

City of
Vienna
**RIGHT OF WAY
EXCAVATION PERMIT**

(Ordinance 23-01)

ALL PERMITS ARE NULL & VOID WHEN CITY IS CLOSED

☐ Deposit: \$5,000 Date: _____
☐ Deposit: \$750 Date: _____
☐ Check _____ ☐ Cash _____

Superintendent 618-658-5161 or 618-771-6726
Hours of operation 7-4:00 p.m., M-F/closed weekends
Job will be completed by: _____

Permit # _____
Permit Fee: \$150.00 (non-refundable)
Permit Fee: \$1000.00 (non-refundable)
☐ Check _____ ☐ Cash _____
Date Paid: _____
Purpose: _____

Utility Type: Please circle one of the
Following: Fiber, CATV, Electric, Gas,
Phone, Water, Sewer

OWNER INFORMATION

Owner/Organization: _____	Contact Name: _____	Contact Phone # _____
Mailing Address (include Zip Code): _____	Business Phone # _____	
Email: _____		
24-hour Emergency Contact _____	24-hour Phone # _____	Proof of Insurance Attached: Yes _____ No _____

CONTRACTOR INFORMATION

Contractor: _____	Contact Name: _____	Contact Phone # _____
Mailing Address (include Zip Code): _____	Business Phone # _____	
Email: _____		
24-hour Emergency Contact _____	24-hour Phone # _____	Proof of Insurance Attached: Yes _____ No _____ On File _____

Plumber's Name _____ Plumber's State License Number _____

(Name of Applicant) (Mailing Address)

(City) (State & Zip) _____, hereinafter termed the Permittee
request permission and authority to occupy, and to do certain work herein described on the Street(s) and/or address
known as (address) _____ PIN# _____
from _____ to _____
(Start Location) (End Location)

The work is described in detail on the attached sketch or plans.

The sidewalk, street and/or curb & gutter will be disturbed for this installation?

Yes _____ No _____

The work authorized by this permit shall be completed in compliance with attached Exhibit A and Ordinance 23-01.

Permit Acceptance and Liability Waiver (to be signed by authorized company representative)

I request permission to bore, cut, excavate and/or occupy the public right-of-way in the City of Vienna. For consideration of such permission, I agree to indemnify, hold harmless and defend the City of Vienna, its officers, agents and employees, from any and all claims resulting from injuries, including death, damages or losses, including, and but not limited to the general public, and attorney's fees incurred by the City of Vienna which may arise or which may be alleged to have arisen out of, or in connection with such excavation and occupancy. I further agree to do all work in accordance with the conditions, regulations and city standards provided

with this application. A copy of this permit shall be available for review at the job site at all times when work is occurring in the right-of-way.

Signature: _____ Date: _____
(Signature of authorized company representative)

City Comments/Requirements: _____

-----No excavation can begin until Pre-Excavation Approval-----

	Pre-Excavation Approval	Date	Post Excavation Approval	Date
Superintendent	_____	_____	_____	_____

****TO ARRANGE PRE AND POST EXCAVATION INSPECTIONS, PLEASE CALL THE CITY SUPERINTENDENT
Shane Racey, 618-771-6726 or 618-658-5161
THIS FORM MUST BE PRESENT AT POST EXCAVATION INSPECTIONS.
Refund WILL NOT be processed until the Superintendent has given post-excavation approval on this form.**

REFUND

PERMIT # _____ REFUND AMOUNT \$ _____ REFUND DATE _____
If project completion did not meet Superintendent's approval amount of refund withheld _____

NOTES:

Exhibit A

Any unapproved deviation from the approved drawings or general comments will be sufficient cause to have work stopped or reconstructed at the expense of the party or parties to whom the permit is issued. A copy of the permit is required on the job site at all times along with a copy of the ordinance.

