

**TITLE 13**

**STREETS AND SIDEWALKS**

## **Title 13**

### **STREETS AND SIDEWALKS**

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## Chapter 13.04

### OFFICIAL THOROUGHFARE PLAN

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**13.04.010 Short title.** This chapter shall be known and may be cited as the Thoroughfare Plan, a section of the Master Plan of Jasper, Indiana, 1959. (Ord. 490 S1, 1959).

**13.04.020 Thoroughfare maps.** The Thoroughfare Plan of the City of Jasper consists of a map entitled "Jasper, Indiana, Major Street and Highway Plan" dated 1980, and a map entitled "Jasper, Indiana, Jurisdictional Area, Major Street and Highway Plan" dated 1980, which shows the locations of existing and proposed thoroughfares within the jurisdiction of the City Plan Commission. The Thoroughfare Plan is hereby declared a part of this Chapter and notations, references, indications and other details shown therein are as much a part of this chapter as if they were fully described in the text of this chapter. (Ord. 1001 S1 (A), 1980; Ord. 490 S2, 1959).

**13.04.030 Designation of thoroughfares.** The thoroughfares within the jurisdiction of the Jasper City Plan Commission are classified as to width and type in accordance with their function as a part of the thoroughfare system, and are designated as arterial, collector and local streets as shown on the Thoroughfare Plan, and are to be imposed as required by Title 17 of this code providing for the control of subdivision of land. (Ord. 1001 S1 (B), 1980; Ord. 490 S3, 1959).

**13.04.040 Opening or widening of streets.** Whenever a street classified in the Thoroughfare Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Thoroughfare Plan, provided that where a

street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way width designated for such street, measured at ninety degrees to the center line thereof. (Ord. 490 S4, 1959).

**13.04.050 Location of streets.** Wherever the location of a street is indicated in the Thoroughfare Plan as following an existing road or street, or a section of half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

Wherever the location of a street indicated in the Thoroughfare Plan as following an irregular alignment, or revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Thoroughfare Plan. Such alignment shall be subject to a detailed survey which may be made by the City Plan Commission or other public agencies, or by the owners of land to be subdivided if required by the City Plan Commission. The survey for such street shall be subject to the approval of the City Plan Commission prior to the dedication of the street. (Ord. 490 S5, 1959).

**13.04.060 Consideration by public agencies.** The Common Council and the Board of Public Works shall be guided by and give consideration to the general policy and pattern of street development set out in the Thoroughfare Plan in the authorization, construction, alteration, relocation or abandonment of the public streets, highways, and related structures. (Ord. 490 S6, 1959).

**13.04.070 Issuance of permits.** Any permits authorized by the City of Jasper, including but not limited to improvement location permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the City Plan Commission, shall be issued only if, in addition to satisfying the requirements of other city ordinances, the proposed street right-of-way as set forth by this Chapter will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street. (Ord. 490 S7, 1959).

**13.04.090 Thoroughfare Fund.** The Common Council may levy a tax annually of not to exceed fifteen cents on each one hundred dollars of taxable property within the city for the purpose of Thoroughfare Fund, which when collected shall be kept separate from the other funds of the city and shall be a continuing fund to be drawn upon by the Board of Public Works for work done under, or in furtherance of, or in carrying out a part of the Thoroughfare Plan. (Ord. 490 S9, 1959).

**13.04.100 Authority for procedure.** In the carrying out of any project under the Thoroughfare Plan, the Board of Public Works shall provide, and shall have authority under the provisions of Chapter 44, Acts of General Assembly of Indiana for 1931, IC 19-

5-1-1, and the method of procedure shall comply with the provisions of an act of the general assembly of the State of Indiana, entitled "City and Town Street, Alley and Other Public Improvements Act of 1969" Chapter 317, IC 19-8-16, except that the provisions for remonstrance of resident freeholders shall not apply, provided further, that if it shall be determined that property shall be assessed within a special benefit district, such board shall determine the boundaries of such district. (Ord 1001 S1 (D), 1980; Ord. 490 S10, 1959).

**13.04.110 Method of procedure.** The Board of Public Works, in the carrying out of any project under the Thoroughfare Plan adopted herein shall establish and determine what proportionate part of the cost of such project, or any separate phase of improvement thereunder, shall be paid by the city out of the Thoroughfare Fund, including any increase of damages ordered by any court on appeal, as benefit to such city at large, and, at such time, shall determine the amount, if any, of the total cost of any such phase of improvement under such project, including damages awarded by such board, which shall be assessed as benefits upon the real estate within a special benefit district.

