

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 19, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III, UTILITY CUTS IN RIGHTS OF WAY, SECTIONS 19-51 THROUGH 19-55.

BE IT ORDAINED, by the City Council of the City of Phenix City, Alabama that the Code of Ordinances of the City of Phenix City, Alabama, Chapter 19, Streets, Sidewalks and Other Public Places, Article III, Utility Cuts in Rights of Way, Sections 19-51 through 19-55 is hereby amended as follows:

WHEREAS, Article III relating to Utility Cuts in Rights of Way, Sections 19-51 through 19-55 are hereby removed and replaced with Sections 19-51 through 19-58 and shall read as set out below:

UNDERGROUND UTILITIES POLICY

Sec. 19-51. Introduction / Purpose

The City of Phenix City recognizes the need and responsibility to provide its citizens with adequate infrastructure and to facilitate the appropriate utility improvements and repairs to maintain expected quality of life.

The City also recognizes the cost, damage, and maintenance associated with these repairs and improvements.

The following policy is intended to address these issues and to recover associated costs, including but not limited to inspections, repairs, and maintenance.

Sec. 19-52. Administration

The City Engineer is designated by the City of Phenix City as the authorized representative to enforce the provisions of this policy.

Sec. 19-53. General Criteria

Every pipe or conduit for water, sewage, gas, drainage, communication, or any other use shall have a minimum cover of thirty (30) inches.

Each utility shall provide the City of Phenix City with a current map of their system. This map should indicate the location and depth of each structure, along with its relationship to other existing features such as paved areas, structures, and other utility structures.

Each utility shall provide the City of Phenix City with a complete set of construction plans prior to receiving a construction permit.

Where feasible and appropriate, utility companies shall indicate the locations of their underground structures by means of "surface markings". For instance, curb markings would be considered an acceptable method of indicating where a pipe intersects the pavement.

Sec. 19-54. Permits

No person, except in the case of an emergency, shall make any tunnel, opening, or excavation of any kind in or under the surface at any street or right-of-way maintained by the City of Phenix City without first securing a permit from the City for each separate undertaking. In the case of an emergency, this permit shall be applied for on the next regular business day. Applications for permits can be obtained from the office of the Engineering Department.

Sec. 19-55. Excavations

No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored. Streets shall not be completely closed to traffic without approval from the City and with proper prior notice given to the Police and Fire Departments as noted on the permit.

No more than 250 linear feet, measured longitudinal, shall be opened in any street at any one time.

All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

Pipe drains, pipe culverts, or other facilities encountered during excavation work shall be protected.

Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, a permanent survey reference point, a permanent survey bench mark within the City of Phenix City shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the City.

When any earth, gravel, or other excavated material is caused to roll, flow, or wash upon any street, the permittee shall cause the same to be removed from the street within eight (8) hours after the deposit.

Every permittee shall place around the project such barriers, lights, warning flags and danger signs as shall be determined by the City, as well as the Alabama Manual of Uniform Traffic Control Devices, to be necessary for the protection of the public.

Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins may be required. If the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.

All pavement cuts, openings, and excavations shall be properly made, backfilled and temporarily surfaced by the permittee according to City of Phenix City specifications.

All work is subject to inspection by the City of Phenix City Engineering Department and Utilities Department.

Work shall be performed during daylight hours Monday through Friday between the hours of 8:00 AM and 5:00 PM, local time, unless approved by the City.

Sec. 19-56. Construction in the vicinity of existing utilities

Every effort shall be made to provide any existing maps or information concerning existing utilities to any one wishing to excavate. However, it remains the Contractor's or Developer's responsibility to confirm the location of these utilities prior to excavation. Every pipe or conduit for water, sewage, gas, drainage, communication or any other use which may be encountered in trenching shall be carefully protected from injury or displacement and all damage caused to such structures shall be completely repaired to the satisfaction of the owner of the structure. All costs associated with repairing the structure shall be paid by the party causing the damage.

Sec. 19-57. Street Opening and Pavement Cut Fees, Description and Schedule

(a) *Purpose.* It is the purpose of this section to provide for the recovery of costs from permittees for the implementation of the program established herein, including, but not limited to, the cost associated with inspecting and monitoring street openings, excavations, and cuts, and the increased maintenance and repair costs caused by said street openings. The applicable charges and fees shall include:

- (1) A permit application fee;
- (2) An inspection fee;
- (3) A pavement resurfacing fee.

