



Memo

To: Planning Commission

From: Community Development/Carrie Walls

Date: August 18, 2014

Re: #14-0005OA – Title 15 and Fee Schedule Amendments

On April 23, 2014, the Planning Commission reviewed and recommended approval of proposed ordinance amendments to Title 15 and to the fee schedule as proposed by the Engineering Department.

Subsequently, it was determined that additional changes were necessary. Attached is the revised Title 15 Ordinance and fee schedule amendments for your review and recommendation prior to being forwarded to the Municipal Council.

1 **Proposed**
2 **Provo City Code Modifications**
3 **July 2014**
4

5 **15.03.010. Definitions-Words, Terms, Phrases Defined.**
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6 (1) For purposes of this Title:

7 (a) Any gender includes the other gender.

8 (b) "Shall" is mandatory; "may" is permissive.

9 (c) The singular number includes the plural, and the plural the singular.

10 (d) Words used in the present tense include the past and future tense, and vice versa.

11 (e) Words and phrases used in this Title and not specifically defined shall be construed
12 according to the context and ordinary usage of the language.

13 (f) Unless otherwise specified, the terms "hereof," "herein," and similar terms refer to this Title
14 as a whole.

15 (2) In the construction of this Title, the following words and phrases shall be as defined as set forth in this
16 Section unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply.
17 Words and phrases not defined herein, but defined in Title 14, Provo City Code, shall have the meanings set
18 forth in Title 14.

19 "**Alley**" (see Street definitions).

20 "**Average Daily Traffic**" (**ADT**) means the maximum rate, typically measured in terms of vehicles per hour or
21 average daily traffic, at which vehicles can be expected to traverse a point or uniform section of lane or
22 roadway during a given period under prevailing roadway, traffic, and control conditions.

23 "**Borrow**" means earth material acquired for use in grading on a site.

24 **"Buildable area"** means that portion of a lot or parcel which is eligible to place a building or structure and
25 complies with the setbacks and other regulations of the zone where the property is located.

26 **"Building Permit"** means any permit required for new construction and additions pursuant to Section
27 14.01.060, Provo City Code.

28 **"Capital facilities plan"** means a plan prepared separately or as part of a general plan which ~~meets the~~
29 ~~requirements of the Impact Fees Act and which~~ identifies:

30 (a) demands placed upon existing public facilities **currently and as projected in the future for all**
31 **transportation modes** ~~by new development activity~~; and

32 (b) ~~the proposed means by which Provo City will meet those demands~~ **new facilities projected to**
33 **meet the future transportation needs of the city.**

34 **"Civil Engineer"** means a Professional Engineer registered in the State of Utah to practice in the field of civil
35 engineering work.

36 **"Collective driveway"** means a driveway, at least twelve (12) feet in width, serving not more than two (2) lots,
37 or two (2) residential dwelling units, or twenty (20) feet in width serving not more than ~~two (2)~~ **four (4)** lots and
38 four (4) single residential dwelling units and not exceeding one hundred twenty (120) feet in length.

39 **"Conservation easement"** means an easement, covenant, restriction, or condition in a deed, will, or other
40 instrument signed by or on behalf of the record owner of the underlying real property for the purpose of
41 preserving and maintaining land or water areas predominantly in a natural, scenic or open condition, or for
42 recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open
43 land.

44 **"Conventional Subdivision"** means a subdivision which has no open space as authorized in this Title.

45 **"Cut"** means an excavation.

46 **"Developable land"** means land under thirty percent (30%) slope which is capable of being improved, subject
47 to the Sensitive Lands Ordinance and other requirements within this Title, with landscaping, buildings, or
48 parking. Land designated as sensitive lands or primary conservation areas shall not be considered developable
49 land.

50 **"Developer"** means the individual, partnership, limited liability company, association, or corporation, or other
51 legal entity developing land or causing it to be developed.

52 **"Development"** or **"Development activity"** means any of the following:

53 (a) Any construction or expansion of a building, structure, or use.

54 (b) Any change in the use of a building or structure.

55 (c) Any man-made change to improved or unimproved land, including but not limited to, mining,
56 dredging, filling, grading, paving, excavation or drilling operations.

57 (d) Any change in the use of land that creates additional demand and need for capital facilities.

58 (e) The total area of a lot or parcel of land on which a building permit is to be issued or the total
59 area of property being improved.

60 (f) The land being developed and/or subdivided.

61 (g) The act, process or result of developing.

62 (h) When the context so requires, a project plan as set forth in Section [15.03.300](#), Provo City
63 Code.

64 **"Development approval"** means any written authorization from Provo City allowing commencement of
65 development activity.

66 **"Driveway"** means a paved area with a minimum pavement section of four (4) inches (in thickness) concrete
67 or two (2) inches of asphalt on top of a four (4) inch compacted base, used for ingress or egress of vehicles,
68 and allowing access from a street to one (1) building, structure, or facility.

