



VILLAGE OF WHITING APPLICATION & PERMIT FOR WORK WITHIN THE RIGHT OF WAY/EXCAVATION OF STREETS AND/OR SIDEWALKS

3600 Water Street, Stevens Point, WI 54481

Phone: 715-341-2742

Fax: 715-341-6848

Permit # _____

Date Paid (\$10 – Pavement \$5 – Non pavement): _____

Date: _____

Applicant name: _____

Applicant address: _____

Telephone: _____ Cell phone: _____

Description of location (Physical address if applicable): _____

Description of project: _____

Approximate starting date: _____ Approximate completion date: _____

Contractor's name: _____ Phone # _____

Address: _____

Traffic control and safety: Contractor must comply with all requirements in the Manual on Uniform Traffic Control Devices to warn the public of sudden grade changes, manholes, water valves and/or other obstructions that might endanger the general public. Contractor must also follow guidelines of village municipal code Sec. 12.04 (5) (c) containing instructions for protection of public.

The applicant agrees to comply with the plans, specifications, and conditions contained in this permit and have read and agreed to comply with all provisions of Village of Whiting Municipal Code Sec. 12.04.

Applicant signature: _____ Date: _____

Permit approved by: _____ **Date:** _____
Director of Public Works or Public Works Chairman

Sec. 12.04 Excavations Of Streets, Alleys, Public Ways, And Grounds

- 1) **PERMIT REQUIRED.** No person, partnership or corporation, or their agents or employees or contractors, including public utilities, shall make or cause to be made any opening or excavations in any public street, public alley, public way, public ground, public sidewalk, or Village owned easement within the Village of Whiting without a permit therefore from the Building Inspector or Clerk-Treasurer.
- 2) **FEES.** There fee for a street opening permit shall be ten dollars for excavation into pavement and five dollars for any exaction other than pavement on any street or right-of-way. The fee shall be paid to the Building Inspector or Clerk-Treasurer, who shall issue a receipt therefore, except that public utilities shall be exempt from the fee requirement.
- 3) **INSURANCE REQUIRED.** A permit shall be issued only upon condition that the applicant submit to the Building Inspector or Clerk-Treasurer satisfactory written evident that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$100,000 per one person, \$300,000 for one accident and property damage coverage of not less than \$50,000.
- 4) **BOND.**
 - (a) Before a permit for excavating or opening any street or public way maybe issued, the applicant must execute and deposit with the Village Clerk-Treasurer an indemnity bond, approved by the Village President, in the sum of five thousand dollars, conditioned that he will indemnify and save harmless the Village of Whiting and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
 - (b) Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond, but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.
 - (c) Whenever the Village Board shall find that any such work has become defective within two years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.
 - (d) An annual bond may be given under this Section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.
- 5) **REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.**
 - (a) **FROZEN GROUND.** No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Chairman of the Public Works Committee.
 - (b) **REMOVAL OF PAVING.** In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together

- with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) **PROTECTION OF PUBLIC.**
- 1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Chairman of the Public Works Committee, no trench shall be excavated no more than two hundred fifty feet in advance of pipe or conduit laying nor left unfilled more than five hundred feet where pipe or conduit has been laid.
 - 2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) **REPLACING STREET SURFACE.** In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Chairman of the Public Works Committee is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddle or laid in layers not more than six inches in depth and each layer rammed, tramped or flushed to prevent after-setting. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the opening for any street or sidewalk repaired by the Village, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- (e) **NOTICE.** It shall be the duty of the permittee to notify the Chairman of the Public Works Committee or Village Clerk-Treasurer and all public and private individuals, firms and corporations affected by the work to be done at least twenty-four hours before such work is to commence. The Chairman of the Public Works Committee shall also be notified at least four hours prior to backfilling and or restoring the surface.
- (f) **VALIDITY OF PERMIT.** Unless the work shall be commenced within thirty days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Chairman of the Public Works Committee may extend the time limitation for good cause.
- (g) **BACKFILLING.** It shall be the duty of the permittee to backfill the opening immediately upon the completion of the work and to place at least five inches of traffic bind or similar material in the opening, unless otherwise advised by the Chairman of the Public Works Committee. It shall be the duty of the permittee to maintain the opening in good condition for a period of six months after the completion of the work or until the surface has been restored. The Chairman of the Public Works Committee shall decide when, within said six-month period, the opening is ready for paving if a paving surface is required. If the surface is not restored within a period of ten days or such longer period as determined by the Chairman of the Public Works Committee, the Village may restore the surface and bill the permittee therefore.

- 6) **EMERGENCY EXCAVATION.** In the event of an emergency any person, firm, or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit, provided that such person firm or corporation shall apply for an excavation permit not later than the next business day.
- 7) **EXCAVATION IN NEW STREETS LIMITED.** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Chairman of the Public Works Committee shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that such excavation work in such street must be completed within thirty days. After such permanent improvements or repaving, no permit shall be issued to open or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Village Board an emergency exists which makes it absolutely essential that the permit be issued.
- 8) **APPLICATION FOR PERMIT.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Chairman of the Public Works Committee, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work method applicant proposes to use in doing the work. The Chairman of the Public Works Committee shall determine if sufficient information is submitted.
- 9) **EXCEPTION.** The provisions of this Section shall not apply to excavation work done under the direction of the Chairman of the Public Works Committee by Village employees or contractors performing work under contract with the Village except that the safety precautions under this Chapter shall be complied with.