These fees relate solely to matters covered by this article and are separate from all other fees chargeable by the city. The City Engineer and/or her designee shall administer, implement, and enforce the provisions of this article and collect the fees and charges prescribed herein.

(b) *Application fee.* A nonrefundable permit application fee of thirty dollars (\$30.00) shall accompany each application for a street opening and/or pavement cut permit to cover the costs of administration. If the permit is denied, the application fee shall not be refunded to the applicant. If the permit is approved, the applicant shall also pay to the city an inspection fee and a pavement resurfacing fee as provided herein.

(c) *Inspection fee.* An inspection fee of forty-five dollars (\$45.00) will be assessed for each one thousand (1000) square feet or fraction thereof of pavement disturbed by the opening, excavation or cut permit. The inspection fee shall cover the cost for monitoring and inspecting the excavation and/or pavement cut.

(d) *Pavement resurfacing fee.* The city shall assess a pavement resurfacing fee for all street openings, excavations and permit cuts. A base surfacing fee shall be computed according to the area of the paved surface disturbed by the opening, excavation and/or cut. The base fee shall then be adjusted upward or downward according to pavement age of the street as provided on the following page.

- (1) The base pavement resurfacing fee shall be computed as follows:

RESURFACING FEES PER SQUARE FOOT	
<i>Area of Pavement Disturbed (per square foot)</i>	<i>Cost Per Square Foot</i>
1 to 1,000	\$1.50
1,001 to 3,000	\$1.60
Over 3,000	\$1.70

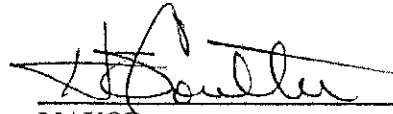
- (2) The base fee for all openings, excavation and cuts shall be a pavement age of eleven (11) to fifteen (15) years.
- (3) The pavement age shall be determined by the City Engineer.
- (4) The resurfacing fee for pavement age of greater than fifteen (15) years shall be 0.25 times the base fee for cuts as calculated in this section.
- (5) The pavement resurfacing fee will be tripled for streets that have been constructed, reconstructed, overlaid or have received a seal coat in the last five (5) years. Conversely, the pavement resurfacing fee may be reduced for utility repairs made in advance of scheduled pavement rehabilitation projects or when the utility company performs a complete street overlay in conjunction with the utility repairs performed.

PAVEMENT RESURFACING FEE SCHEDULE			
<i>Area of Street Cut (square feet)</i>	<i>Base Cost For Cut</i>	<i>Cost For Streets With Pavement Age 0 to 4 Years</i>	<i>Cost For Streets With Pavement Age 5 to 10 Years</i>
100	\$150	\$450	\$300
200	\$300	\$900	\$600
300	\$450	\$1,350	\$900
400	\$600	\$1,800	\$1,200
500	\$750	\$2,250	\$1,500
600	\$900	\$2,700	\$1,800
700	\$1,050	\$3,150	\$2,100
800	\$1,200	\$3,600	\$2,400
900	\$1,350	\$4,050	\$2,700
1,000	\$1,400	\$4,200	\$2,800
1,500	\$2,400	\$7,200	\$4,800
2,000	\$3,200	\$9,600	\$6,400
2,500	\$4,000	\$12,000	\$8,000
3,000	\$4,800	\$144,00	\$9,600
Over 3,000	\$1.70*(Sq.Ft.)	3*(\$1.70)(Sq.Ft.)	2*(\$1.70)(Sq.Ft.)

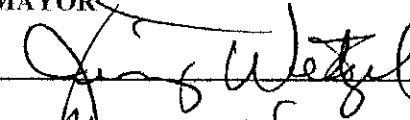
Sec. 19-58. Severability

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

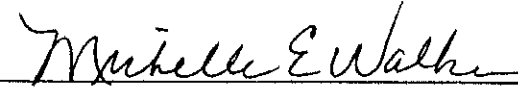
PASSED, APPROVED and ADOPTED, this the 8th day of September 2010.