69 **"Easement"** means the right to use a quantity of land set aside over which a liberty, privilege or advantage in
70 land, existing distinct from the ownership of the land, is granted to the public or to some particular person, party
71 or part of the public.

72 **"Excavation"** means the mechanical removal of earth material.

73 **"Flood Plain Setback"** means a non-buildable area of one hundred (100) feet measured from the high point of
74 the bank of the Provo River as set forth in Section [14.33](#), Provo City Code.

75 **"Fill"** means a deposit of earth material by artificial means.

76 **"Final approval"** means the signing of a final plat by the Mayor.

77 **"Final plat"** means a map or chart of a land division with accompanying supplementary documents, which has
78 been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots, and other
79 divisions can be identified.

80 **"Foot-candle"** means a measure of light falling on a given surface. One (1) foot-candle is equal to the amount
81 of light generated by one (1) candle shining on a square foot surface one (1) foot away.

82 **"French drain"** means a sump or trench filled with crushed rock or gravel intended to receive storm water
83 discharge.

84 **"General Plan"** means a document adopted by the City that describes general policies for proposed future
85 development for the land within the municipality, as set forth in the Utah Code.

86 **"Geotechnical Engineer"** means a Civil Engineer registered in the State of Utah with training and experience
87 in soil engineering.

88 **"Glare"** means light that causes annoyance, discomfort or loss in visual performance and ability.

89 **"Grading"** means any excavating, cutting or filling or combination thereof.

90 **"Grading plans"** means a topographic development plan prepared by a registered Civil Engineer showing
91 contours for before and after grading which do not exceed one (1) foot intervals.

92 **"Hazardous conditions"** means flood plain area, sensitive land, and land with a high water table which if
93 disturbed is likely to be detrimental to life or property.

94 **"High water table area"** means that portion of Provo City encompassed in the following description: Beginning
95 at a point on the southeast corner of the Billings Annexation, which point is on the west boundary of South
96 State Street northerly to the intersection of 1140 South Street; thence westerly along 1140 South Street to the
97 Southern Pacific Railroad tracks; thence northwesterly along said railroad tracks to the Provo River and 500
98 North Street; thence east along 500 North Street to the intersection of 970 West Street; thence north along 970
99 West to 800 North; thence easterly along 800 North to 800 West Street, north along 800 West Street to 900
100 North Street; thence east along 900 North Street to the eastern boundary of Exchange Park; thence northerly

101 along the east boundary of Exchange Park to Columbia Lane; thence northeasterly to the intersection of State
102 Street and Moon River Avenue; thence northerly along Moon River Avenue to 300 West Street; thence north
103 along 300 West Street to 1625 North Street; thence east along 1625 North Street to 200 West Street; thence
104 northerly along 200 West Street to 2230 North Street; thence east along 2230 North to University Avenue;
105 northerly along University Avenue to the intersection of 800 North in Orem; thence westerly along 800 North in
106 Orem, Utah, to the base of the hill and the Provo Bench Canal; thence southerly along the Provo Bench Canal
107 and the west corporate limits of Provo City to the intersection of the Orem Center Street extension and
108 Carterville Road; thence southerly along Carterville Road to 1720 North Street; thence southwesterly along the
109 base of the "Grandview Hill" to the intersection of 820 North and 1375 West; thence southerly to the Lake
110 Bottom Canal; thence westerly and northwesterly along the Lake Bottom Canal to the Orem City corporate
111 limits; thence west to Utah Lake; thence southerly and westerly along the Utah Lake shore to Interstate 15;
112 thence southeasterly along I-15 to the northern limits of Springville City; thence east along the Springville City
113 limits to the west boundary of the Billings annexation to Provo City; thence southerly along the west boundary
114 of the Billings Annexation to the south boundary of said annexation; thence east to the point of beginning.

115 **"Hillside area"** means any lot or parcel with an average slope greater than ten percent (10%).

116 **"Impact fee"** means a payment of money imposed upon development activity as a condition of development
117 approval. "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hook up fee, a fee
118 for project improvements, or other reasonable permit or application fee.

119 **"Impact fee facilities plan"** means a plan prepared separately or as part of a general plan which meets the
120 requirements of the Impact Fees Act and which identifies:

121 (a) demands placed upon existing public facilities by new development activity; and

122 (b) a proposed means by which Provo City will meet those demands.

123 **"International Building Code"** means the building code applicable to Provo City as provided in Section
124 9.52.010, Provo City Code.

125 **"Irrigation ditch"** means any system of canals or ditches originally constructed for irrigation use and
126 maintained primarily for that use.

127 **"Large scale development"** means any of the following:

128 (a) All performance developments.

129 (b) Subdivisions consisting of three (3) acres or more or ten (10) lots or more.

130 (c) Project plans with twenty (20) multiple family units, commercial/industrial developments with
131 three (3) acres or more.

132 **"Lumen"** means a measure of light energy generated by a light source.

133 **"Metes and Bounds"** means a description of a lot or parcel of land by bearings and distances.