In the event the cost of acquisition and the benefits assessed against the city by reason of any such project, shall, at any time, be in excess of the amount of money then standing to the credit of the Thoroughfare Fund of the city, the city shall have the power, and the Common Council is hereby authorized by ordinance to issue a bond in a sum sufficient to pay for such benefit, or any part thereof, as it may be deemed necessary, the same to be issued and sold in the same form and manner, and with the same rate of interest and with such maturities as are by law provided for the issuance and sale of bonds of the city for the general purposes thereof, and the proceeds of the sale of such bonds shall be deposited in, and credited to the Thoroughfare Fund, to be used in the payment for such costs of acquisition and the benefits assessed against the city at large and any increased damages which may be ordered paid by any court on appeal. (Ord. 490 S11, 1959).

**13.04.120 Priority of thoroughfare improvements.** The City Plan Commission may recommend to the Board of Public Works the order in which the improvements made pursuant to this chapter and to be paid for in part out of the Thoroughfare Fund shall be undertaken and carried out; and when so made, the Board of Public Works shall not start or commence by resolution or otherwise, any work, appropriation or improvement pursuant to this chapter, other than in the order designated by such recommendation. (Ord. 490 S12, 1959).

**13.04.130 Continuing authority of City Plan Commission.** The City Plan Commission may:

- (1) Determine lines for new extended, widened or narrowed thoroughfares in any portion of the area within the jurisdiction of the Jasper City Plan Commission.

- (2) Certify to the Common Council the amended or additional plan under the same procedure as established for the certification and approval of the Thoroughfare Plan. (Ord. 490 S14, 1959).

**13.04.140 Amendments.** In addition to the provisions of Section 13.04.130 herein, amendments may be initiated as follows:

- (1) The Common Council may direct the City Plan Commission to prepare an amendment to the Thoroughfare Plan as desired, and the commission shall submit such amendment to a public hearing within sixty days of such request. Not later than thirty days following the public hearing, the Commission shall submit its report on the amendment to the Common Council.
- (2) The owners of fifty percent or more of the area of property abutting upon a street may petition the City Plan Commission requesting an amendment to the Thoroughfare Plan. (Ord. 490 S14, 1959).

**13.04.150 Availability for public inspection.** Two copies of this chapter including maps referred to herein which are a part thereof, shall be kept on file in the office of the Clerk-Treasurer and shall be subject to public examination during the regular office hours of the Clerk-Treasurer. (Ord. 1001 S1 (E), 1980; Ord. 490 S15, 1959).

**13.04.160 Severability.** If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this chapter. (Ord. 490 S16, 1959).

## Chapter 13.12

### CONNECTIONS TO UTILITY MAINS

#### Sections:

- 13.12.010 Owners' responsibility to make connections prior to street paving.**
- 13.12.020 Connection at owners' expense.**
- 13.12.030 Failure of owner to connect - City action - Costs as lien.**
- 13.12.040 Separate utility connections - Number.**
- 13.12.050 Connections - Permit required - Supervision.**

**13.12.010 Owners' responsibility to make connection prior to street paving.** Before the roadway of any street is permanently improved by paving, it shall be the duty and is hereby made the duty of the owners of the real estate or property abutting thereon to make private connections with sewer, gas, water and other like pipes and public conveniences and to bring such connections inside of the curb line of the street within twenty days after the adoption of the final order of the Common Council ordering the improvement of such street. (Ord. 58-C S1, 1927).

**13.12.020 Connections at owners' expense.** Whenever the Common Council shall adopt a preliminary resolution for the permanent improvement of the roadway or any street in the city it shall, in said resolution, declare its intention of making at the owners' expense, all such connections and of bringing the same inside the curb line of the street where the same has not already been done by the abutting property owners and notice of such intention shall also be made a part of the notice to be given concerning the improvement of such street as required by law. (Ord. 58-C S2, 1927).

