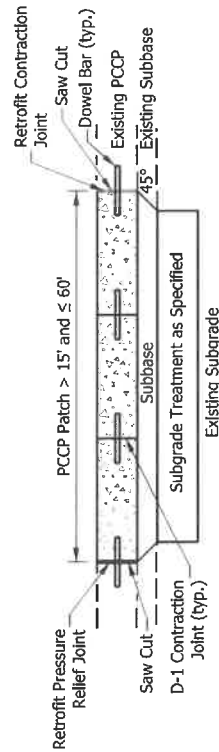
**PLAN**



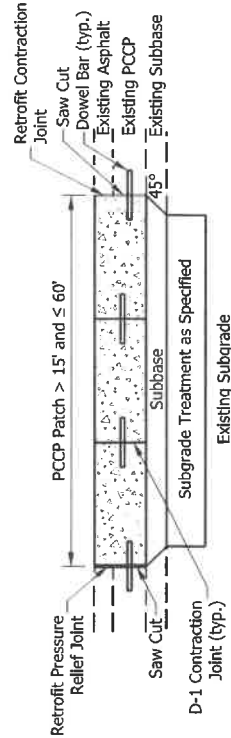
**PCCP SECTION B-B**



**COMPOSITE PAVEMENT SECTION B-B**



**PCCP SECTION A-A**



**COMPOSITE PAVEMENT SECTION A-A**

INDIANA DEPARTMENT OF TRANSPORTATION

PATCH LENGTH > 15' AND ≤ 60'

SEPTEMBER 2020

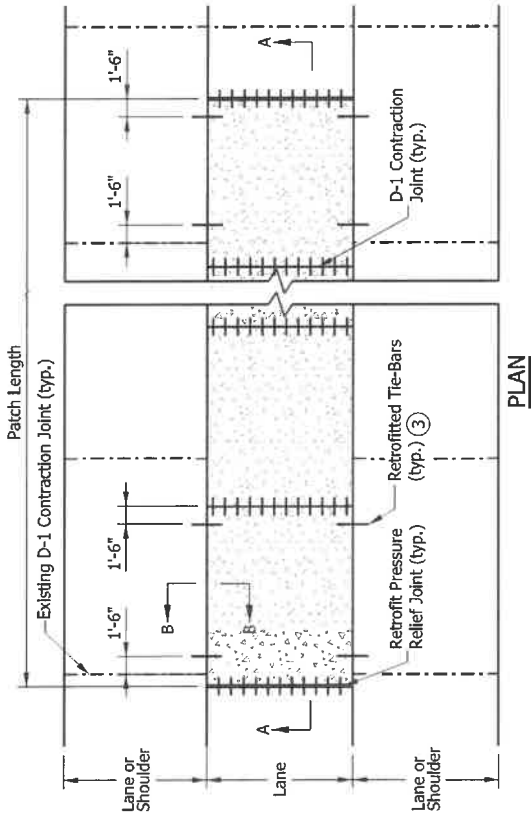
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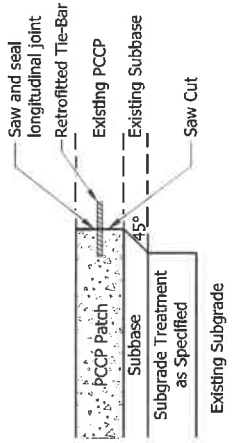
DESIGN STANDARDS ENGINEER  
 DATE 03/10/20  
 CHIEF ENGINEER  
 DATE 05/01/20

**NOTES:**

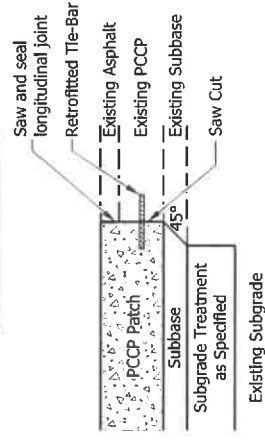
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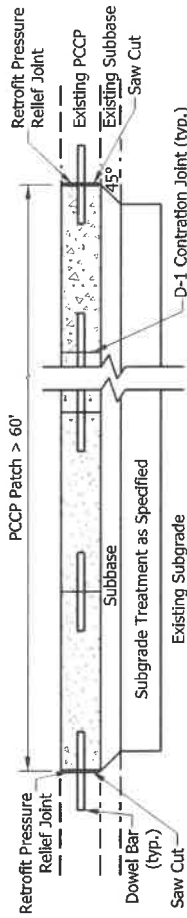
**PLAN**