134 **"Natural features"** means non-man-made land characteristics, including drainage swales, wetlands, rock
135 outcroppings, streams, and concentrated native stands of large shrubs or trees.

136 **"Natural state"** means that portion of any lot or parcel which cannot be subjected to grading, removal of
137 vegetation or building development.

138 **"Off-site facilities"** means facilities outside of the boundaries of the development which are designed and
139 located to serve the needs of the subdivision or adjacent properties; usually lying between a development and
140 existing facilities.

141 **"On-site facilities"** means facilities installed within or on the perimeter of the subdivision or development site.

142 **"Open space"** means primary and secondary conservation areas and other land conserved or set aside from
143 development such as but not limited to public or private parks, trails, landscaped buffers, wetlands, meadows,
144 forested areas, pastures, farm fields and other lands forming part of the ecologically connected matrix of
145 natural areas significant due to wildlife habitat, water quality protection and other reasons.

146 **"Open Space Subdivision"** means a subdivision where open space is created pursuant to the requirements of
147 this Title and which results from the reduction of minimum lot sizes otherwise required by Title [14](#) within a
148 subdivision.

149 **"Over-size facilities"** means facilities with added capacity designed to serve other property, in addition to the
150 land within the boundaries of a development or development site.

151 **"Parking lot"** means an open area, other than a street or alley, used for the parking of more than four (4)
152 automobiles whether for free, or for compensation.

153 **"Parking lot aisle"** means the traveled way by which cars enter and depart parking spaces. Aisle width
154 standards are set forth in Section 14.37.100, Provo City Code. Parking aisles shall not be considered streets for
155 purposes of this Title.

156 **"Parkway"** means a strip of real property between a curb adjacent to the paved portion of a street or road and
157 a sidewalk running more or less parallel to thereto.

158 **"Phasing"** means to complete a development with multiple stages in a logical order.

159 **"Preliminary Approval"** means a recommendation for approval from the Planning Commission.

160 **"Preliminary Plat"** means a map or chart of a proposed land division with accompanying supplementary
161 documents.

162 **"Primary Conservation Area"** means wetlands, except wetlands that may be lawfully mitigated, lands with a
163 one hundred (100) year flood plain, slopes exceeding ~~twenty five percent (25%)~~ **thirty percent (30%)**, and soils
164 subject to slumping.

165 **"Project improvements"** means site improvements and facilities planned and designed to provide service for
166 development resulting from a development activity; and necessary for the use and convenience of the
167 occupants or users of development resulting from a development activity. Project improvements does not mean
168 system improvements.

169 **"Proportionate share"** means the cost of public facility improvements that are roughly proportional and
170 reasonably related to the service demands and needs of any development activity.

171 **"Public accessway"** means a minimum ten (10) foot wide paved right-of-way providing safe, convenient and
172 direct access for pedestrians and bicyclists to and from nearby residential areas, transit stops, neighborhood
173 activity areas and other commercial and industrial areas or a twenty (20) foot wide paved right-of-way for the
174 same purpose if usage by vehicular traffic is anticipated.

175 **"Public facilities"** means any or all of the following capital facilities that have a life expectancy of ten (10) or
176 more years and are owned or operated by or on behalf of Provo City:

177 (a) water rights and water supply, treatment and distribution facilities;

178 (b) waste water collection and treatment facilities;

- 179 (c) storm water, drainage, and flood control facilities;
- 180 (d) municipal power facilities;
- 181 (e) roadway facilities;
- 182 (f) parks, recreation facilities, open space, and trails; and
- 183 (g) public safety facilities.

184 **"Public safety facility"** means a building constructed or leased to house police, fire, or other public safety
185 entities. "Public safety facility" does not mean a jail, prison, or other place of involuntary incarceration.

186 **"Removal"** means killing vegetation by any means, including but not limited to spraying, complete extraction,
187 or cutting.

188 **"Riprap"** means an assemblage of broken stones or boulders erected on ground for use as a foundation to
189 prevent erosion.

190 **"Roadway facilities"** means streets or roads that have been designated on an officially adopted subdivision
191 plat, roadway plan, or general plan of the City, together with all necessary appurtenances. "Roadway facilities"
192 includes associated improvements to federal or state roadways only when the associated improvements are
193 necessitated by the new development and are not funded by the state or federal government. "Roadway
194 facilities" does not mean federal or state roadways.

195 **"Rough grade"** means the stage at which the elevation of land is within eight (8) inches of the elevation shown
196 on an approved final plat.

197 **"Second access"** means providing an additional point of access for ingress and egress to a development as
198 determined by the City Engineer.

199 **"Secondary conservation area"** means lands that are conserved to meet the open space requirements set
200 forth in Section 15.04.050 of this Title.

201 **"Sensitive Lands"** means any land area whose destruction or disturbance could immediately affect the life of
202 the community by either:

- 203 (a) creating hazardous conditions such as flooding and landslides;

204 (b) destroying important public resources such as water supplies and the water quality of lakes
205 and rivers; or

206 (c) wasting important productive lands and renewable resources.

