

CITY OF PALMER, ALASKA

ORDINANCE NO. 259

AN ORDINANCE AMENDING CHAPTER 13.04 OF THE PALMER MUNICIPAL CODE AND ADDING SECTIONS RELATING TO THE REQUIRING OF PERMITS FOR UTILITIES LOCATING IN RIGHTS-OF-WAY.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. That Section 13.04 of the Palmer Municipal Code is hereby amended to include the following subsections:

13.04.030 Public Utilities shall have the right to a permit to use public streets, alleys and other public ways in the City of Palmer for providing and maintaining public utilities pursuant to Alaska State Statutes Section 42.05.251 as may be amended from time to time, subject to the provisions of this chapter.

13.04.040 Permit Required. No public utility shall place, install or maintain a utility line or facility within a City of Palmer right-of-way or easement unless a permit is first obtained from the City setting forth the location of the proposed utility and conditions of use and payment of reasonable permit fees. Every utility must have a franchise with the City of Palmer in effect prior to the application for a permit.

13.04.050 Application. An application for use of a right-of-way or easement by a utility shall be submitted to the City Manager and accompanied by the required permit fee established by the City Council and as amended from time to time. The application shall contain and not be limited to the following documents and documentation:

A. Engineer's drawings showing proposed location and length with beginning and ending points, offsets from property lines, cross-sections showing depth and street crossings if underground, street names, north arrow.

B. Application to include type of facility(s) and intended use.

C. All horizontal and vertical separations and clearances shall be maintained according to the applicable codes and/or standards.

D. All applications shall be on city prescribed forms.

13.04.060 As-Built Plans. Final as-built plans shall be submitted to the City Manager within ninety (90) days after physical installation showing true locations and depths. Any part of a utility which is constructed outside the permitted zone shall be relocated at the utility's expense.

A system map showing all of the utilities facilities located under permit is to be furnished to the City. The system map is to be updated annually and such revised map shall be furnished to the City no later than January 31st.

13.04.070 Review. The City Manager or his/her designee shall review, approve or deny the request for a permit within fifteen (15) working days after receipt. Such approval or denial will be in writing, stating reason of denial. Permits issued may include reasonable conditions to protect the property and interests of the City.

A utility may appeal the decision of the City Manager to the City Council.

All requests will be logged and assigned a sequential permit number. Requests received in an improper form shall be returned for correction and not assigned a permit number.

ORDINANCE NO. 259 - Continued

13.04.080 Standards.

A. Depth of Bury: When a utility crosses a right-of-way, the minimum bury shall be a 3'-0" deep. This minimum depth shall be maintained across the entire right-of-way. The City shall designate reasonable depth of bury for future street grades and depth of bury shall be incorporated as part of permit.

B. Offset from Property Line: Offsets if required will be established at the time the permit application is reviewed and will vary according to long-range street design requirements.

There shall be no front yard utility easements permitted in the City of Palmer except that a utility during the platting process with concurrence of the City of Palmer may request a front yard easement at the front yard and side yard property line intersection for the placement of transformer pads and pedestals.

Only in the event of special circumstances where the providing of the service is unpracticable without a front yard easement, the utility may petition the City for permission for a front yard easement which may be allowed at other than during the platting process.

C. Underground Vaults: Top of rim shall be six (6") inches below existing unpaved streets. Utility shall adjust tops at their expense at the time of paving of streets.

D. Cutting of Pavement: Cutting of pavement or concrete is prohibited except for emergency repairs. Emergency pavement cuts authorization shall be in writing only. The requesting utility shall make every effort to receive written authorization. If unable to locate the proper personnel, the emergency pavement cut shall be reported to the Palmer Police Department who shall log the time, date and nature of request. Pavement cuts shall be in accordance with DOT/PF Standard Construction Specifications, current edition.

E. Restoration: Where gravel/dirt streets exist, all street crossings shall be at the recommended depths. Backfill material shall be the excavated material placed in twelve (12") inch layers and compacted with the appropriate compacting tools. Settlement of crossing shall be the utility company's responsibility. Where areas have been seeded/sodded, the utility company shall reseed/resod to equal to/or better than pre-existing conditions.

F. Conflict with Existing: The City of Palmer's utilities shall have first priority of use of right-of-way or easements. Variances may be granted when it is in the best interest of the City.

G. National Standards: Utility facilities constructed shall conform to State law, local ordinance and recognized applicable national standards, whichever is more stringent. The utility manager shall sign the application for a permit.

H. Coordination of utility placement for new subdivisions shall be the responsibility of the subdivider.

I. The utility shall guarantee compliance with this section whether the work is done by the utility or contractor.

13.04.090 Relocation Expense.

A. Any relocation required by the City of Palmer as a result of a violation of permit conditions, not in accordance with applicable codes, or when constructed without a valid permit shall be borne one hundred (100%) percent by the utility.

B. Any relocation required by the City of Palmer that was constructed pursuant to a valid permit shall be borne by the City unless otherwise determined by State Statute. Relocation costs, if any, shall be based on the remaining service life. There shall be no costs incurred by the City if the facility to be relocated is obsolete.

13.04.100 Utility Installation - Indemnification of City of Palmer.

Anyone accepting permits under the terms of Section 13.04.030 through 13.04.090 shall, in addition to the provisions provided for in Section 13.04.030 through 13.04.090, indemnify and save the City of Palmer free and harmless from any liability, loss, cost, damage, trouble or expense due to casualty, accident or damages either to person or property which may at any time arise or occur by reason of the construction,

20608

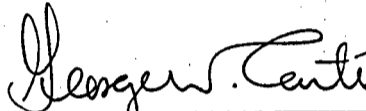
maintenance, operation, or use of conduits, pipes, ducts, utility tunnels, vaults, manholes, poles, wires or any other appurtenances of any character placed under authority of Sections 13.04.030 through 13.04.090, not arising from the sole negligence of the City of Palmer. Such indemnity is required until the pipes, ducts, utility tunnels, vaults, manholes, poles, wires or any other appurtenances are removed from the street, or until the City of Palmer furnishes a written release of the requirement to the owner thereof.

Section 4. Publication and Effective Date. This ordinance shall become effective ten (10) days after its adoption and publication shall be by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption, and it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. A notice of public hearing shall be given by such posting at least five days before final passage.

First Reading: October 26, 1982

Public Hearing &
Second Reading: April 12 and 26, 1983

Adopted by the City Council of the City of Palmer, Alaska, this 26th day of April, 1983.



GEORGE W. CARTE, MAYOR



DAVID L. SOULAK, CITY CLERK