



**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

Permit # _____

Date Paid (\$20): _____

Date: _____

Applicant name: _____

Applicant address: _____

Telephone: _____ Cell phone: _____

Description of location (Physical address if applicable): _____

Description of project (attach supporting documents if available): _____

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 agrees to comply with all provisions of Village of Whiting Municipal Code Sec. 12.04.

Applicant signature: _____

Date: _____

Permit approved by: _____

Director of Public Works or Public Works Chairman

Date: _____

Sec. 12.04 Excavations Of Streets, Alleys, Public Right-of-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 right-of-way, public ground, public sidewalk, or Village owned easement within the Village of Whiting without a permit therefore from the Building Inspector.
- 2) **FEES.** The fee for a street opening permit shall be twenty dollars, and shall be remitted to the Building Inspector. Village work shall be excluded from the fee and permit requirements of this section.
- 3) **INSURANCE REQUIRED.** A permit shall be issued only upon condition that the applicant submit to the Building Inspector satisfactory written evidence 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 may be 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.**
 - (e) **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 Public Works Director.
 - (f) **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.

(g) PROTECTION OF PUBLIC.

- 1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on at all times. 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 Director of Public Works, 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.

(h) 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 Director of Public Works 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.

(i) NOTICE. It shall be the duty of the permittee to notify the Director of Public Works 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 Director of Public Works shall also be notified at least four hours prior to backfilling and or restoring the surface.

(j) 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 Public Works Director may extend the time limitation for good cause.

(k) 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 Director of Public Works. 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 Director of Public Works 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 Director of Public Works, 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 Director of Public Works 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 Building Inspector, 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 Public Works Director 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 Public Works Director by Village employees or contractors performing work under contract with the Village except that the safety precautions under this Chapter shall be complied with.