207 **"Site"** means any lot or parcel of land.

208 **"Street"** means any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way for the
209 movement of vehicular traffic which is an existing state, county or municipal roadway, or a street or way shown
210 upon a plat, heretofore approved, pursuant to law or approved by official action; and includes the land between
211 street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutter, sidewalks,
212 parking areas, and other areas within the right-of-way. For the purpose of this Title, streets shall be classified
213 as defined in subsections (a) through (i):

214 (a) **"Major Highway"** means a major regional highway including an expressway, freeway or
215 interstate highway designed to carry vehicular traffic:

216 (i) into, out of, or through the regional area (inter-region) and

217 (ii) from one political subdivision of the region to another, or from an interregional highway
218 (intra-regional).

219 (b) **"Major"** or **"Arterial Street"** means that part of the street system serving as the principal
220 network for through traffic flow via routes that connect areas of principal traffic generation and
221 important highways entering the City as indicated on the Major and Local Street Plan Map in the
222 General Plan.

223 (c) **"Collector Street"** means the distributor and collector streets servicing traffic between
224 arterial and local streets as indicated on the Major and Local Street Plan Map in the General
225 Plan. These are streets used mainly for traffic movements within residential, commercial, and
226 industrial areas and do not provide direct access to one-family residential unit or lot.

227 (d) **"Local"** or **"Minor Street"** means a street used primarily for direct access to residential,
228 commercial, industrial, or other abutting property. Local streets should not include streets
229 carrying through traffic. Long local streets should generally be divided into short sections by
230 collector street systems.

231 (e) "**Alley**" means a public or private street designed to serve as access to the side or rear of
232 properties whose principal frontage is on some other street.

233 (f) "**Cul-de-sac**" means a short dead-end street terminating in a vehicular turnaround area.

234 (g) "**Half Street**" means a street parallel and contiguous to a property line which temporarily
235 has a lesser right-of-way width and lesser improvements than is normally required for minor or
236 major streets.

237 (h) "**Service**" or "**Frontage Road**" means a street or road paralleling and abutting major streets
238 to provide access to adjacent property so that each adjacent lot will not have direct access to
239 the major street.

240 (i) "**Stub Street**" means a street or road extending from within a subdivision boundary and
241 terminating with no permanent vehicular turnaround to permit adjacent parcels of land to be
242 developed later with an adjacent connecting street system.

243 "**Street Right-of-Way**" means that portion of land dedicated to public use for street and utility purposes.

244 "**Subdivider**" (see "Developer").

245 "**Subdivision**" means any land that is divided, resubdivided or proposed to be divided into two (2) or more lots,
246 parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale,
247 lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

248 (a) "**Subdivision**" includes:

249 (i) the division or development of land whether by deed, metes and bounds description,
250 devise and testacy, lease, map, plat, or other recorded instrument; and,

251 (ii) divisions of land for all residential and nonresidential uses, including all land used or to
252 be used for commercial, agricultural, and industrial purposes; and

253 (iii) the combining of existing lots or parcels or portions thereof into one (1) or more lots or
254 parcels of land, except as set forth in Subsection (b) below.

255 (b) "**Subdivision**" does not include:

256 (i) a bona fide division or partition of agricultural land for the purpose of joining one of the
257 resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
258 neither the resulting combined parcel nor the parcel remaining from the division or partition
259 violates any provision of Title 14, Provo City Code;

260 (ii) a recorded agreement between owners of adjoining properties adjusting their mutual
261 boundary if:

262 (A) no new lot is created, and

263 (B) the adjustment does not result in a violation of Title 14, Provo City Code; or

264 (iii) a recorded document, executed by the owner of record, revising the legal description
265 of more than one (1) contiguous parcel of property into one (1) legal description
266 encompassing all such parcels of property; and

267 (iv) the joining of a subdivided parcel of property to another parcel of property that has not
268 been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of
269 property or subject the unsubdivided parcel to the subdivision requirements of this Title.

270 **"Subsurface drainage"** means any system of pipes, canals, ditches, moats, and the like that intercepts
271 ground water and carries it to Provo River or Utah Lake.

272 **"Surface drainage"** means water run-off caused as a result of precipitation or irrigation.

273 **"System improvements"** means existing public facilities designed to provide services to service areas within
274 the community at large; and future public facilities identified in a capital facilities plan intended to provide
275 services to service areas within the community at large. "System improvements" does not mean project
276 improvements.

277 **"Unit of measure"** means that basic gauging unit which can be quantified for measuring impact of
278 development on the public facilities in question, and provides a fair and equitable method of assessing the
279 demands for expanded public facilities, or the inflow/outflow of people, products, or waste, depending on the
280 particular type of public facility; and may include, but shall not be limited to, the following measuring methods:

281 (a) plumbing fixture units

282 (b) gallons per day

283 (c) water meter size, in inches

284 (d) number of equivalent dwelling units (EDU's)

285 **"Vicinity Plan"** means a map or chart showing the relationship of streets and lands within a proposed
286 subdivision to the streets and lands in the surrounding area.

