

ORDINANCE NO. 171-99

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE TOWN CODE CHAPTER 7, BUILDING AND BUILDING REGULATIONS BY ADDING ARTICLE 7-8, PAVEMENT CUT REQUIREMENTS CONSISTING OF FIVE SECTIONS CONTAINING PERMIT REQUIREMENTS, CASH BOND REQUIREMENTS, BACKFILL AND PAVEMENT REPLACEMENT REQUIREMENTS, INSPECTION AND UNAUTHORIZED PAVEMENT CUT PROCEDURES.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA AS FOLLOWS:

Section I. That the Town Code Chapter 7, Building and Building Regulations is hereby amended by adding Article 7-8 entitled Pavement Cut Requirements to read as follows:

Article 7-8 PAVEMENT CUT REQUIREMENTS

It is the Town's desire to require all utility crossings to be bored. If the Town Engineer approves an application for a street cut, the procedures outlined in this ordinance shall apply. Street cuts will generally not be approved unless they meet the following conditions:

- A. Major street maintenance or improvements to the road are scheduled within the next two years;
- B. The road was constructed, resurfaced or surface treated at least three (3) years ago;
- C. The road is in poor structural condition and has been approved for open cuts by the Town Engineer;
- D. There is no feasible alternative to cutting the street.

Section 7-8-1 Permit Requirements

The contractor directly responsible for the trench backfill and pavement replacement shall obtain and sign for the permit.

- A. The applicant shall call Arizona Blue Stake to identify any potential conflicts.
- B. The applicant shall submit the signed permit application, proof of liability insurance, two copies of detailed drawings and traffic control plans, and a certificate of quantities detailing and dimensioning the items being placed in the right-of-way.

- C. A completion date will be indicated on the permit. The contractor shall notify the Town Engineer 48 hours prior to start of construction. The permit may place restrictions on the time of day that work can be performed.
- D. Permit fees must be paid before the permit can be issued. In addition to processing and inspection fees specified in Chapter 7, Article 7-6 of the Town Code, pavement cuts require the deposit of a cash bond when the permit is issued.

Section 7-8-2 Cash Bond Requirements

A cash bond shall be required for all permits issued for cuts on arterial or collector streets. The amount of the cash bond will be established by the Town based on \$16.00 per square foot of pavement replacement plus \$1000.00. The cash bond will have a maximum amount of \$10,000.00. Separate cash bonds will be required for each utility requiring a street cut. Utility companies may be exempt from the cash bond if there is a franchise agreement in place that exempts these requirements.

The permit holder may recover the bond after completion and acceptance of the work. If the work is not completed by the time designated on the permit or is not acceptable, the Town will notify the permit holder in writing. After five working days of the receipt of the notice, the Town may complete or correct the work, and the permit holder will forfeit the bond.

Section 7-8-3 Backfill and Pavement Replacement

- A. A Traffic Control Plan shall be submitted to the Town Engineer for approval at least 72 hours prior to initiating work in the right-of-way.
- B. The pavement shall be removed such that the edge of the pavement cut is outside of the wheel path.
- C. Backfill shall be in accordance with MAG Standard Detail 200, or as specified by the Town Engineer in the permit. Backfill shall begin immediately following completion of the utility work.
- D. Following completion of backfill, the trench shall be steel-plated or temporarily patched and the street opened to traffic. A permanent patch shall be placed within three (3) working days.
- E. The final pavement replacement shall be flush with the existing edges of the trench. The grade from one end of the trench to the other shall be smooth and straight with no more than one-quarter of an inch plus or minus deviation, but not both, measured in the direction of traffic flow.
- F. Pavement replacement shall match the existing street. The permit may require an overlay if the existing pavement surface is less than one year old.
- G. Where concrete slurry is used for backfill it shall be a one sack mix and paving may not begin until the moisture in the slurry has dissipated.

Section 7-8-4 Inspection

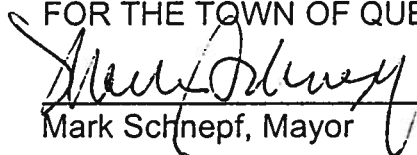
All work must be inspected and approved by the Town Engineer. The applicant shall guarantee all permitted work against defects in materials and quality for two years from the date it is accepted by the Engineering Department.

Section 7-8-5 Unauthorized Pavement Cuts

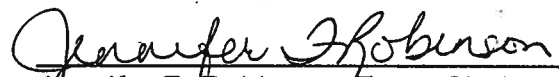
A permit to work in the right-of-way is not authorization to remove pavement, unless the street cut is specified in the permit. Street cuts made without prior approval are subject to having the entire street overlaid to a length specified by the Town Engineer at the contractor's expense.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Queen Creek, Maricopa County, Arizona, this 15th day of September 1999.

FOR THE TOWN OF QUEEN CREEK:


Mark Schnepf, Mayor

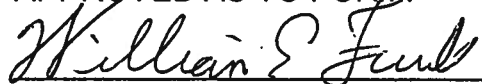
ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


Cynthia Seelhammer, Town Manager

APPROVED AS TO FORM:


William E. Farrell, Town Attorney