General Comments

No work shall be done when the City is closed for Holidays

- 1) The work authorized by this permit shall be completed in compliance with Exhibit A and City Ordinances
- 2) The proposed utility should be located horizontally a minimum of five (5) feet away from any city owned underground utility (water, gas, sanitary sewer, and storm sewer).
- 3) Where perpendicular crossing occurs, the utility line should be installed a minimum of 2 feet beneath any city owned underground utility and any service lines or laterals. Where sanitary sewers are installed abnormally deep, the fiber optic line may be installed above the sewer with the superintendent's permission.
- 4) Contractor must obtain a permit from city hall for any necessary street cuts.
- 5) All pavement shall be saw cut one-foot past excavations which encroach into the roadway
- 6) Roadway patches shall consist of IDOT approved CA-6 compacted backfill compacted in eight (8) inch lifts and eight (8) inches of IDOT approved 5-hour pavement.
- 7) No excavation shall be left open overnight. Where unavoidable contractor shall install proper barricades and get City approval before leaving overnight.

- 8) Grassed areas shall be seeded with straw as soon as possible after excavation. Proper erosion control in place and maintained for duration of construction and/or until Superintendent deems necessary.
- 9) Permittee's contractors shall open sewer manholes and/or pothole sewers and watermain to locate utility depths prior to construction. Contractors shall make as much inspection as practical to locate sewer and gas laterals and water services.
- 10) The Superintendent will not mark drain culverts that can be seen from the surface. The Contractor shall be liable for damage to drain culverts.
- 11) No major location changes from the alignment proposed, such as changing which side of the road, will be allowed without prior approval from the city's Superintendent.
- 12) Contractor/utility is responsible for locating street right-of-way lines, determining type of street right-of-way, determining property line locations, and if any private easements are necessary.
- 13) Contractor is responsible for all street/traffic light wiring locates and is responsible for any damage or liabilities incurred by any disruption of such.
- 14) Failure to comply with permit policy or city ordinances may result in loss of deposit and/or fines.
- 15) Deposit will be refunded only if work performed has been approved by the Superintendent.
- 16) Contractor will contact the superintendent within 24 hours of start of construction.
- 17) Contractor will contact the superintendent when job is complete.
- 18) Contractor shall be liable for all attorney's fees and court costs incurred by the City of Vienna in enforcing the terms of this permit or in recovering damages from contractor.

Locate Requirements:

In order to reduce the disruption and cost of utility damages occurring in the City's right-of-way and easements, the permit holder shall prevent damages to existing utilities caused by his work through field verification. In the case of open excavation, verification may be performed during the permit holder's work. In the case of directional drilling, verification shall take place prior to mobilization of the drilling equipment. The permit holder shall verify the location of existing utilities as needed to avoid conflict. All existing utilities shall be exposed. Acceptable means of exposing utilities may include, but not be limited to hand digging, soft digging, and pot holing. The excavator shall be held liable for damages caused to the City's infrastructure.

Permittee must submit detailed as-built plans as soon as construction is complete.

Our review does not include locations of other underground utilities other than those owned by the city. There may be other utilities in conflict with the proposed alignment. Also, our review is based on the best available information and is not represented as all-inclusive of City owned utilities or those owned by others. Permittee is responsible for any damage that may occur. Please notify the city as soon as any damage is known so that proper repair can be coordinated.

The proposed utility alignments are tentatively approved pending permittees representatives taking the actions and precautions as listed in this permit.

Additional Notes:

1. Contractor shall cover exposed waterlines overnight when the temperature is predicted to be below 32 degrees Fahrenheit.
2. All fiber optic vaults shall be tier 22 class.
3. Contractor shall backfill above and below gas lines with at least 6 inches of sand.
4. No person shall turn any meters "on" or "off" other than authorized city employees, per City Code Section 53.147, Paragraph E.

5. Holidays observed by the city: New Years Eve, New Years Day, Good Friday, Memorial Day, Juneteenth, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day, Martin Luther King Day.