287 **"Wetlands"** means lands that are generally inundated or saturated by surface or ground water at a frequency
288 or duration to support, and that under normal circumstances do support, a prevalence of vegetation typically
289 adapted for life in saturated soil conditions.

290 **"Written analysis"** means documentation of impact fee calculations which identifies the impact on system
291 improvements required by the development activity; demonstrates how those impacts on system improvements
292 are reasonably related to the development activity; and estimates the proportionate share of the costs of
293 impacts on system improvements that are reasonably related to the new development activity. (R&R 1999-34, Am
294 2000-48, Am 2002-17, Am 2003-26, Am 2005-09, Am 2006-50)

295 **15.03.035. Grading**

296 (1) For the purposes of this Section, grading shall be defined as any work including filling, **cutting**, excavation or
297 relocation of material which affects the contour, slope, elevation or drainage features of a parcel of property, or
298 which involves more than fifty (50) yards of material. Landscape modifications to an individual property
299 involving less than fifty (50) cubic yards of material and which do not affect the contour or slope of a property
300 shall be exempt from the requirements of this Section. No grading, **cutting**, filling, or excavation as previously
301 defined shall be accomplished without first having obtained a grading permit from the City Engineer pursuant to
302 the provisions of this Section. A grading permit may be obtained at the Office of the Provo City Engineer after
303 completion of an application for permit complying with any and all permit requirements.

304 (2) No grading, **cutting**, filling, or excavation of any kind shall be accomplished without first having obtained a
305 grading permit from the City Engineer pursuant to the provisions of this Section. A grading permit may be
306 obtained at the Office of the Provo City Engineer after completion of an application for permit complying with
307 any and all permit requirements.

308 (a) Any grading operation exceeding ten (10) months shall require a new grading permit. If a
309 new grading permit is not granted, all of the conditions of the original grading permit shall be
310 completed no later than twelve (12) months from the original date of issue.

311 (b) All grading permits which involve over twenty-five thousand (25,000) cubic yards of material
312 or are not associated with an approved project plan will be required to submit a request for an
313 Administrative Review prior to consideration or issuance of a grading permit.

314 (c) All approved development projects, which produce excess excavated material that is to be
315 removed from the project site, shall provide a grading plan for the property where the material
316 will be placed, if said property is within the Provo City limits. An acknowledgment letter from the
317 owner of record of the recipient property shall be required with the grading permit.

318 (d) All materials processed upon the project site for reuse shall be subject to the provisions of
319 this Section and shall require approval through the development review process.

320 (e) All preliminary street and site grading shall be completed prior to the installation of utilities.

321 (f) Fills in areas intended as structural foundations, including roadways, shall be compacted to
322 at least ninety-five percent (95%) of AASHTO (American Association of State Highway
323 Transportation Officials) T180 density. All other fills shall be compacted to at least ninety
324 percent (90%) of AASHTO T 180 density. Compaction test reports verifying compliance with this
325 provision shall be submitted to the City Engineer.

326 (g) Material processing not associated with an approved development plan or capital project will
327 not be issued a grading permit. An applicant may appeal the decision of the City Engineer
328 through a request for Administrative Review.

329 (h) All cut and fill slopes, and other areas as determined by the City Engineer, shall be reseeded
330 and/or planted with vegetation. A guarantee bond for this work shall be submitted and remain in
331 place until all work has been completed and final inspection made.

332 (i) No person shall be permitted to grade, cut, excavate, fill, or to erect any structure on slopes
333 or undisturbed areas that exceeds a slope greater than thirty percent (30%) as determined by
334 the City Engineer. An applicant may appeal the decision of the City Engineer through a request
335 for Administrative Review.

336 (j) Cleanup of the grading site shall be the responsibility of the party to whom the permit is
337 issued. Measures shall be in place to prevent tracking of material on to adjacent public and
338 private streets or neighboring properties. Any materials which are tracked outside of the project

339 site shall be immediately cleaned up. If the cleanup is not satisfactory completed, the City may
340 have this work done by city crews or private contractor and the cost for the work be billed to the
341 party to whom the permit was issued.

342 (j) Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the
343 existing terrain and shall be rounded and contoured as necessary to blend with adjacent
344 property to the maximum extent possible. Where a cut or fill slope occurs between two (2) lots,
345 the slope shall normally be made a part of the lot with the lowest elevation.

346 (k) Sections of the International Building Code regulating excavation and grading shall be
347 complied with, except that decisions described therein to be made by the "building official" may
348 also be made by the City Engineer.

349 (3) Engineered Fill.

350 (a) A permit may be obtained from the City Engineer to use solid waste or other material as "fill"
351 by doing the following:

352 (i) by submitting to the City Engineer a grading plan showing the area to be filled and a
353 description of the material which will be used as fill; and,

354 (ii) by using only "engineered fill" as defined herein.

