

ORDINANCE 2026-17

**AN ORDINANCE AMENDING SUB-CHAPTER 95.35 ENTITLED "EXCAVATIONS" OF THE
CITY OF AUBURN CODE OF ORDINANCES**

SUMMARY

This ordinance amends and restates Sub-Chapter 95.35 entitled "Excavations" of the City of Auburn Code of Ordinances.

_____ Recorder's Office

_____ Auditor's Office

 x Clerk's Office

_____ Other

_____ Publish Public Hearing

_____ Publish O/R after adoption

ORDINANCE 2026-17

AN ORDINANCE AMENDING SUB-CHAPTER 95.35 ENTITLED "EXCAVATIONS" OF THE CITY OF AUBURN CODE OF ORDINANCES

SECTION 1. That Sub-Chapter 95.35 entitled "Excavations" of the City of Auburn Code of Ordinances is hereby amended, as follows, and restated in Exhibit "A".

95.35 EXCAVATIONS

A. Permit required

1. Subject to the exemptions that follow, an excavation permit issued by the city shall be required before any person, organization, agency or company ("party") undertakes any boring, drilling, opening, cutting, excavating or earth-moving operations ("work") on or under property owned or controlled by the city for any of the following purposes:
 - a. The installation, repair or replacement of pipes, wires, cables, lines, conduit, ~~utility poles not exceeding 50 feet in height~~, curbs and gutters, sidewalks, driveways, or pavement ("improvements");
 - b. Whenever the city's Street Superintendent, Building, Planning, and Development Administrator, or Engineer determines that work in progress or proposed work is such that it compromises or may compromise public health, safety or welfare, then the Superintendent, Administrator, or Engineer shall order that the work cease or that it not begin, and said party shall secure the approval of the city's Board of Public Works and Safety before continuing; or
 - c. Whenever required by the city's Board of Public Works and Safety.
2. ~~The city Street~~City Departments shall be exempt from the requirement to obtain an excavation permit when performing work using only its own workforce.
3. Where an accident or any other emergency has damaged or may damage an improvement, or causes or may cause an interruption of service by a city utility, public utility or rural electric membership corporation, and repair to or replacement of the improvement or service requires work in city property, then upon verbal request the city's Street Superintendent or Engineer may, after consulting with the managing superintendent for the utility in question, approve an emergency permit for the work. In those cases where an excavation permit would normally be required for the same work in non-emergency circumstances, an excavation permit shall be obtained as soon as possible after the emergency has been resolved.

B. Application

1. The party that will actually perform the work shall submit an application for an excavation permit for each location at which work is to be performed. However, a single application may be used for multiple work sites when all of the following conditions exist:
 - a. The same improvement will be installed, repaired or relocated in more than one location;
 - b. The work locations are adjacent to one another and part of a common project;
 - c. The work is performed as a series of like operations, all of which are conducted by the party that is applying for the permit; and
 - d. The work will be completed within one year after the date that the permit is issued.

2. The application shall be submitted to the Department of Building, Planning and Development, on forms provided by the Department. The application shall provide details of the proposed work, including but not limited to:
 - a. Names of the owner and contractor;
 - b. Location and description of the work and improvement;
 - c. Public property to be disturbed;
 - d. Estimated start and completion dates;
 - e. Proof of required insurance coverage;
 - f. A site plan and drawing showing the location of the work and the improvement; and
 - g. Any other information required by the special circumstances of a request as determined by the Administrator of the Department of Building, Planning and Development.

C. Permit fee

Subject to the exemptions that follow, where a requirement exists to secure an excavation permit under this section a permit fee of \$25-100 shall be paid by the applicant after the application has been approved and prior to issuance of the permit. The following parties are exempt from the requirement to pay the permit fee:

1. Any unit of federal or state government, county or city government, or any city municipal department, regardless of who performs the work.
2. Any party installing, repairing or replacing new or existing sidewalks or driveways, which does not include modification or replacement of curbs and gutters.