Attach sketch and/or plans here:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

ORDINANCE No. 23-01

**AN ORDINANCE REGULATING EXCAVATION AND
SURFACE RESTORATION OF CITY PROPERTY**

WHEREAS, it is deemed necessary and proper to define responsibilities and prescribe standards for disturbance of City property by excavation and for back filling of excavated tap or sewer or extension of water/sewer lines or any other work on City property or right of ways and subsequent restoration of the disturbed surface.

BE IT NOW ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIENNA, ILLINOIS:

Section 1. Definitions.

For purposes of this Ordinance, the following definitions apply:

- A. Person means any individual, business entity or one acting in a representative capacity for any purpose.
- B. Applicant means any person or company applying for a permit from the City to: (1) cut, excavate or bore under the surface of a City street, right-of-way, and/or sidewalk and/or (2) extend a tap into a city water line or sewer.
- C. Street means any public way or thoroughfare owned by the City for use by vehicular traffic by the public.
- D. Permit means a written form provided by the City giving consent to excavate or bore under a City street, City right-of-way or other City real estate
- E. Permittee means any person to whom a permit has been issued.
- F. Excavation means the making of a hole, bore, trench or ditch in the surface of a City street or other City real estate by removing material from there.
- G. Superintendent or designee means the person employed by the City Council to supervise and administer the construction and maintenance of city streets, alleys, sidewalks, the gas system, the city storm water drainage system, distribution of water to the citizens of and treatment of waste water for citizens of Vienna.
- H. Designee means an employee of the said of Vienna authorized by a city superintendent to act on his or her behalf.
- I. Utility means any corporation or entity that provides, but is not limited to, electric, gas, water, sewer, telephone, internet, fiber optic or television service.
- J. Easement means a written consent by the City Council allowing the use of City real estate for a limited specified purpose.
- K. Street Cut or Cut means a trench, ditch, bore, hole or any excavation made in the surface of a city street, alley, sidewalk or right of way.

Section 2. Permits

A. Any person who desires to make a street cut or bore or otherwise use City real estate or right of way must make application at Vienna City Hall for a permit. The application shall be referred to the appropriate Superintendent(s) who shall review and determine if a permit should be issued. The application must be signed-off by the Superintendent or designee before any excavation or boring may begin. No Street cut or other similar use of City real estate shall be made unless a permit has been issued.

B. The application for such permit shall state the purpose of the proposed cut or bore, the location and the dimension of the cut.

C. Before the Permittee begins a cut of the surface of City property, i.e. City Street, alley or other City owned real estate, or involving a city-owned utility, the Permittee must notify the Superintendent of the time and day he intends to commence. Unless the Superintendent determines there is reason to delay, the Permittee may proceed.

D. When the Permittee has completed the purpose for which the cut is made, the Superintendent shall be notified by the Permittee, before the hole, trench or ditch is back-filled. The Superintendent or his designee shall inspect the project to ensure the tap/extension/cut is completed to the city requirements.

E. The application for a permit shall be accompanied by the following fees and security deposits:

a. \$150.00 fee for repair or replacement of an existing utility line (water, sewer, electric, gas, fiber, telephone, cable, etc.); or

b. \$1,000.00 fee for new construction; and

c. \$750.00 as a security deposit for a single cut, bore, or excavation; or

d. \$5,000.00 as a security deposit for multiple cuts, bores, or for excavations that involve laying substantial lengths of line, cable, or fiber.

e. A cashier's check or money order may be used in lieu of cash for the security deposit.

The security deposit will be returned following confirmation by the Superintendent that all cuts, bores, and excavations have been closed and all right of way fully restored to a condition that meets or exceeds City's requirements or standards.

The Superintendent at his discretion may waive the deposit and may waive the permit fee for a single cut, bore, or excavation where it finds the same would cause undue financial hardship.

F. The permit will contain an agreed time frame for the work to be completed.

Section 3. Excavation and Cuts

A. Any concrete or asphalt street surface to be disturbed for exaction shall have the edges or the area to be excavated saw-cut.