355 (b) For the purposes of this Section, "engineered fill" means:

356 (i) soil and rocks and related materials which are substantially free from asphalt, wood,
357 roots, bark, tree limbs, grass clippings or any other material which decomposes or
358 compresses; and,

359 (ii) material having have such characteristics of composition, size and shape that it will
360 compact readily to a firm, stable base. (Broken concrete in a size of less than twelve (12)
361 inches square may be considered engineered fill); and,

362 (iii) material which is nontoxic and not hazardous waste.

363 (c) It shall be unlawful to do any of the following:

364 (i) To make a false statement to obtain a permit pursuant to this Section.

365 (ii) To obtain a permit pursuant to the provisions of this Section and thereafter fill (or cause
366 the filling of) any place in a location or manner not described in the grading plan.

367 (iii) To use (or cause the use of) materials as fill which are not described in the grading
368 plan.

369 (4) Permit Requirements.

370 (a) All grading permits shall be subject to any and all conditions of the permit required by the
371 City Engineer including the following:

372 (i) The work shall be completed by a licensed qualified contractor.

373 (ii) Payment of all required permit fees and bonds prior to the commencement of any work.

374 (iii) Compliance with other special conditions required by the City Engineer.

375 (b) Permit fees are included in the Provo City Consolidated Fee Schedule.

376 (c) Failure to comply with the terms of the permit will constitute a default of the permit and the
377 permit will be considered null and void upon written notification from the City Engineer. (Enacted
378 2011-09)

379 (5) Administrative Review Procedure.

380 (a) An administrative review as related to Provo City Ordinance Title 15 shall conform to the
381 following:

382 i. The administrative review shall be conducted by the Public Works Director, or his
383 designee.

384 ii. The administrative review shall be made by a committee consisting of the following:

385 1) Public Works Director

386 2) City Attorney

387 3) Community Development Director

388 4) City Engineer

389 iii. Any individual or party may request, in writing, an administrative review of the
390 decision of the City Engineer as outlined in Provo City Ordinance Title 15. Minutes of

391 the hearing shall be kept by a secretary as determined by the Public Works Director.

392 The administrative review committee shall adopt written findings and produce a
393 written order or decision.

394 iv. The individual or party requesting the administrative review shall have the
395 responsibility of producing a written request outlining the basis for the request and
396 shall provide all documentation necessary as determined by the committee.

397 v. Reasonable notice stating time, place and subject matter shall be given to the parties
398 involved, prior to the administrative review. No administrative review, or the result
399 thereof, shall be invalidated by any defect in giving notice to the parties involved,
400 unless a denial of due process is caused thereby. The administrative review shall be
401 scheduled within thirty (30) days of receiving the written request for administrative
402 review.

403 vi. A written order or decision of the administrative review committee shall constitute a
404 final decision from which an appeal (for purposes of review and not a trial de novo)
405 may be taken to a court of law, in the time and manner otherwise provided by law.

406 **15.03.205. Reimbursement for Street Improvements.**

407 Any person who expends funds to install street improvements (i.e., curb and gutter, sidewalk, asphalt or
408 concrete pavement, road base, sub_base, and geotextile fabric) associated with an approved development may
409 receive reimbursement of part of that expense as follows:

410 (1) The party installing the street improvements shall enter into a written reimbursement agreement with the
411 City prior to street improvements being installed.

412 (2) The amount of the reimbursement shall be limited to those improvements installed by the developer which:

413 (a) provide a direct benefit to property adjacent to said improvements, and

414 (b) are greater than the roughly proportional share of improvements needed to service the
415 development.

416 (3) If within ten (10) years from the date of the reimbursement agreement, a party develops property adjacent
417 to the street improvements described above, the developer who installed the street improvements shall at the
418 time of completion of the development receive a reimbursement from the City in the amount described in
419 Subsection (4) of this Section. The developer of property adjacent to previously installed street improvements
420 shall pay to the City the amount for said street improvements described in Subsection (4) of this Section. The
421 money paid by the developing party pursuant to this section is separate from and in addition to the payment of
422 any other street related fees. In no event shall the amount of reimbursement exceed the amount actually
423 collected by the City from the developer.

424 (4) The reimbursement payment for street ~~curb & gutter, sidewalk, and pavement (including road base, sub-~~
425 ~~base, and geotextile fabric)~~ improvements shall be at the rate ~~per linear foot of street frontage as shown on the~~
426 ~~Consolidated Fee Schedule adopted by the Municipal Council of twelve fifteen dollars (\$125.00) per linear foot~~
427 ~~of curb and gutter, fourteen twenty four dollars (\$214.00) per linear foot of sidewalk, and two three dollars~~
428 ~~(\$32.00) per square foot of pavement (including asphalt pavement, road base, sub_base, and geotextile fabric)~~
429 ~~per linear foot of adjacent property frontage. If concrete pavement has been used for the street surface, an~~
430 ~~additional fee of six dollars (\$6.00) per square foot of pavement shall be required.~~ In addition, Provo City shall
431 collect an additional ~~administrative one dollar (\$1.00) fee per linear foot of property frontage for administrative~~
432 ~~expenses as shown in the Consolidated Fee Schedule.~~

433 (5) If Provo City installs street improvements at City expense, the City may receive reimbursement from
434 developing parties pursuant to this Section as though the City were a private party. The agreement described in
435 Subsection (1) of this Section shall not be required for reimbursement to the City.