**13.12.030 Failure of owner to connect - City action - Costs as lien.** Should said abutting owners or any of them fail to make such connections within the time limited in the preceding sections of this chapter, the Common Council shall proceed to authorize the proper city officials to do so at the owner's expense, and the Common Council shall have the right to designate the official or officials who shall perform the work of making such connections. The Council shall also have authority in the event it sees fit to cause the work of making said connections to be done by any competent contractor; said council may also, if it sees fit, in the final resolution for the improvement of any street, order such connections as shall not have been made by the abutting property owners within the time limited aforesaid, to be made by the contractor to whom is awarded to the contract for the improvement of such street, in which event the bidder shall state the amount at which they are willing to make said connections, basing the same either on the frontage of the lot where such connections are to be made or otherwise as may be ordered by the council. The cost of making said connections, whether made by a city official designated by the Common Council or by contract, shall be a lien on the property of the abutting owner and

shall be included and constitute a part of the assessment for the expenses and assessments for other street and sewer improvements. (Ord. 58-C S3; February 7, 1927).

**13.12.040 Separate utility connections - Number.** There shall be made a separate sewer, gas and water connection and same brought inside the curb line of the street as hereinbefore set out in this chapter for each platted lot abutting on said street and for each fraction of a lot, if lot is divided and the ownership of lot is in different parties, and there shall also be a separate sewer, gas and water connection for each fifty feet of unplatted territory or property abutting on said street. (Ord. 58-C S4; February 7, 1927).

**13.12.050 Connections - Permits required - Supervision.** All work of making said connections and bringing the same within the curb line as above provided, whether done by the owner, or by the Council, or by contract, shall be done under a permit as required by law or by the ordinances of the City of Jasper, and subject to the approval of the City Engineer. (Ord. 58-C S5; February 7, 1927).

## Chapter 13.16

### SIDEWALKS

#### Sections:

- 13.16.010**      **Removal of accumulations.**
- 13.16.020**      **Removal of ice and snow.**
- 13.16.030**      **Construction and repair of sidewalks.**
- 13.16.035**      **Replacement of existing sidewalks.**
- 13.16.040**      **Driveways, sidewalk parks, and driveways across sidewalk parks.**
- 13.16.050**      **Sidewalk parks.**
- 13.16.060**      **Use of sidewalk for business purposes.**
- 13.16.070**      **Administrative liability.**
- 13.16.080**      **Enforcement.**
- 13.16.090**      **Penalty for violations.**

**13.16.010 Removal of accumulations.** It shall be the duty of every person owning or occupying premises adjoining improved sidewalks to remove or cause to be removed weeds, grass, vegetation, dirt, earth, or debris accumulating upon the portions of such sidewalk abutting such premises within twenty-four (24) hours from the time of such accumulation. The Board of Public Works and Safety of the City of Jasper reserves the right to approve or deny a request for an extension of time to remove the accumulations. (Ord. 2007-10, S2, May 23, 2007) (Ord. 1999-1, S13.16.010, Mar. 17, 1999; Ord. 564 S1, Oct. 14, 1964).

**13.16.020 Removal of ice and snow.** The owner of the premises abutting upon any public sidewalk shall remove the snow or ice from such sidewalk in front of such premises. All snow and ice which falls or accumulates shall be removed within a reasonable time after such falling or accumulation. If snow or ice on a sidewalk is frozen so hard that it cannot be removed without damage to the pavement or if the weather conditions are such that cleaning of such sidewalk at such time is not practical, then the owner of the premises shall sprinkle with sand, salt or other similar concrete compatible material so the sidewalk is safe for travel, and as soon, thereafter, as the weather permits shall thoroughly clean the sidewalk. (Ord. 2007-10, S3, May 23, 2007) (Ord. 1999-1, S13.16.020, Mar. 17, 1999; Ord. 564 S2, Oct. 14, 1964).

**13.16.030 Construction and repair of sidewalks.** A person desiring to construct, build, or establish, a new sidewalk within the City shall submit plans and specifications to the Board of Public Works and Safety of the City of Jasper or their designee, prior to such activity. No sidewalk shall be so constructed as to prevent free and unobstructed passage over, on, or across the same or in such manner as to interfere with the proper drainage and safeguarding of the street. During the construction or repair of such sidewalk, proper

barricades and warning devices shall be maintained at the site. (Ord. 2007-10, S4, May 23, 2007) (Ord. 1999-1, S13.16.030, Mar. 17, 1999; Ord. 564 S3, Oct. 14, 1964).