B. Excavations shall not be filled until the Superintendent or his designee has inspected the extension or tap and given his approval.

C. All street and sidewalk excavations back-fill shall consist of granular crushed stone* compacted in 8" lifts to compaction of 90%. Back-fill shall be made to eight inches of the surface. Then concrete (not Quickcrete or comparable) eight inches thick shall be put in place for the surface.

D. All sidewalk crossings must be saw cut and new concrete a minimum of 4 inches thick must be poured to restore the sidewalk.

E. If necessary to preserve the safety of pedestrians and vehicular traffic, barricades or other traffic control devices should be put in place. The Permittee shall notify the Superintendent for direction or assistance.

F. Before commencing ANY cut, the Permittee shall notify J.U.L.I.E. of the proposed area to excavated or bored. The Permittee shall pre-mark the entire area where work is to be performed. The excavation work must begin within the period required by the J.U.L.I.E. notification law. A fee of \$100.00 per location shall be charged to the Permittee for a second or subsequent utility locate required to be performed by the City to comply with the J.U.L.I.E. law. No excavation shall be allowed to commence or continue until such fees are paid.

G. The Permittee shall be liable for all damage inflicted on any real or personal property as a result of undertaking to make a cut, excavation, or bore.

H. The Permittee shall be responsible for removing from the site and disposing of all material excavated from the site. Permittee shall be responsible for timely clean-up of the site otherwise.

I. As nearly as can be done responsibly, Permittee shall use all precaution to prevent obstruction of flow of storm water at the site of excavation and shall take appropriate measures to minimize erosion and prevent excavation spoils from washing onto adjacent right of ways or into adjacent ditches.

J. All utilities installed parallel to city utilities must be a minimum of 5 feet away and crossings must be a minimum of 2 feet under city utilities. No utilities will be installed over existing city utilities.

K. The permittee shall be liable for any culvert damage.

L. All fiber optic cable vaults will be tier 22 class.

M. All City utilities must be located by pothole method or otherwise hand digging at any crossing points to ensure minimum clearances are met.

*Sand is required at least 6 inches above and below all exposed gas lines.

Section 4. Restoration of Street Cuts.

A. Back-fill of an excavation and resurface of street cut shall be completed in compliance with Section 3-B and 3-C hereof. Such completion shall be done within no more than three (3) days and must meet the approval of the Superintendent or his designee. All traffic control devices shall remain in place for the safety of the public until the removal of material and clean-up is completed.

Section 5

Upon completion by the Permittee of all restoration work pertaining to a street, sewer, electric, gas, fiber, cable or water excavation, cut or bore, the Permittee shall notify the Superintendent who shall inspect the site. The said Superintendent determines the requirements or standards of the City for restoration have been met, he shall approve the work and sign-off on the project completion. The Permittee shall take the signed permit to Vienna City Hall who will refund the security deposit. Should the Superintendent determine the work has not been completed as required, the security deposit will be used to reimburse the City for repairs. If the cost of repairs exceeds the deposit the Permittee will be responsible for the actual cost of repairs.

Section 6

Any person violating any provision of this Ordinance shall be subject to a fine not less than \$250.00 plus court costs and not to exceed \$750.00 plus court costs together with any attorney fees incurred by the City. Each day a violation continues shall be considered a separate offense.

Section 7

This ordinance supersedes and repeals all ordinances, resolutions, motions, or portions thereof in conflict with the provisions of this ordinance.

Section 8

This ordinance shall take effect 10 days following its passage, approval and publication in pamphlet form as provided by law.

Passed by the City Council this 15th day of February, 2023 by the following vote:

Ayes 6

Nays 0

Approved by the Mayor this 15th day of February, 2023.

Published this 16th day of February, 2023.

Steven D. Smith
Mayor

ATTEST: Whittha Wright
City Clerk