

ORDINANCE NO. 67-6

AN ORDINANCE RELATING TO STREET EXCAVATIONS
AND OPENINGS OF PAVEMENTS, SIDEWALKS OR CROSS-
WALKS.

SECTION 1. Permit Required.

No person shall injure or tear up any pavement, sidewalk or crosswalk, or any part thereof, dig any hole, ditch or drain in, or remove any sod, stone, earth, sand, or gravel from, or dig, place or construct any tunnel or drive, or bore for any pipe conduit, wire main or shaft in or under, any street, alley or public ground in the Village, without having first obtained written permission from the Clerk of the Village. The Clerk may issue such permit after the Clerk has first been authorized and directed to grant said written permit by majority vote of the Village Board of Trustees in accordance with the provisions hereinafter provided by this Ordinance.

SECTION 2. Permit Fee.

For each and every permit issued for an opening in any street, sidewalk, alley or public ground there shall be collected a fee of five dollars (\$5.00) by the Village Clerk of Chatham.

SECTION 3. Payment of Estimated Cost of Restoration
Before Issuance of Permit; Division of Responsibility.

Before a permit shall be granted to any person to open any pavement, improved roadway, sidewalk or alley, for any purpose, said person shall pay to the Village Treasurer the estimated cost of restoring said pavement, improved roadway, sidewalk or alley to as good a condition as before it shall have been so opened, with a fair additional sum as margin for unforeseen costs and damages, as determined by the Board of Trustees. Said estimated cost determined by said Board of Trustees shall include the cost to the Village of inspecting any work done under such permit; removing excavated

materials after the person obtaining the permit has removed the pavement, sidewalk or other improvement and made the excavation; back-filling all excavated areas; and restoring the pavement, improved roadway, sidewalk or alley to its original condition. When the excavation has been made and the utility involved has been connected and inspected, the person or persons making the excavation shall notify the Board of Trustees. Said person and party shall place around the opening any barricades and flares necessary for the protection of the public and shall assume responsibility for the continuation of the work; and the person or party shall notify the Board of their compliance with the requirements of this Section 3.

SECTION 4. Disclosure and Advise to Permittee Relative to Liability Insurance.

The Clerk shall advise the Applicant for a permit that proper liability insurance should be procured by the said Applicant and that said insurance policy shall be for the purpose of indemnifying any person or persons for damages that may be suffered for personal injuries on account of, or as a result of the work or action commenced and authorized by the issuance of said permit, and which may result in damages or injuries as a result of any excavation or opening of any street, pavement, sidewalk, crosswalk or any public passageway. The Applicant for such a permit herein mentioned should also be advised that the Applicant is liable for any such damages that may occur or might be suffered by any person or persons as a result of the issuance of this permit regardless and irrespective of whether the work, the opening, or excavation is done by the permittee or by any contractor for the permittee or any agent or representative of the permittee.

The Village Clerk may require proof of the procuring of said insurance and a memorandum thereof should be filed with the Village Clerk.

SECTION 5. The Board of Trustees to be advised of time, place and character of opening.

The Board of Trustees shall not authorize the issuance of any permit for the opening of any street, alley or public way by any person until the Board shall have been fully advised of the time, place and character of such opening and the purpose thereof by the applicant of such permit, as authorized under the provisions of Section 1 herein.

SECTION 6. Application for Permit to be Accompanied by Plat or Sketch.

All applications for permits under this ordinance shall be accompanied by a plat or pencil tracing or sketch showing the location, character and dimensions of the proposed opening for the installation of new work or the location and character of the alterations involving changes in the location of pipes, conduits, wires or conductors.

SECTION 7. Supervision and Inspection of Work.

All work done under the authority of a permit under the provisions of this Ordinance shall be supervised and inspected by a Village inspector to be designated by the Village Board of Trustees. Such supervision and inspection shall be done at the sole expense of the person securing such permit.

SECTION 8. Cutting New Pavements.

Before any street, alley or other public ground shall be paved or resurfaced, as ordered and authorized by the Board of Trustees, notice shall be published through and by the Village Clerk and Mayor at least three times in some newspaper published in the Village thirty days or more prior thereto, and copies of such notice shall forthwith be furnished to all public service corporations or other public agencies affected thereby or interested therein. Any wires, pipes, cable, conduits, tunnels and the like shall be laid and any other underground work installed within sixty days after the giving of such notice. After such pavement or resurfacing shall have been completed, it shall not

be cut for any purpose or by any person during the first year thereafter, unless there be paid in advance treble the estimated cost of the restoration of such pavement as determined under Section 3 of this Ordinance.

SECTION 9. Streets, Alleys or Public Ways under Reserve.

In all cases where any street, alley or public way, which has been improved by a contractor who has guaranteed his work to be done in accordance with the contract for the doing of the same, and has agreed to keep and maintain such improvements in good order and condition for a period of one year or more (such street, alley or public way being hereafter referred to as "a street, alley or public way under reserve") is opened for any person during the period covered by such agreement, the foundation and paving of such street, alley or public way, after the opening has been filled and tamped in the manner hereinbefore set out by the person securing the permit for such opening shall be relaid and replaced by such contractor and in accordance with the terms of such contract.

SECTION 10. Failure to comply.

In the event that any person opening any street, alley or public way, other than a street, alley or public way under reserve, fails to obtain a permit therefor or improperly does any work in connection with said opening, the Village Board of Trustees shall or may properly restore said street, alley or public way to a condition as good as its original one and shall charge to and collect from said person the cost of any work so done by the Village. Said person shall pay such charge within ten days after receipt of a statement therefor, or in default thereof shall be subject to penalty of punishment by a fine not more than \$200.00.

SECTION 11. Return of surplus payment upon Completion of Work; Procedure in case of Deficiency.

After completion of the work under the provisions of this

Ordinance, the Board of Trustees shall certify to the Village Treasurer the amount of any surplus remaining from the amount paid under Section 3 including payment for the work done by the Village or the amount of any surplus remaining from the amount paid under Section 8 after payment of treble the cost of the work done by the Village, as therein required; and such surplus shall thereupon be paid over to the proper claimant. If for any reason the amount of such payment shall be insufficient to cover the cost of such work, or treble the cost of work done under Section 8, or if any damage shall have been done to any underground work or connections, or otherwise, not contemplated in the original estimate, which shall have caused increased expenditure, the amount of such deficiency or damage shall be certified to the Village Treasurer, who shall collect the same from the person to whom the permit was issued.

SECTION 12. To Be Lighted.

Any person who shall have obtained a permit under the provisions of this Ordinance or other Ordinances of the Village and allowed to make any excavation upon any street, alley, avenue or sidewalk shall be required to place and maintain a red light, lantern, or a caution device at each approach to the excavation which can be clearly seen from each direction.

SECTION 13. EFFECTIVE DATE: PUBLICATION.

This Ordinance is urgently needed for the immediate protection of the public health and safety and it shall therefore go into effect 30 days after its passage and publication according to law; and it is so ordered by the necessary vote of at least the majority of the Board of Trustees of the Village of Chatham. The Village

Clerk is hereby authorized and directed to publish this Ordinance
by duplicating copies for public use.

PASSED: December 21, A. D. 1967.

RECORDED: December 21, A. D. 1967.

PUBLISHED: January 5th A. D. 1968.


MAYOR

ATTEST:


VILLAGE CLERK

PUBLISHED: January 5, A. D. 1968.

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