**13.16.035 Replacement of existing sidewalks.** Existing sidewalks shall be replaced in accordance with the City of Jasper's Sidewalks/Curb Replacement Program established by the Board of Public Works and Safety. (Ord. 2007-10, S5, May 23, 2007)

**13.16.040 Driveways, sidewalk parks, or driveways across sidewalk parks.** A person desiring to construct, build, establish or maintain any driveway, sidewalk park, or driveway for the use of vehicles of any nature over, across or upon any public sidewalk or to cut, change, alter or remove any sidewalks or the curb adjacent thereto for the purpose of locating or constructing any such driveway, sidewalk park, or roadway must first obtain a permit from the City of Jasper, as required under other applicable ordinances of the City of Jasper. The Board of Public Works and Safety of the City of Jasper may require that the person obtain a permit prior to the approval of the plans and specifications. A temporary driveway for use in connection with the removal or construction of buildings and excavations for the same shall be permitted in such manner and for such length of time as may be provided by the Board of Public Works and Safety of the City of Jasper. No driveway, sidewalk park, or roadway shall be so constructed as to prevent free and unobstructed passage over, on or across the same or in such manner as to interfere with the proper drainage and safe guarding of the street. Such driveway, sidewalk park, or roadway shall be kept well paved and in good state of repair. During the construction of such driveway, proper barricades and warning lights shall be maintained on the site. (Ord. 2007-10, S6, May 23, 2007) (Ord. 1999-1, S13.16.040, Mar. 17, 1999; Ord. 564 S4, Oct. 14, 1964).

**13.16.050 Sidewalk Parks.** For purposes of this Chapter a sidewalk is a strip of ground lying upon an improved street between the improved roadway and front lot line according to the recorded plat of the abutting real estate. If this ground has not been specifically designated by the Board of Public Works and Safety of the City of Jasper for a sidewalk or is not used for a sidewalk, said strip of ground shall be known as a sidewalk park.

If shall be unlawful to permit weeds, vegetation, trees, permanent structure or woody growth on the sidewalk park, which, due to its proximity to any governmental property, right-of-way, or easements, interferes with the public safety of lawful use of the governmental property, right-of-way, or easement. It shall be unlawful for any person to ride or drive any vehicle or animal upon or across such sidewalk park or to permit any animal to run, walk or graze upon said sidewalk park or to place any rubbish or trash upon the same, which in any manner injures or destroys the same. (Ord. 2007-10, S7, May 23, 2007)

**13.16.060 Use of sidewalk for business purposes.** The owner or occupant of any real estate or premises who desires to use a portion of a public sidewalk to display new or used merchandise, shall submit an application to request approval for the same. The applicant shall obtain this form from the City of Jasper. The Board of Public Works and

Safety of the City of Jasper or its designee shall have the authority to grant or deny such approval, and if granted, it shall be contingent upon the following rules:

- (1) Unless prior approval is obtained, no sidewalk shall be used for the storage of used merchandise, containers, or equipment at any time;
- (2) Unless prior approval is obtained, all new or used merchandise displayed shall be removed from the sidewalk at the close of store or business hours; and
- (3) No display shall interfere with pedestrian traffic along the sidewalk and shall meet all standards set by the Americans with Disabilities Act (ADA). (Ord. 2007-10, S8, May 23, 2007) (Ord. 1999-1, S13.16.060, Mar. 17, 1999; Ord. 564 S8, Oct. 14, 1964).

**13.16.070 Administrative liability.** No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City or its agent until the final determination of the proceedings therein. (Ord. 2007-10, S9, May 23, 2007) (Ord. 1999-1, S13.16.070, Mar. 17, 1999)

**13.16.080 Enforcement.** The Board of Public Works and Safety of the City of Jasper or its designee shall enforce this ordinance. (Ord. 2007-10, S10, May 23, 2007) (Ord. 1999-1, S13.16.080, Mar. 17, 1999)

**13.16.090 Penalty for violations.** Any person, firm, or corporation who violates any of the provisions of this chapter shall be charged with an ordinance violation and fined not less than Twenty-five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00). In the event said fine is not paid, the ordinance violation may be filed in court and the violator, if found to have committed the ordinance violation, shall be responsible for the fine, court costs, and attorney fees, if applicable. Every day any such violation shall occur shall constitute a separate offense

In addition to the fine imposed in the preceding paragraph, the violator may also be liable to the City for any damages and expenses incurred by the City by reason of such violation, which shall be established in a civil action brought for such purpose. (Ord. 2007-10, S11, May 23, 2007) (Ord. 1999-1, S13.16.090, Mar. 17, 1999; Ord. 564 S9, Oct. 14, 1964).

