

## ORDINANCE NO. 360

### General Utility/Street Construction and Repair (GUS) Ordinance

#### THE CITY OF BESSEMER HEREBY ORDAINS:

- The purpose of this ordinance is to set forth standards and procedures that will govern general construction and repair work within City easements and rights-of-way, thereby providing better service to contractors and the general public, and ensuring that the tax and rate payers of the City of Bessemer are not burdened with the cost of repairing incomplete and/or substandard work on the City's utilities, streets, sidewalks, curbs, easements, Right of Ways, and other fixtures and appurtenances. Furthermore, in remediated areas work must be conducted so as to protect, restore or replace the remedial actions and/or structures.

- **Permit required.**

No work is allowed within the public streets or alleys and public road rights-of-way and easements belonging to the City without a general utility/street construction and repair (GUS) permit, formerly known as a "street opening permit." The only exceptions are emergencies which may occur after business hours or on weekends or holidays as described under emergencies. One permit may be issued to authorize a number of similar projects when sufficient information regarding those projects is presented by the applicant.

- **Application procedure.**

Application for a general utility/street construction and repair permit shall be on a form provided by the City and available through the City Clerk's office. Once a completed application is received by the City Manager, the permit shall be issued within five business days. Should one of the reviewing departments request further information regarding the application, the permit shall be issued within five business days of the applicant providing the information requested.

- **Eligible applicants.**

General utility/street construction and repair permits for public or private utility work may only be issued to a licensed and insured contractor meeting the requirement of GUS application requirements (c) and (d), to the provider of the utility or utilities for which the application is submitted, or state and federal agencies with responsibility for maintaining improvements within City/City easements and rights-of-way. For patching, repair or replacement of sidewalk and curbing only, a general utility/street construction and repair permit may be issued to the property owner for whom work covered by the general utility/street construction and repair permit is being performed, or to a qualified contractor meeting the requirements for licensing and insurance set forth in this division.

- **GUS application requirements.**

(a)

*Complete description of work.* The applicant shall clearly describe all work to be performed within the affected right-of-way or easement. Detailed descriptions of the following shall be provided:

(1)

Any and all excavations, and how they will be accomplished, including dimensions of excavation and volume of displaced soil, whether new bedding material or fill will be imported, and whether soil will be removed from the site and where it will be deposited.

(2)

How the repair and/or reinstalling any public improvements removed, demolished, or excavated during the course of the work, including streetlights and related wiring, street and alley surfaces, curbs and sidewalks will be accomplished.

(3)

Rerouting of pedestrian and/or vehicular traffic during construction. This is the responsibility of the permittee, as is notifying the proper local agencies in the event of street or alley closure as set forth in Notification.

(4)

Schedule for completion of work. No project is considered complete until all public infrastructure is repaired, replaced and/or restored.

The applicant shall provide a site plan as necessary to depict required information. Barricades and other warning devices shall be deployed in accordance with Barricade Standards.

(b)

*Application fee.* Application fees are determined by a fee schedule set by the City. No application can be deemed complete without the required fee.

(c)

*Surety.* Prior to the issuance of a general utility/street construction and repair permit, the permittee shall provide a surety to ensure that all work will be performed as described in the general utility/street construction and repair permit, including the reconstruction and/or repair of all public facilities that are excavated, demolished, or otherwise disturbed during the project. Any and all repairs to City facilities and appurtenances such as streets, sidewalks, curbs, streetlights and wiring shall be the sole responsibility of the permittee, and as applicable, the property owner causing the work to be done. The City will afford the permittee every reasonable opportunity to correct any deficiencies prior to drawing on a surety. The exact amount of each surety required is determined by a schedule adopted by resolution of the Commission. Personal or company checks cannot be accepted as sureties. The following types of sureties are acceptable:

(1)

Cash.

(2)

A bond, or a bonded contractor may provide the name of the bonding company and account number for the general utility/street construction and repair permit.

(3)

Cashiers check, either on a per project basis or a check left on deposit with the City for future and/or multiple projects.

