

ORDINANCE NO. 2022- 13

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, CHAPTER 74, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III, UNDERGROUND UTILITIES POLICY, SECTIONS 74-61 THROUGH 74-62, 74-65 AND 74-67, ADD SECTIONS 74-68 THROUGH 74-69.

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 74, Streets, Sidewalks and Other Public Places, Article III, Underground Utilities Policy, Sections 74-61 through 74-62, 74-65 and 74-67 are hereby amended and Sections 74-68 through 74-69 are added as follows:

Sec. 74-61. - Purpose; intent.

- a) The 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.
- b) The city also recognizes the cost, damage, and maintenance associated with these repairs and improvements.
- c) The provisions of this article are intended to address these issues and to recover associated costs, including, but not limited to administration, inspections, repairs, and maintenance.

Sec. 74-62. - Administration

The city engineer is designated by the city as the authorized representative to enforce the provisions of this policy. All requirements for utility work within the city right of way shall conform to the standards set forth in the Phenix City Public Works Manual (current edition).

Sec. 74-65. - Excavations

- a) No opening or excavation in any street shall extend beyond the centerline 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.
- b) No more than 250 linear feet, measured longitudinal, shall be opened in any street at any one time.
- c) 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.
- d) Pipe drains, pipe culverts, or other facilities encountered during excavation work shall be protected.
- e) 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 benchmark within the city shall not be removed or disturbed or caused to be removed unless permission to do so is first obtained in writing from the city.
- f) 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 hours after the deposit.

- g) 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.
- h) 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.
- i) 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.
- j) All pavement cuts, openings, and excavations shall be properly made, backfilled and temporarily surfaced by the permittee according to Sections 4.4 and 4.5 of the Phenix City Public Works Manual (current edition).
- k) All work is subject to inspection by the city engineering department and utilities department.

Work shall be performed during daylight hours Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., local time, unless approved by the city.

Sec. 74-67. - Permit fees

(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. The applicable charges and fees shall include:

- (1) A permit application fee;
- (2) An inspection 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 his 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 in the amount now or hereafter established by the city 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 as provided herein.

(c) *Inspection fee.* An inspection fee in the amount now or hereafter established by the city will be assessed for 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.


Sec. 74-68. – Warranty of work

The permittee shall indemnify and hold harmless the City of Phenix City, its officers, agents and employees from any liability to persons or property resulting from any act or omission of the applicant/permittee in performing the work and for one year after the work is completed.

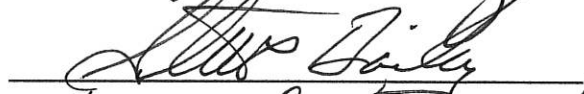
Sec. 74-69. – Severability

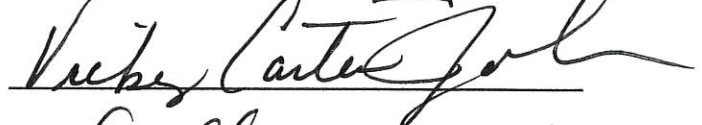
If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

PASSED, APPROVED AND ADOPTED this 15th day of November, 2022.