MAYOR





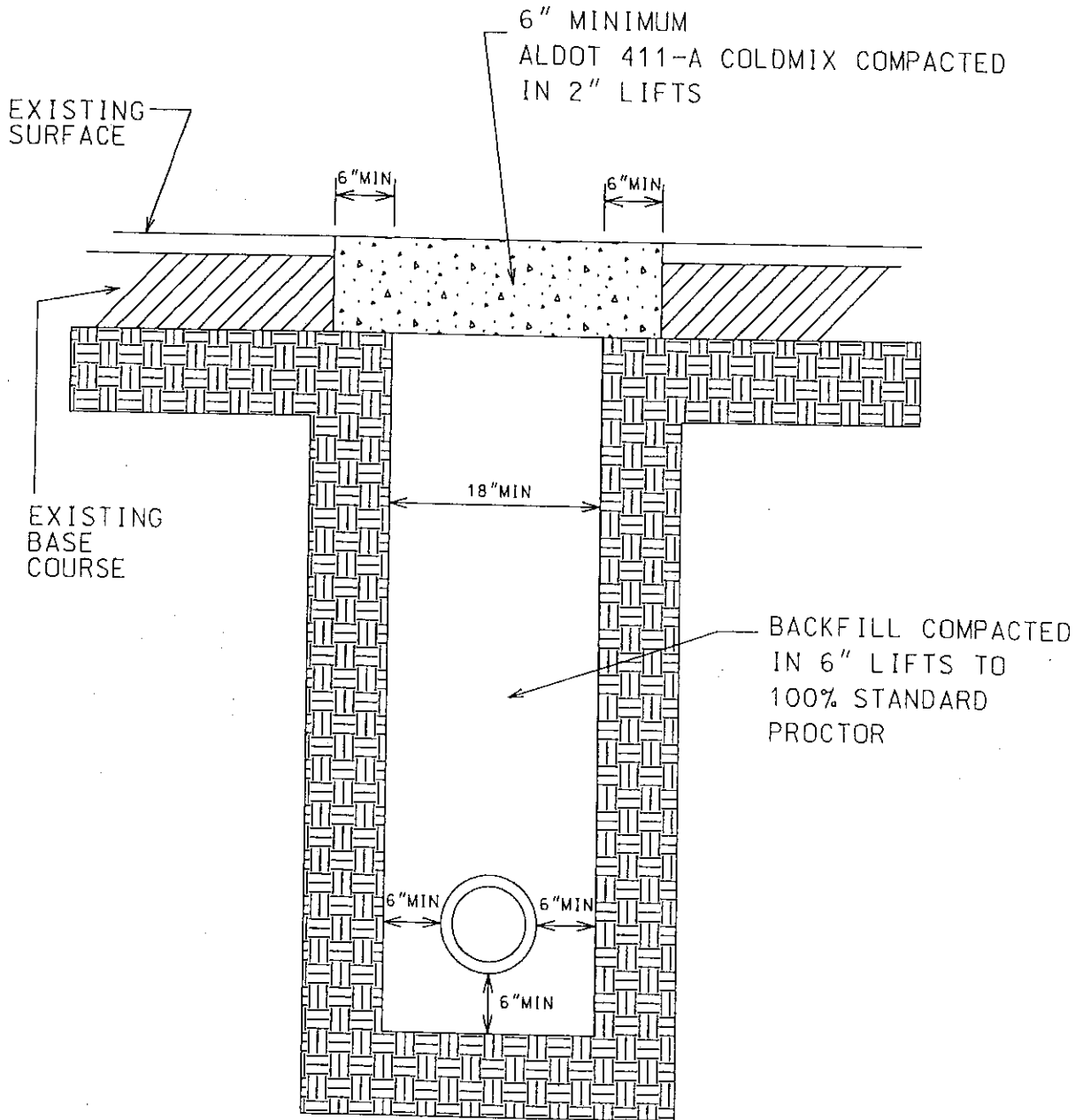


ATTEST:



CITY CLERK

MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA



TEMPORARY PATCH DETAIL

NOT TO SCALE

NOTES:

1. ALL PAVEMENT SHALL BE SAWCUT, SQUARE.
2. TEMPORARY PATCHING TO MATCH CONTOUR OF EXISTING SURFACE.
3. EVERY PIPE OR CONDUIT FOR WATER, SEWAGE, GAS, DRAINAGE, COMMUNICATION, OR ANY OTHER USE SHALL HAVE A MINIMUM COVER OF 30 INCHES.