AN ORDINANCE REGULATING THE EXCAVATION AND RESTORATION OF STREET AND ALLEY PAVEMENTS (PAVED OR UNPAVED), GUTTERS, AND CURBS WITHIN THE PUBLIC RIGHTS-OF-WAY UNDER CITY OF ANGOLA JURISDICTION

WHEREAS; the City has a legal duty to protect the safety and welfare of persons using public right-of-ways for transportation purposes and,

WHEREAS; other facilities owned privately or by public or government operated utilities are permitted to occupy space within the same right-of-ways and,

WHEREAS; the need to protect the safety and welfare of the public should not be compromised more than necessary by such other permitted uses.

THEREFORE BE IT ORDAINED THAT:

No person shall make any excavation into, under, or across, any pavements (paved or unpaved), gutters, or curbs within the public rights-of-way under City of Angola Jurisdiction without first obtaining a Street Cut Permit from the office of the City Engineer.

The edges of all excavations into paved or finished pavements, gutters, and curbs shall be sawed to a minimum depth of one-third (1/3) the depth of the pavement, gutter, or curb. In no case will the sawed cut be allowed to be less than two (2) inches.

All excavations made into, under, across, or within two (2) feet of the finished edges of pavements (paved or unpaved), gutters, or curbs shall be backfilled with "flowable fill", also known as "controlled density fill".

All materials unless specifically stated otherwise, shall be in accordance with the current Indiana Department of Transportation (INDOT) Standard Specifications.

The flowable fill shall have a compressive strength from 50 PSI (pounds per square inch) to 150 PSI.

The flowable fill shall have a flow test spread diameter greater than eight (8) inches.

The test for flow shall consist of filling a three (3) inch diameter by six (6) inch high open ended cylinder placed on a smooth, level, nonporous surface to the top with the flowable fill. The cylinder shall be pulled straight up within five (5) seconds. The spread of the fill shall be measured. The minimum spread shall be eight (8) inches. This test may be performed by the City Engineer at the site prior to placement of the flowable fill.

The flowable fill mix shall consist of the following materials and be proportioned within the following limits for each material per cubic yard:

Portland Cement.....25 to 75 pounds per cubic yard
Fly Ash.....0 to 1500 pounds per cubic yard
Fine Aggregate.....2010 to 3150 pounds per cubic yard
Water.....as required, approximately 500 pounds per cubic yard

The producer may use water reducing admixtures and also air-entraining admixtures when used in accordance with the admixture's manufacturer's recommendations. The flowable fill may have an air content ranging from 0-25% by volume.

The proposed mix design shall be submitted and approved by the Angola Street Superintendent. A trial batch demonstration and compressive strength report may be required.

Before any flowable fill is placed, any pipes, structures, or other objects that might be displaced by the placement of the flowable fill shall be adequately anchored, braced, or otherwise secured.

No flowable fill shall be placed until the excavation and any required bracing has been inspected by the City of Angola Street Superintendent or his designated representative.

The mixture shall be delivered and discharged using ready-mix trucks approved for use by the Indiana Department of Transportation.

Flowable fill shall not be placed on frozen ground.

Flowable fill shall be protected from freezing until the material has stiffened and bleeding water subsided. When the temperature at placement is below freezing (32°F), the Angola Street Department Superintendent may require that freezing protection extend for as long as forty-eight (48) hours.

When the flowable fill is being placed in Industrial Streets, Commercial Streets, Federal Aid Highway Streets, or other streets used for non-residential uses, the flowable fill shall extend to a minimum of six (6) inches below the finished surface of the adjacent pavement. If the final six (6) inches of the pavement is being finished with concrete, the concrete may be placed as soon as bleeding water has subsided from the flowable fill. The concrete shall meet all current INDOT specifications for Class C concrete (high early strength concrete). The concrete shall be protected from traffic for a minimum of forty-eight (48) hours. When hot asphalt is used for restoring the final six (6) inches, the flowable fill shall be allowed to cure for a minimum of twenty-four (24) hours, unless otherwise approved by the City of Angola Street Superintendent. The hot asphalt shall consist of five (5) inches of HAC #5 Base and one (1) inch of HAC #11 surface meeting current INDOT specifications. When the existing pavement depth is greater than six (6) inches, the City of Angola Street Superintendent may require that the final restoration match the existing pavement depth.

When flowable fill is being placed in Residential Streets or alleys, the flowable fill shall extend to a minimum of four and one-half (4 1/2) inches below the finished surface of the adjacent pavement. Placing of concrete is the same as for Industrial Streets above but the depth may be four and one-half (4 1/2) inches. After the flowable fill has cured for twenty-four (24) hours, unless otherwise approved by the City of Angola Street Superintendent, hot asphalt may be paced and shall consist of three and one-half (3 1/2) inches of HAC #5 Base and one (1) inch of HAC #11 surface meeting current INDOT specifications. When the existing pavement depth is greater than four and one-half (4 1/2) inches, the City of Angola Street Superintendent may require that the final restoration match the existing pavement.

When flowable fill is being placed in unpaved streets or alleys, the flowable fill shall extend to a minimum of six (6) inches below the adjacent surface grade. After the flowable fill has cured for twenty-four (24) hours, unless otherwise approved by the City of Angola Street Superintendent, six (6) inches of compacted aggregate #73 limestone, meeting current INDOT specifications, shall be placed and compacted.

All gutters and curbs shall be restored as near as possible to match the existing gutters and curbs.

Any driveways that have been disturbed shall be restored to match the existing driveway.

Granular backfill, meeting INDOT Specifications for B Borrow, #53 compacted aggregate, and #73 compacted aggregate, may be used when placed in eight (8) inch lifts and compacted to ninety-five per cent (95%) of the materials maximum dry density, as determined by accepted AASHTO (American Association of State Highway and Transportation Officials) Standards and procedures, and confirmed by test results from a INDOT certified laboratory. The

number of tests to be taken will be determined by the City Engineer and is dependent upon the depth and length of the excavation being restored.

PENALTIES

The following penalties are in addition to and supplemental to any fee assessments, restoration costs or other remedies the Street Department or City may have:

Penalty: $2500.00 fine (maximum)

Violation: Not complying with the herein ordinance.

EMERGENCIES

If the City of Angola, or any of its Departments, determines that a emergency situation exists, the requirements of this Ordinance may be temporarily waived in order to protect the health, welfare, and safety of the traveling public.

This ORDINANCE shall be in full force and effect from and after its passage and enactment by the Common Council and approval by the Mayor.

Passed and adopted by the Common Council of the City of Angola, Indiana and by me approved this 20th day of September 1999.

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Edwin W. Selman, Mayor

ATTEST:

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Debra A. Twitchell, Clerk-Treasurer