436 (6) The reimbursement payment described in Subsection (3) of this section shall be paid to the City in its
437 entirety prior to final plat approval. The rate of reimbursement per frontage foot shall be that rate which is in
438 effect at the time of payment. (Enacted 2000-45, Am 2006-50)

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442 **15.03.230. Pavement Cuts/Pavement Surface.**

443 (1) No cuts shall be made in street pavement for at least one (1) year after hard surfacing has been installed
444 unless approved by the City Engineer. The use of flowable backfill shall be used in the street cuts for any cuts
445 before the year has expired.

446 (2) A one (1) inch surface course of all streets shall be provided within three (3) years after a development has
447 been completed or longer if the majority of the buildings within the development have not been constructed or
448 as approved by the City Engineer. The developer shall design and construct all roadways in accordance with
449 Provo City Standards. pave two and one half (2 1/2) inches of asphalt on all local streets and three and one
450 half (3 1/2) inches of asphalt on all collector or arterial streets when a development is constructed. Wherever
451 the street falls within a high water table area or as determined by the City Engineer, the developer shall place
452 geotechnical fabric under the sub-base material (refer to Provo City Standards). The developer shall provide
453 the City with a fee, as shown in the Consolidated Fee Schedule adopted by the Municipal Council, in the
454 appropriate amount to pay for the one (1) inch surface course which will follow for each development. This fee
455 shall be placed into a fund and installation of the surface course shall be coordinated through the Provo City
456 Engineering Department-Division in conjunction with its yearly street overlay maintenance program. Fees for
457 the surface course shall be determined by the Engineering Department-Division based on its estimated cost for
458 such work to be completed within three (3) years following completion of the initial construction of the
459 subdivision at a future date.-(R&R 1999-34, Am 2000-48)

460 **15.05.050. Procedure to Develop Real Property.**

461 (1) It shall be unlawful to grade, **cut**, fill, or excavate any land or to erect any structure without doing the
462 following:

463 (a) Obtaining the acknowledgment of the City Engineer that any letter report (a letter report is
464 described in Section 15.05.080, Provo City Code) or geologic report (a geologic report is
465 described in Section 15.05.090, Provo City Code) required by the City Engineer pursuant to this
466 Chapter, has been received and meets the requirements of Section 15.05.070, Provo City Code.
467 (The giving of this acknowledgment by the City Engineer shall not be an approval of or
468 acquiescence to the content or conclusions of the letter report or geologic report. A letter report
469 or geologic report shall be considered part of the public record and may be copied by any
470 person.)

471 (b) Except as provided in Section 15.05.100, Provo City Code, by grading, **cutting**, filling, or
472 excavating land or erecting a structure only as described in the letter report or geologic report
473 which has been acknowledged by the City Engineer. (A proposal for which a letter report or a
474 geologic report is not required may be implemented as described in the proposal.)

475 (c) By executing and recording the restrictive covenant required by Section 15.05.140, Provo City
476 Code. (This Subsection does not apply if no letter report or geologic report is required.)

477 (2) Obtaining a grading permit from the City Engineer. Submittal of an acceptable erosion control and
478 revegetation plan shall be required before the grading permit is approved.

479 (3) In addition to the provisions of this Chapter, all grading, **cutting**, filling, or excavation of land or erection of
480 any structure shall comply with all other applicable provisions of these Ordinances.

481 (4) Those parts of any proposal to construct improvements such as roads, sewer lines, or water lines, or other
482 improvements which are intended to be placed in public ownership shall be subject to the approval of the City
483 Engineer.

484 (5) Those parts of any proposal to develop real property which jeopardizes the public's health, safety, or
485 welfare or significantly interferes with established long term development plans of Provo City shall be subject to
486 the approval of the City Engineer after consultation with the appropriate City department.

487 (6) No building permits shall be issued until the requirements of this Chapter are met. (R&R 1999-34, Am 2006-50)

488 **15.05.060. Preliminary Determination by City Engineer.**

489 All proposals to grade, **cut**, fill, or excavate land or to erect a structure for human habitation (sometimes
490 referred to herein as the "proposal") shall be referred to the City Engineer who shall make a preliminary
491 determination by reference to the maps and materials maintained in the City's Engineer's office if any of the
492 unsafe physical conditions described in Section 15.05.020, Provo City Code appear to exist in relation to the
493 real property which is included in the proposal. (R&R 1999-34, Am 2006-50)

494 **15.05.090. Geologic Report.**

495 (1) A geologic report shall include maps and a report containing not less than the following information:

496 (a) The maps shall include:

497 (i) The site location and regional setting of the subject property. The 1992 map series
498 entitled: "Utah County Natural Hazards Overlay Zone," prepared by Robert Robison, shall
499 be used to reference the areas where specific hazard studies may need to be conducted.

