

SECTION 5 - Legal Requirements for ROW Excavation Permit

A. Bonding

A 2 year, \$3,000.00 warranty or surety bond, specifically written for street work in the City of Bloomington, must be posted by any contractor preparing to excavate in streets, alleys, sidewalks, or other public right-of-way. This bond must be valid at the date a ROW Excavation Permit is applied for, and must be written so as to remain in effect for a period of two years after the street cut repair is completed. Additional bonding may be required for large-scale projects. Proof of adequate bond must be on file at the City of Bloomington Engineering Department before a permit will be issued.

City of Bloomington Municipal code 12.08.050 Bond required--Amount-- Conditions.

At the time of filing the petition under the provisions of Section 12.08.040, the person desiring to make any opening or excavation shall also file a bond payable to the city in a sum not less than one hundred dollars and not more than three thousand dollars as the City Engineer may designate. In the alternative, for projects where the projected cost exceeds three thousand dollars, the City Engineer may require a bond in an amount not to exceed the total projected cost of the project, plus twenty-five percent, in the event such bond is deemed necessary to ensure performance of the contractor. Bonds shall be filed with the City Engineer and shall be conditioned to save the city harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity to the requirements of this code and all other ordinances of the city regulating same; provided, however, that a single or continuing bond may be given to embrace all work of the petitioner for a period of time between the date of the execution of the same and two years from the date of completion of the project. (Ord. 86-49 § 1 (part), 1986: prior code § 23-18).

B. Warranty of work and default of bond

If a repair fails within 2 years of its completion, the contractor will be notified of the needed repairs. If the contractor does not comply, or cannot be reached within a specified period deemed necessary by the City Engineer, the work will be completed by the City of Bloomington, or a contractor hired by the City, to bring the patch to acceptable standards and funding will be drawn from the insurance bond.

12.08.080 Return of excess deposit after payment of cost--Liability permitted to continue for two years.

In the event it is necessary for the city to replace the surface, as provided in Section 12.08.070, the City Engineer shall, after deducting the actual cost of relaying or repairing of the pavement, return the excess of the deposit required by Section 12.08.060, if any, to the person depositing the same; provided, however, that at any time within two years after the permittee, the City Engineer, or their authorized agents, have replaced the pavement, it becomes necessary to relay the same because of settlement of the backfilling, the person having made such opening or excavation shall reimburse the city for any additional expense incurred in making the repair permanent, and this expense shall include the cost of excavating the trench or cut and refilling and tamping the same. (Ord. 86-49 § 1 (part), 1986: prior code § 23-21).

C. Fines

Any contractor beginning work before being issued the proper permit will be fined 3 times the permit fee plus the permit fee (not to exceed \$300.00).

City of Bloomington Municipal code 12.08.170 Violations.

Any person who violates any of the provisions of this chapter or fails to comply herewith, or who violates or fails to comply with any order made hereunder, is severally for each and every violation and noncompliance, respectively, subject to a penalty in an amount not to exceed one hundred dollars per day. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. In addition, the City Engineer shall have the authority to withhold issuance of new permits when an applicant is not in compliance with any previous permit issued hereunder. (Ord. 86-49 § 2, 1986).

D. Liability

All liabilities directly attributable to the cut or associated work are the responsibility of the contractor to which the permit is issued. Any claims submitted to the City of Bloomington will be forwarded accordingly.

E. Notification of street closure – Who to call

When it is necessary to close a street, or restrict traffic lanes in an arterial or high volume collector street, the following agencies must be notified 48 hours prior to the closure so that alternative routes can be planned:

Bloomington Fire Dept.: 332-9763
smiths@bloomington.in.gov
kerrr@bloomington.in.gov
franklij@bloomington.in.gov
barlowj@bloomington.in.gov

Bloomington Police Dept.: 339-4477
police-dispatch@bloomington.in.gov

Bloomington Transit: Joe Lilly 332-5688
joelilly@kiva.net

MCCSC: 330-7719
gniswand@mccsc.edu
cjohnson@mccsc.edu

Bloomington Hospital Ambulance Service: Angie McWhorter 353-5576
amcwhorter@bloomhealth.org
ddegroote@bloomhealth.org
aholland@bloomhealth.org
kemerick@bloomhealth.org

I. U. Bus Service: 855-8961 (voice mail 855-8384)
jhosler@indiana.edu

City of Bloomington, Engineering Department: 349-3417
boruffj@bloomington.in.gov
fultonc@bloomington.in.gov
engineering@bloomington.in.gov

It is the legal responsibility of the Permittee to notify these agencies. Any liability or costs involved with the failure to make the proper notifications will be with the Permittee. The Engineering Department will answer any questions the Permittee has about making these notifications.