

ORDINANCE NO. 881(18)

AN ORDINANCE AMENDING PART 14 OF THE MOORE MUNICIPAL CODE BY AMENDING CHAPTER 3, SECTIONS 14-301, 14-313, 14-314, AND 14-320 TO ADD DEFINITIONS, AMEND THE PERMIT PROCEDURE, ADD TIERED PERMIT APPLICATIONS, MODIFY EMERGENCY REPAIR PROCEDURES, AND MODIFY COMPLIANCE DATES. PROVIDING FOR SEVERABILITY; AND REPEALING ANY INCONSISTENT ORDINANCES OF THE CITY OF MOORE, STATE OF OKLAHOMA.

BE IT ORDAINED BY THIS COUNCIL OF THE CITY OF MOORE, OKLAHOMA THAT PART 14, CHAPTER 3, SECTION 14-301, 14-313, 14-314, AND 14-320 IS HEREBY AMENDED AND READS AS FOLLOWS:

PART 14 – STREETS AND SIDEWALKS

CHAPTER 3- CONSTRUCTION WITHIN CITY OWNED RIGHTS-OF-WAY

SECTION 14-301 - DEFINITIONS.

A. Private Utilities are defined as any and all electric, heating gas, telephone and television signal, internet, or wireless carrier facilities or any other utilities not owned by the City of Moore, the State of Oklahoma, or any other Federal Agency.

B. City Utilities are defined as any and all facilities conveying water, sanitary sewage, storm waters, or vehicular and pedestrian traffic or any other utilities that are owned by the City of Moore, the State of Oklahoma, or any other Federal Agency.

C. Facilities are defined as sidewalks, roadways, sod, streetscapes, lines, conduits, ducts, poles, wires, cables, receivers, pipes, culverts, mains, crossarms, and other devices used, operated, or maintained for movement of liquids, gasses, people, or information

SECTION 14-313 – PERMITS REQUIRED

A permit is required for the construction, alteration, modification, or repair of any or all private utilities where city facilities may be disturbed on or under the City's Rights-of-Way. The work shall not be made in any place other than the location specified on the permit, and no work shall begin until the application has been approved and a permit has been issued.

Cross Reference: Section 5-121 Building Permits, Section 5-123 Plumbing, Mechanical, and Other Permits, Section 14-201 Street Cuts, Section 14-403 Wireless Facility Permits

SECTION 14-314 – APPLICATIONS FOR WORK IN RIGHT-OF-WAY

Where work is to be done in a right-of-way, and there is no applicable permit type available elsewhere in this code, or upon the requirement of the Community Development Director or their designee, a Right-of-Way Permit application shall be made. There shall be three tiers of Right-of-Way Permit Applications, Tier 1, Tier 2, and Tier 3. The applicant shall submit to the City a complete Right-of-Way Permit Application for the appropriate tier in the form provided by the City. Each tier shall have its own requirements as follows: Upon receipt of all required fees and application forms provided by the city, a Rights-of-Way permit may be issued and granted by the Director of Community Development or their designee, to a private utility service provider or designee, provided that:

A. A Tier 1 Right-of-Way Permit shall be required for all utility projects where the proposed utility is intended to serve one (1) commercial or residential building or structure for private service. The Community Development Director, or their designee, shall have final authority of the classification of the project. The requirements for application for Tier 1 Right-of-Way Permits shall be as follows:

1. Applications for such permits shall be filed with the City a minimum of 5 days prior to date anticipated commencement of construction. Applications shall include all of the following:

A. Complete Tier 1 Right-of-Way Permit Application Form

2.B. A description of the Private Utility services that the applicant will or does offer

3.C. A description of Private Utilities and/or Facilities the applicant will or proposes to place in, on or over the Rights-of-Way

4.D. A description of Public Utilities and Facilities that the applicant proposes to remove and replace, cross-over, tie into, or encounter in any manner in the Rights-of-Way

5.E. Two (2) sets of plans, on 11" x 17" paper, specifications, and a network map of the facilities to be located within the City Rights-Of-Way, if applicable.

6.F. The schedule and date of beginning shall be approved by the Director of Community Development or their designee.

7.G Additional extensions, repairs, or modifications to permitted facilities during the life of the Rights-of-Way permit shall be subject to separate review, approval, and collection of fees prior to amending the permit for such addition work.

H. If the location of the proposed Private Utility lies within state or federal right-of-way, the Provider must provide evidence of a permit from the state or federal government.