(4)

Letter of credit acceptable to the City and in favor of the City from a financial institution, either on a per project basis, or, a letter of credit left on file with the City for use on future and/or multiple projects.

Sureties will be returned within 60 days of satisfactory completion of the project.

(d)

*Insurance.* The applicant shall provide proof of general liability insurance in the amount of \$1,000,000, except for curbing and/or sidewalk repair or replacement only in which case only \$200,000 is required.

• **Notification.**

To the extent practicable, excavations in public streets, alleys, easements, or other public ways shall not impede travel. When it is necessary to excavate entirely across a street, alley, or public way, fire and law enforcement agencies must be notified by the permittee reasonably in advance of the work beginning.

• **Barricade standards.**

For any work in public streets, alleys, easements or other public ways, the permittee is responsible for the placement of barricades and distinctly legible signs at the work site in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Public Works department standards. Barricades and signs shall be maintained by the permittee for the duration of the project, including maintaining reflective or lighted barricades from dark until sunrise.

• **Enforcement.**

The City Public Works Foreman and City Manager or their respective agents shall have the authority under this division to inspect all work performed pursuant to a general utility/street construction and repair permit, to stop work or to order a correction of work as necessary. The City shall provide written notice of any enforcement action taken. Verbal enforcement actions taken in the field shall be followed up with a written notice. Specifically, the City has authority to:

(1)

Stop work when a general utility/street construction and repair permit has not been appropriately obtained or issued.

(2)

Stop work when, in the judgment of the supervisor or agent:

a.

The work is not up to City standards and specifications;

b.

It does not comply with the general utility/street construction and repair permit; or

c.

It is deemed hazardous to workers on the job site and/or the general public.

(3)

Revised 11/11

The City Public Works Foreman and City Manager or their respective agents shall have the authority to verify all work performed pursuant to a general utility/street construction and repair permit, to stop work or to order a correction of work as necessary. The City shall provide written notice of any enforcement action taken. Verbal enforcement actions taken in the field shall be followed up with a written notice. Specifically, the City has authority to:

Order corrections when work is not being performed to City standards and/or does not comply with the general utility/street construction and repair permit issued for the project.

(4)

Order barricades and warning devices to be deployed and operable as necessary.

(5)

Inspect completed work for compliance with City standards and the applicable general utility/street construction and repair permit, and require the permittee to make corrections as necessary. The City may invoke surety if work is not completed in a satisfactory manner.

- **Emergencies.**

In the event of an emergency that occurs after business hours or over a weekend or holiday, anyone undertaking repair and construction within the City owned right-of-way or easement must contact the City Public Works Foreman, City Manager, or their agent prior to proceeding. Once the City has been notified, work may proceed at the direction of the supervisor or agent. Within 48 hours of beginning work, the person or firm initiating said work shall contact the City Manager and apply for a general utility/street construction and repair permit.

- **Violations, Limitations, and cost recovery.**

a)

A violation of this division is a civil infraction punishable under the civil infraction ordinance.

b)

In the event it becomes necessary for the City to repair any damage done to the public facilities by a permittee, the City may seek cost recovery from the permittee, and from the property owner benefitting from the work done under the general utility/street construction and repair permit, if the property owner is different from the permittee. When the permittee and property owner are not the same entity, the permittee and property owner are jointly and severally liable for the City's costs in completing the work required under the general utility/street construction and repair permit.

c) In no case shall the city be responsible for any delays whether occasioned by the permittee's failure to comply with this ordinance or otherwise.

This ordinance becomes effective fifteen (15) days after the date of its enactment.

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Bessemer this 19 day of March, 2018

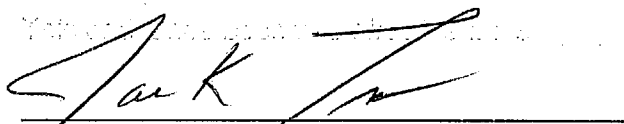
First Reading: March 5, 2018

Public Hearing: March 5, 2018

Second Reading: March 19, 2018

Published: March 30, 2018

ATTEST:



James K. Trudgeon, City Clerk