D. Additional fees

The person, persons or other entity that will own and/or be responsible for the improvement after its installation, repair or replacement, shall in addition to any permit fee pay all costs and expenses that the city incurs for any improvements as defined herein or other public infrastructure and services that are owned and/or maintained by the city, which improvements, infrastructure or services must be temporarily or permanently interrupted, relocated, damaged or destroyed, as a result of the work. All costs shall be based on true and actual costs as demonstrated by itemized receipts or itemized cost accounting, which shall be provided to the owner of the property by the city's Board of Public Works and Safety. Additionally, depending on the type of project being completed, the following fee structure applies:

<u>Project:</u>	<u>Cost:</u>
<u>Encroachment (Right-of-Way/ Easement) Agreement Fee:</u>	<u>\$100.00</u>
<u>Road Excavation/Cut on Gravel</u>	<u>\$250.00 per cut</u>
<u>Road Excavation/Cut on Pavement</u>	<u>\$500.00 per cut</u>
<u>Plowing/Knifing in Cable/Pipe</u>	<u>\$2.00 per linear foot</u> <u>\$100.00 minimum fee</u>
<u>Directional Boring</u>	<u>\$2.00 per linear foot</u> <u>\$100.00 minimum fee</u>

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Second Reading _____

<u>Trenching/Excavating Adjacent to Road</u>	<u>\$2.00 per linear foot</u> <u>\$100.00 minimum fee</u>
<u>Boring or Pushing Under Road</u>	<u>\$150.00 per bore, per location</u>
<u>Setting Individual Structures*</u> <u>*Including any and all permanently fixed structures in the Right-of-Way / Easements</u>	<u>\$200.00 per structure</u>

E. Permit issuance

The Administrator of the Department of Building, Planning and Development shall issue an excavation permit within 10 days following receipt of the application package in the Department, subject to the following:

1. All required information on the application has been provided;
2. A certificate of insurance as required in this section has been provided;
3. Required contacts have been completed including requests for marking of utility locations;
4. The plan for the work to be accomplished has been reviewed and determined to be consistent with the city's safety policies;
5. The work methods and materials comply with city specifications as determined by the city's Street Superintendent;
6. The application has been approved by the city's Street Superintendent;
7. Certification by the party performing the work that the conditions stated herein and on the permit application have been satisfied; and
8. The permit fee and all other applicable fees have been paid.

F. Term of permit

An excavation permit shall be valid for a period not to exceed one year from the date that the permit was issued.

G. Insurance

1. Subject to the exemptions that follow, where a requirement exists to secure an excavation permit under this section, the party that will actually perform the work shall prior to application approval submit a certificate of liability insurance issued by a company that is licensed to provide liability insurance in the State of Indiana. The policy's coverage shall begin not later than the date on which the work begins, and shall terminate not less than 30 days later than the estimated completion date for the work shown on the permit application. No work shall be conducted unless the required insurance coverage is in effect. The party that will actually perform the work shall notify the city's Department of Building, Planning and Development of any changes in coverage or changes in the beginning or termination dates of coverage. The insurance certificate shall provide for the following types and minimum amounts of insurance coverage:

a. General Commercial Liability Coverage:

General aggregate	\$1,000,000
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Products-completed operations aggregate	\$500,000
Personal and advertising injury	\$500,000
Each occurrence	\$500,000
Fire Damage (any one fire)	\$100,000
Medical expenses (any one person)	\$5,000

- b. Automobile Liability: \$100,000.
- c. Excess Liability: Not required.
- d. Workers Comp and Employer Liability: Statutory State of Indiana coverage.

(As amended Ordinance 2017-04 passed 2/21/2017)

H. License to encroach

1. Subject to the exemptions that follow, where a requirement exists to secure an excavation permit under this section for installation or relocation of an improvement, the city's Board of Public Works and Safety shall approve a license to encroach upon the identified city property prior to issuance of an excavation permit.
2. The following work shall be exempt from the requirement to obtain a license to encroach:
 - a. Installation, repair or replacement of new or existing sidewalks, driveways or curbs and gutters.
 - b. Installation, repair or replacement of electric, water or sanitary sewer lateral service wires or pipes, where those wires or pipes provide only a service connection between the structure to be served and a city electric primary line, or water or sanitary sewer main.
 - c. Installation, repair or replacement of pipes, wires, cables, lines, and/or conduit, ~~or monopole utility poles not exceeding 50 feet in height, that are required for delivery of the service that is provided by a public utility or a rural electric membership corporation, as those terms are defined and regulated at I.C. 8-1-2 and I.C. 8-1-13, respectively, that is performing the installation, repair or replacement.~~
 - d. City Departments shall be exempt from the requirement to obtain a license to encroach for City projects.

