

**Ordinance 07N**

**Council Member Cox introduced the following Ordinance  
Council Member Pendleton seconded the Ordinance**

**An Ordinance Requiring Street Cut Permits**

Whereas, the City of Montevallo, Alabama is desirous of maintaining its streets, avenues, alleys and other public transportation routes in such a manner as to promote safe and unimpeded travel, and

Whereas, from time to time utility contractors and others have legitimate needs to cut, excavate, or otherwise use our city streets, avenues, alleys, and other public transportation routes in order to provide services to their customers or to use for other lawful purposes, and

Whereas, Section 11-49-1 f the Code of Alabama, 1975, as Amended, states as follows: “Consent of municipality as to use of streets, etc., for construction or operation of public utility or private enterprise required. No person, firm, association or corporation shall be authorized to use the streets, avenues, alleys and other public places of cities or towns for the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of said city or town,” and

Whereas, the City of Montevallo, Alabama is desirous of establishing a certain set of policies and procedures to obtain the required consent of the proper authorities of the city, as detailed subsequently herein.

Now, Therefore, be it ordained by the Mayor and Council of the City of Montevallo, Alabama, as follows:

1. That the City Council of the City of Montevallo, Alabama hereby enacts the following Street Cut Permit Conditions and Instructions:

**CITY OF MONTEVALLO**

**STREET CUT PERMIT CONDITIONS AND INSTRUCTIONS**

Any work resulting in the cutting, excavation, removal, or replacement of a City street, alley, curbs, or sidewalk requires the issuance of a permit by the Public Works Supervisor. A street cut permit is required for work affecting the street surface and/or curbs and/or sidewalks. If you have any questions about this process, please call 205-665-9208.

**I. GENERAL CONDITIONS**

- A. Permit processing takes 24 hours.
- B. Contractors working in the right-of-way (ROW) must have a current City of Montevallo contractor’s license.
- C. The permit must be available at the job site at all times.

- D. All street cuts must be opened, closed, and permanently patched within five days unless otherwise approved by the Public Work's Supervisor.
- E. All applicants shall comply with the City of Montevallo's Municipal Code and all other applicable county, state and federal regulations.
- F. A detailed drawing of the ROW area affected with cross sections and construction plans may be required.
- G. Proper barricades to protect the public against injury shall be provided and maintained at all times by the contractor. This shall include adequate fencing, traffic control signs, flashers, barricades, and if needed a flag person(s) with reflected traffic vest/sign.

## **II. CONSTRUCTION SPECIFICATIONS**

1. All traffic striping and/or markings removed by excavation work shall be replaced.
2. Curb cuts shall extend to the nearest full depth crack or joint. Removal of curb or curb and gutter will be made so as to not disturb the sub base.
3. Backfill shall be clean, unfrozen material, containing no dirt or organic material. Fifty-four (54) Stone or ¾ crusher run should be used to fill the street cut. Compaction will be obtained using a mechanical tamper or roller meeting the approval of the Public Works Supervisor. Wheel compaction is not permitted.
4. Trenched construction and backfill must provide for restoration of the structural integrity of the road, security against deformation, assurance the trench will not be a drainage channel, and assurance that backfill will not block normal drainage.
5. Repairs must return the road to its original or better condition, and must be accomplished in ten (10) days. Finished patch must be a minimum of three inches of hot mix patch and must be level with the existing street.
6. Temporary cold mix patches are acceptable **only** if approved by the City of Montevallo's Public Works Supervisor.
7. All landscaped areas must be returned to original condition.

## **IV. PERMIT PROCEDURE**

- A. Obtain application for Street Excavation from the City Shop located at 455 Selma Road. City shop hours are 7:00 AM to 3:30 PM Monday through Friday.
- B. Fill out the entire application, including the dimensions of the excavation area and corresponding to the site. The permit cost is \$50.00. Property Owner(s) near the ROW for whom the work is being performed. A one year warranty from the date of completion is required. Said fees do not apply to the City of Montevallo or the Montevallo Water and Sewer Board.
- C. Bring the application back to the City Shop to have the Supervisor approve the site and application. Please pay for all permits at City Hall located at 545 Main Street.
- D. After all approvals are made you will be notified by the City Shop Supervisor. You may begin working when you receive your permit.
- E. Call the City Shop when you are ready to backfill the job to arrange for the Supervisor to approve your work. The City Shop Supervisor must inspect all bedding, backfill and final patch. A 24-hour advance notification is required so that a Supervisor can be present while backfill is being completed. However, if a contractor choose to backfill and patch without a Supervisor present the contractor will be required to remove all backfill material for inspection and replace road to City specifications.

F. In case of an emergency involving health or life safety issues, a cut may be made without a permit. The applicant has 48-hours to obtain the street cut permit after an emergency repair. After 48 hours if a permit has not been requested a fine of \$25.00 per day will be enacted until a permit is obtained.

ADOPTED AND APPROVED THIS 13<sup>TH</sup> DAY OF AUGUST, 2007.

Sharon Anderson  
Mayor

Herman F Lehman III  
City Clerk