## Chapter 13.17

### SUMP PUMPS AND PERIMETER AND FOUNDATION DRAINS

#### Sections:

- 13.17.010 Sump Pumps.**
- 13.17.020 Penalty for Violations.**
- 13.17.030 Administrative Liability.**
- 13.17.040 Separability.**
- 13.17.050 Prior Ordinances.**
- 13.17.060 Effective Date.**

**13.17.010 Sump Pumps.** It shall be unlawful for any person, firm, or corporation who is owning, occupying or possessing any newly constructed building or structure, situated upon a street, avenue or other public place to discharge a sump pump or a perimeter or foundation drain on any improved area of a street within the City of Jasper. It shall also be unlawful for any person, firm, or corporation who owns, occupies, or possesses any existing building or structure, situated upon a street, avenue or other public place to discharge a newly installed sump pump excluding replacement units, or a newly installed perimeter or foundation drain on an any improved area of a street within the City of Jasper. (Ord. 2006-50, S2, Dec. 20, 2006) (Ord. 2000-36, S1, Dec. 20, 2000) (Ord. 1997-48, S13.17.10, 1997)

**13.17.020 Penalty for Violations.** Any person, persons, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars for the first violation. Second and subsequent violations will result in a fine of not less than one hundred or more than two hundred dollars. Each day's violation of this ordinance or any part thereof shall be a separate violation. (Ord. 1997-48, S13.17.20, 1997)

**13.17.030 Administrative Liability.** No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the City attorney until the final determination of the proceedings therein. (Ord. 1997-48, S13.17.30, 1997)

**13.17.040 Separability.** If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 1997-48, S13.17.40, 1997)

**13.17.050 Prior Ordinances.** All ordinances and/or parts of ordinances in conflict herewith are hereby repealed. (Ord. 1997-48, S13.17.50, 1997)

**13.17.060 Effective Date.** This ordinance shall be in full force and effect on the 1st day of January, 1998, from and after notice, passage by the Common Council, approval by the Mayor, all in the manner as provided by law. (Ord. 1997-48, S13.17.60, 1997)

## Chapter 13.20

### EXCAVATIONS IN PUBLIC STREETS

#### Sections:

- 13.20.010 Permit - Required - Conditions.**
- 13.20.020 Permit - Application - Contents required - Filing time.**
- 13.20.030 Permit - Fees and other conditions required.**
- 13.20.040 Permit - Certificate of Insurance Required.**
- 13.20.050 Backfill and resurfacing.**
- 13.20.060 Supervision and inspection - Street Commissioner authority.**
- 13.20.070 Barriers and warning devices required.**
- 13.20.080 Cleanup and repair - Applicant responsibility.**
- 13.20.090 Violation - Penalty.**

**13.20.010 Permit - Required - Conditions.** It is unlawful for any person, firm, or corporation to cut into, tunnel under, or make any excavation in any street, alley or other public place in the City of Jasper without having obtained a permit as is herein required, or without complying with the provisions of this chapter or in violation of a variance from the terms of any such permit. (Ord. 2003-19, S1, June 5, 2003) (Ord. 788 S1, 1974).

**13.20.020 Permit - Application - Contents required - Filing time.** Applications for such permits shall be made to the Building Commissioner, the City Engineer, or their designated representative of the City of Jasper and shall describe the location of the intended cutting, tunnel or excavation, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual cutting, tunneling or excavation work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. All applications for permits shall be filed not less than two working days prior to the date of such excavating, tunneling or cutting. A copy of each permit issued by the Building Commissioner or City Engineer or their designated representative shall be forwarded to the Street Commissioner, the Safety Director and to the applicant. (Ord. 2003-29, S1, June 25, 2003) (Ord. 2003-19, S2, June 5, 2003)

**13.20.030 Permit - Fees and other conditions required.** Said applicants shall be subject to the following fees:

	Concrete or Asphalt
For each square foot of trench, cut into pavement (except for sidewalks and driveways)	\$7.02 per sq. ft.
Revisit due to improper backfill compaction	\$3.30 per sq. ft.