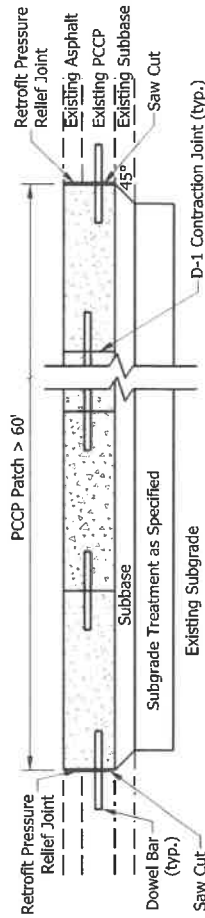
**PCCP SECTION B-B**



**COMPOSITE PAVEMENT SECTION B-B**



**PCCP SECTION A-A**



**COMPOSITE PAVEMENT SECTION A-A**

INDIANA DEPARTMENT OF TRANSPORTATION

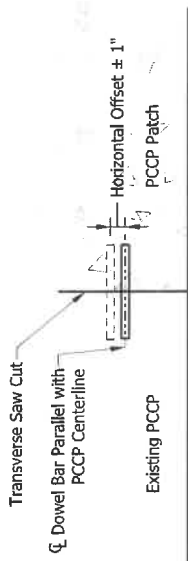
PATCH LENGTH > 60'

SEPTEMBER 2020

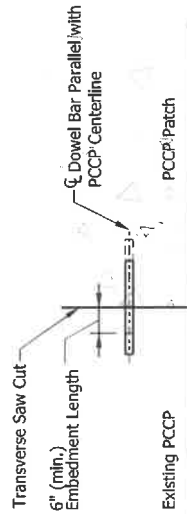
STANDARD DRAWING NO. E 506-CCPP-06



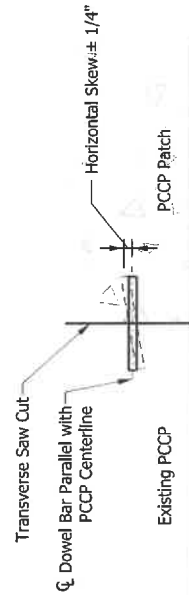
DESIGN STANDARDS ENGINEER  
 DATE 03/10/20  
 CHIEF ENGINEER  
 DATE 05/01/20



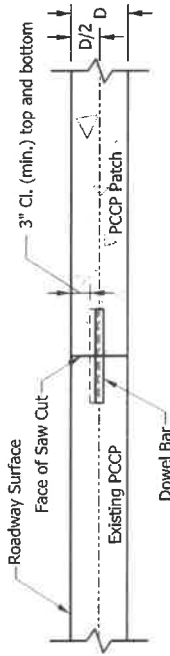
**PLAN HORIZONTAL TRANSLATION**



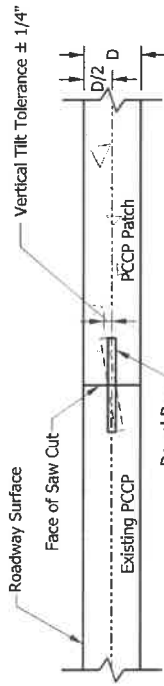
**PLAN LONGITUDINAL TRANSLATION**



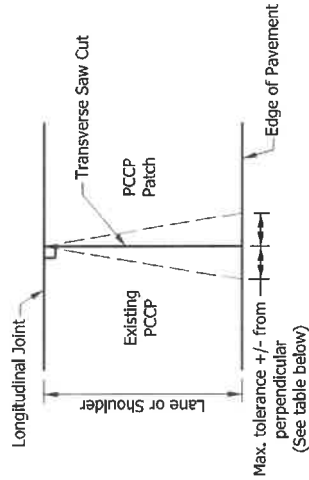
**PLAN HORIZONTAL SKEW**



**ELEVATION VERTICAL TRANSLATION**



**ELEVATION VERTICAL TILT**



WIDTH OF LANE OR SHOULDER	MAX. TOLERANCE
10'	1 5/8"
12'	2"
14'	2 5/16"

**PLAN SAW CUT**

**LEGEND**

- D = Existing PCCP Thickness
- Mis-Aligned Dowel Bar
- ==== Property Aligned Dowel Bar

INDIANA DEPARTMENT OF TRANSPORTATION

DOWEL ALIGNMENT AND SAWCUT TOLERANCES

SEPTEMBER 2020

STANDARD DRAWING NO. E 506-CCPP-07



DESIGN STANDARDS ENGINEER  
 DATE 03/10/20  
 CHIEF ENGINEER  
 DATE 05/01/20