B. A Tier 2 Right-of-Way Permit shall be required for all emergency and non-emergency utility repair projects where the proposed utility repair covers less than 100 linear feet of utility pipe or cable. Utility repair projects covering more than 100 linear feet or pipe or cable must obtain a Tier 3 Right-of-Way Permit unless otherwise specified by the Community Development Director or their designee, who shall have final authority of the classification of the project. The requirements for application for Tier 2 Right-of-Way Permits shall be as follows:

1. Applications for such permits shall be filed with the City a minimum of 5 days prior to date of anticipated commencement of construction for non-emergency repairs and shall be made on the next succeeding business day for emergency repairs whether or not the emergency work has been completed for emergency repairs. Applications shall include all of the following:

A. Complete Tier 2 Right-of-Way Permit Application Form

B. A description of the Private Utility services that the applicant will or does offer

C. A description of Private Utilities and/or Facilities the applicant will or proposes to place in, on or over the Rights-of-Way

D. A description of Public Utilities and Facilities that the applicant proposes to remove and replace, cross-over, tie into, or encounter in any matter in the Rights-of-Way

E. Two (2) sets of plans, on 11" x 17" paper, specifications, and a network map of the facilities to be located within the City Rights-Of-Way, if applicable.

F. The schedule and date of beginning shall be approved by the Director of Community Development or their designee.

G Additional extensions, repairs, or modifications to permitted facilities during the life of the Rights-of-Way permit shall be subject to separate review, approval, and collection of fees prior to amending the permit for such addition work.

H. The linear length of the proposed utility repair pipe or cable.

I. When disturbing lanes of traffic and as required by the City based on the proposed scope of work, Provider shall submit a traffic control plan, storm water pollution prevention plan, and/or trench safety plan;

C. A Tier 3 Right-of-Way Permit shall be required for all utility projects where the proposed utility is intended to serve more than one (1) commercial or residential building or structure for private or public service, including wireless facilities regulated by Article B of this Chapter. The Community Development Director, or their designee, shall have final authority of the classification of the project. The requirements for application for Tier 3 Right-of-Way Permits shall be as follows:

1. The applicant and/or utility company shall coordinate with the City the location and design of the proposed utility to ensure that the proposed utility does not interfere with existing utilities and with any City infrastructure and shall meet required separation distances to City infrastructure as required by this code and applicable state law. The City shall make available information regarding the known location of all City utilities upon request.

2. Applications for such permits shall be filed with the City prior to date anticipated for the commencement of construction and shall include all of the following:

A. Complete Tier 3 Right-of-Way Permit Application Form

B. A description of the Private Utility services that the applicant will or does offer

C. A description of Private Utilities and/or Facilities the applicant will or proposes to place in, on or over the Rights-of-Way

D. A description of Public Utilities and Facilities that the applicant proposes to remove and replace, cross-over, tie into, or encounter in any matter in the Rights-of-Way

E. Three (3) sets of plans, on 11" x 17" paper, specifications, and a network map of the facilities to be located within the City Rights-Of-Way and for the entire project. These plans shall include a site plan indicating the location of the proposed utility as well as all City infrastructure.

F. The schedule and date of beginning shall be approved by the Director of Community Development or their designee.

G. Additional extensions, repairs, or modifications to permitted facilities during the life of the Rights-of-Way permit shall be subject to separate review, approval, and collection of fees prior to amending the permit for such addition work.

I. Provider shall submit a traffic control plan, storm water pollution prevention plan, and/or trench safety plan, if applicable, and as required by the City.

J. The names and telephone numbers of at least two persons serving as emergency contacts for the applicant who can be reached by telephone Twenty-Four (24) hours a day, seven (7) days a week, in the event of an emergency;

K. If the location of the proposed wireless facility lies within state or federal right-of-way, the Provider must provide evidence of a permit from the state or federal government.

3. If the City deems necessary, the provider shall provide a hold harmless agreement with the City for the proposed utility.

SECTION 14-320 - REIMBURSEMENT-COST OF COMPLETION

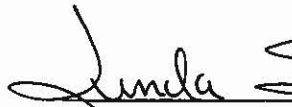
If the applicant has still not completed the work identified pursuant to this chapter, by agreed upon date, or within such other period that may be prescribed by the Director of Community Development or their designee, the city may will give notice to the applicant to complete project within ~~48 hours~~ thirty (30) days. If the applicant fails to meet such deadline, the city, at its sole option, may elect to complete or contract to complete the project to city standards and/or restore city utilities and facilities, and bill the applicant for time and material costs, plus twenty percent for overhead.

SEVERABILITY: If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be several and unaffected.

REPEALER: Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED this 4th day of June, 2018.

ATTEST: (Seal)


LINDA STEWART, City Clerk




GLENN LEWIS, Mayor

APPROVED AS TO FORM & LEGALITY:


RANDY BRINK, City Attorney