As soon as the right-of-way project is completed, the Street Department shall inspect the project and determine the actual dimensions of any areas where a cut was made into concrete or asphalt maintained by the City. Using the actual dimensions of any such excavated areas, an invoice shall be prepared and mailed to the applicant. The invoice shall be due within thirty (30) days of the date of the invoice. In the event that an applicant improperly backfills the excavated area, an applicant may be subject to fees for a revisit, at the rate set forth above. All City of Jasper Departments are exempt from these fees.

It is unlawful to make any such cutting, tunneling or excavation in any way contrary to or at variance with the terms of the permit therefore. No injury shall be done to any pipes, cables or conduits in the making of such cuttings, excavations or tunneling; and notice shall be given to the persons maintaining any such pipes, cables or conduits, or to the City Department in charge thereof before such pipes, cables or conduits are disturbed. (Ord. 2013-3, S1, Mar. 20, 2013) (Ord. 2007-12, S1, May 23, 2007) (Ord. 2003-19, S3, June 5, 2003) (Ord. 788 S3, 1974).

**13.20.040 Permit - Certificate of Insurance Required.** No such permit as provided in this Chapter shall be issued unless the applicant has met all City of Jasper insurance requirements for any such cutting, excavation or tunneling. A bond may be required to be posted by applicant in favor of the City of Jasper. If such bond is required, it must be on file with the Clerk-Treasurer of the City of Jasper before a permit is issued. (Ord. 2003-19, S4, June 5, 2003) (Ord. 788 S8, 1974).

**13.20.050 Backfill and resurfacing.** **13.20.050 Backfill and resurfacing.** All excavated material shall be hauled away. Pipe, wire, or conduit will be placed on proper bedding. Utility trenches in the roadway, including the curb, and five (5) feet beyond, if disturbed, shall be backfilled with "Flowable Fill". Flowable Fill shall be for utility trench backfill and achieve a minimum compressive strength of 75 PSI and a maximum compressive strength of 250 PSI at 14 days as tested with a standard penetrometer (ASTM C-403). All products must be tested and the test results shall be submitted to, and approved by, the City of Jasper Engineering Department prior to its use in the roadway or right-of-way. A list of approved mix designs of Flowable Fill is available at the City of Jasper Engineering Department. Flowable Fill shall remain diggable with a standard backhoe. Trenches shall be filled with Flowable Fill to within four (4) inches from the surface. Material shall be protected from traffic until adequate strength has been achieved. Backfill outside of the Flowable Fill area shall be backfilled with excavated material and compacted lifts. However, if the excavation exceeds 25 cubic yards, the applicant may request an exception to the use of Flowable Fill from the Engineering Department. Final blacktopping of, the trench will be completed by the City of Jasper Street Department after notification by the applicant that the street cut work is complete. It shall remain the responsibility of the applicant to maintain the street cut in a safe condition until such time as the Street Department paves said cut. Any additional work required by the Street Department after the final blacktop is placed, due to improper backfilling, will be billed to applicant as an addition to the original bill. (Ord. 2004-55, S1, Nov. 17, 2004) (Ord. 2003-19, S5, June 5, 2003) (Ord. 788 S4, 1974).

**13.20.060 Supervision and inspection - Street Commissioner authority.** The Street Commissioner of the City of Jasper or designated representative, shall from time to time inspect or cause to be inspected all excavations, cuttings and tunnels being made in or under any public street, alley or other public place to see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten hours before the work of refilling any such tunnel, cutting or excavation begins. (Ord. 2003-19, S6, June 5, 2003) (Ord. 788 S5, 1974).

**13.20.070 Barriers and warning devices required.** It shall be the duty of every person cutting or making an excavation or tunnel in or upon any public place, to place, supply, and maintain barriers and warning devices necessary for the safety of the general public. (Ord. 2003-19, S7, June 5, 2003) (Ord. 788 S6, 1974).

**13.20.080 Cleanup and repair - Applicant responsibility.** All cleanup, repairing of damaged pipes, cables or conduits, replacement of and cost of replacement or repair materials shall be the expense of the applicant. The applicant shall, at his or its expense, clean up and remove all refuse and unused materials of any kind resulting from said work. The applicant shall also control and maintain same debris from leaving the work site onto the streets or storm sewers. (Ord. 2003-19, S8, June 5, 2003) (Ord. 788 S7, 1974).

**13.20.090 Violation - Penalty.** Any person, firm or corporation violating any of the provisions of this chapter may be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. . (Ord. 2003-19, S9, June 5, 2003) (Ord. 788 S9, 1974).