MAYOR

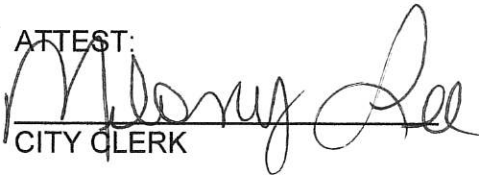


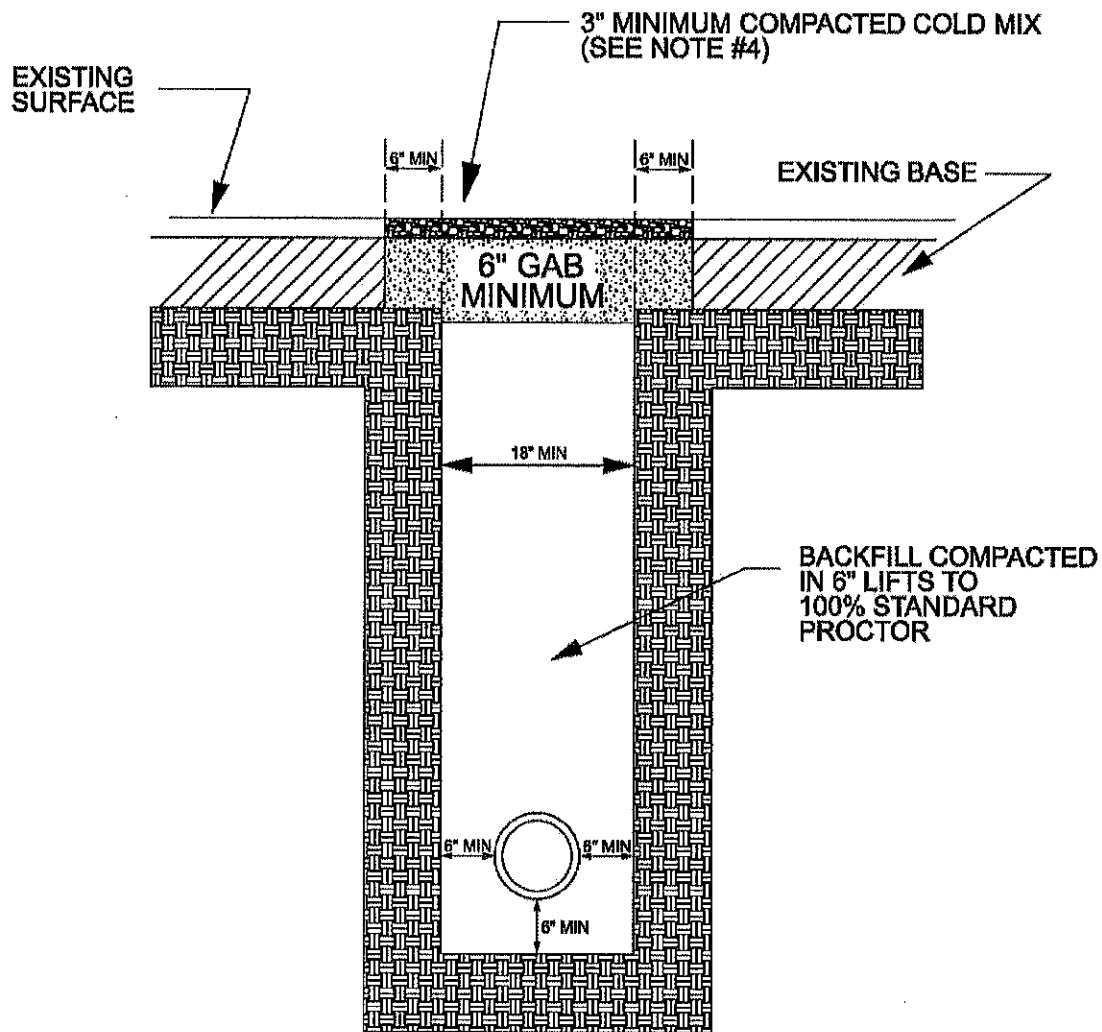





MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK



TEMPORARY PATCH DETAIL

NOT TO SCALE

NOTES:

1. ALL PAVEMENT SHALL BE SAWCUT, SQUARE. SAWCUTS SHALL NOT EXTEND BEYOND THE INTERSECTION OF CUTS AT CORNERS.
2. TEMPORARY PATCHING TO MATCH CONTOUR OF EXISTING SURFACE.
3. EVERY PIPE OR CONDUIT FOR WATER, SEWAGE, GAS, DRAINAGE, COMMUNICATION, OR ANY OTHER UTILITY SHALL NOT BE RAISED ABOVE EXISTING ELEVATION.
4. COLD MIX ASPHALT MATERIAL MUST MEET REQUIREMENTS FOR ALDOT QUALIFIED MATERIALS LIST III-5 PATCHING MATERIAL FOR BITUMINOUS CONCRETE PAVEMENT.

**APPLICATION FOR INSTALLATION OF UNDERGROUND
UTILITY PERMIT
CITY OF PHENIX CITY
DEPARTMENT OF ENGINEERING AND PUBLIC WORKS**

Project Information	Applicant Information
Project Title: _____	Name: _____
Address: _____	Company: _____
Project Start Date: _____	Date Submitted: _____
Proposed Completion Date: _____	Address: _____
Will Project Require Street Closure:	Emergency Phone #: _____
Will Project Require Work to be Performed During Times Other than Normal Business Hours:	Contractor Information
Non-refundable Permit Application Fee & Inspection Fee (\$75.00) Attached:	Name: _____
Complete Construction Plans Attached:	Company: _____
Map of Project Area Provided Detailing Permittee's Utilities:	Address: _____
	Emergency Phone #: _____
	Email: _____
	City Business License #: _____
	AL GC License #: _____

Brief Description of Work to Be Performed*: _____

The undersigned is seeking permission from the City of Phenix City to perform work within the right of way and guarantees the work to be performed in conformance with the requirements of Sections 74-61 through 74-69 of the Code of Phenix City. The undersigned agrees to indemnify and hold harmless the City of Phenix City, its officers, agents and employees from any liability to persons or property resulting from any act or omission of the applicant permittee in performing the work and for one year after the work is completed. The undersigned has read Sections 74-61 through 74-69 of the Code of Phenix City and understands the provisions therein, including the guarantee of work and above indemnification. The undersigned agrees that if the roadway is to be closed, 72 hours of notice will be given unless otherwise approved.

Applicant Signature: _____

Date: _____

Approval Section

Approved By: _____ Date: _____

Comments: _____