I. Notification and start of work

Not less than three working days before the date scheduled for the work to begin, excluding weekends and holidays, the party that will actually perform the work shall notify the agencies listed below and advise them of the date, time, location, duration and other relevant details of the proposed work. No work shall be undertaken until all utility lines and pipes have been located and marked. The agencies that shall be notified include:

1. City Electric, Water, ~~and~~ Water Pollution Control, Street and Engineering Departments, and Police and Fire Dispatch;
2. Indiana Underground Plant Protection Service or its successor organization;

First Reading _____
Second Reading _____

3. DeKalb Central Community Schools Corporation, Bus Management Office, if the work will take place in a street; and
4. All other private and governmental companies and agencies that have improvements in the city property where the work will be done.

J. Completion of work

The party performing the work shall be responsible for completing all necessary restoration and repairs to city property that has been disturbed by the work, and shall return the area to its original condition in accordance with the standards of the city's Street Department, including but not limited to:

1. Completion of the work within one year after the date on which the permit was issued;
2. Construction barricades shall be placed around the work site at all times;
3. All pavement, sidewalk and curb cuts shall be saw cuts;
4. Backfill of the type and placed in the manner specified by the city's Street Superintendent;
5. Not less than two inches of cold mix shall be used as a temporary patch on the day that the work site is closed with backfill; and
6. Maintenance of all temporary patches and other work until the work has been accepted by the city's Street Superintendent, and maintenance of permanent repairs to the site for one year after acceptance of the work by the city's Street Superintendent.

K. Appeals

Any appeal of the terms of this section shall be made to the Board of Public Works and Safety.

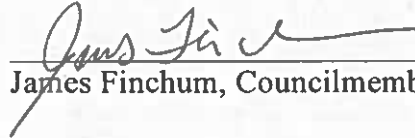
L. Penalties

Any party that violates any of the provisions of this section shall be fined \$100. Each day that a violation continues shall constitute a separate offense.

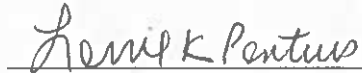
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

First Reading _____
Second Reading _____

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 7th day of July, 2026.


James Finchum, Councilmember

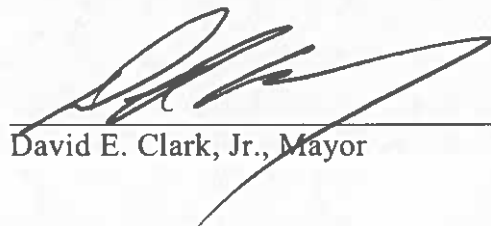
ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 7th day of July, 2026.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 7th day of July, 2026.


David E. Clark, Jr., Mayor

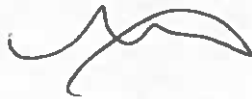
First Reading _____
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VOTING:

AYE

NAY

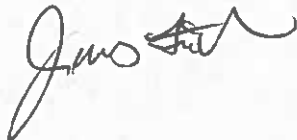
Natalie DeWitt



Rod Williams



James Finchum



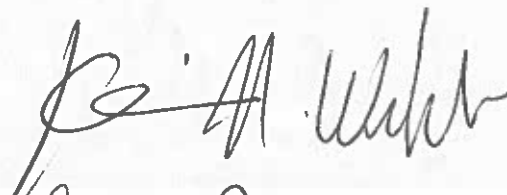
Dan Braun



David Bundy



Kevin Webb



Emily Prosser



First Reading _____
Second Reading _____

EXHIBIT "A"

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6. Maintenance of all temporary patches and other work until the work has been accepted by the city's Street Superintendent, and maintenance of permanent repairs to the site for one year after acceptance of the work by the city's Street Superintendent.

K. Appeals

Any appeal of the terms of this section shall be made to the Board of Public Works and Safety.

L. Penalties

Any party that violates any of the provisions of this section shall be fined \$100. Each day that a violation continues shall constitute a separate offense.