500 (ii) A site specific geologic map which illustrates exposure to geological and natural
501 hazards identified in Section 15.05.020(11), Provo City Code, and the geotechnical
502 limitations identified in Section 15.05.020(12), Provo City Code. The map shall illustrate the
503 proposed site modifications relative to geological and natural hazards and/or geotechnical
504 limitations that may impact the site. Any corrective site modification actions necessary to
505 mitigate or avoid hazards or limitations shall be clearly identified on the map.

506 (iii) Maps shall use a scale of one (1) inch equaling one hundred (100) feet, with contour
507 lines at five (5) foot intervals. Existing contours shall be shown by dashed lines and
508 proposed contours shall be shown as solid lines. Boring logs, cross-sections, test trench
509 logs, soil sample descriptions, and test results shall be included.

510 (iv) The City Engineer may require additional maps or additional detail on existing maps as
511 reasonably necessary to evaluate actual or potential geologic hazards.

512 (b) The report shall be prepared in accordance with the guidelines established in the 1987 Utah
513 Geological and Mineral Survey Circular 79, authored by G.E. Christensen, entitled: "Suggested
514 Approaches to Geological Hazard Ordinances in Utah." The report shall include:

515 (i) a description of the proposed grading, **cutting**, filling, excavation, or structure;

- 516 (ii) an analysis of the effects of the proposed grading, **cutting**, filling, excavation, or
517 erection of a structure in relation to the geologic conditions shown in the geologic maps;
- 518 (iii) with regard to a structure, an analysis of the manner in which the same, as
519 constructed, will be made reasonably safe for human habitation;
- 520 (iv) any corrective or remedial action necessary to avoid a violation of Section 15.05.020
521 shall be described and analyzed in detail;
- 522 (v) a list, including title, author and date, of all prior studies or reports which are relied
523 upon to make this report; and
- 524 (vi) The City Engineer may require additional information or analysis which are reasonably
525 necessary to evaluate actual or potential geologic hazards. This includes submittal of
526 geologic reports to the State Geologist for review and comment.

527 (2) If the geologic report (maps and report) relates to land having a slope that exceeds ten percent (10%), the
528 development proposal described in the geologic report shall conform to the provisions of Section 15.05.160,
529 Provo City Code.

530 (3) In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to
531 erect a structure for human habitation, the City Engineer may waive compliance with any requirement of this
532 Section not relevant to the proposed grading, filling, or excavating. (R&R 1999-34, Am 2006-50)

533 **15.05.120. Appeal from Decision of City Engineer.**

534 Any person dissatisfied with a decision of the City Engineer made under this Chapter, may appeal the same
535 within thirty (30) days thereof **through a request for administrative review as outlined in Section 15.03.035(5).** ~~to~~
536 ~~the Board of Appeals created by the International Building Code, which Board is by this Chapter authorized to~~
537 ~~hear appeals from decisions of the City Engineer, which Board shall affirm or reverse, either in whole or in part.~~
538 ~~Any person dissatisfied with a decision of the Board of Appeals may appeal that decision within thirty (30) days~~
539 ~~thereof to any court of competent jurisdiction for an administrative and not a de novo review. (R&R 1999-34, Am~~
540 ~~2006-50)~~

541 **15.05.130. Scope of Application.**

542 No subdivision or other development plat or plan shall be approved without compliance with the provisions of
543 this Chapter. Every proposal to grade, **cut**, fill, or excavate land, and every proposal to erect a structure for

544 human habitation shall be subject to this Chapter, including proposals related to land in subdivisions or any
545 other development plans which may have been approved prior to the adoption of this Ordinance. (R&R 1999-34)

546 **15.05.140. Restrictive Covenant Required.**
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547 (1) If a letter report or a geologic report has been submitted to the City Engineer, no subdivision or other
548 development plat or plan shall be approved and no building permit shall be issued for construction of a
549 structure until the owner(s) of the subject real property have signed and delivered to Provo City a restrictive
550 covenant in a form suitable for recording containing not less than the following:

551 (a) a complete description of the geologic condition of the subject real property, including
552 references to relevant reports and studies;

553 (b) a description of the grading, **cutting**, filling, or excavating or erection of a structure for human
554 habitation approved in the letter report or geologic report which has been acknowledged by the
555 City Engineer, together with the requirements and restrictions imposed thereon; and

556 (c) a covenant and agreement enforceable by Provo City, adjoining landowners, and any
557 subsequent owner of the subject real property that only the grading, **cutting**, filling, or excavating
558 or erection of a structure in the acknowledged letter report or geologic report will be constructed
559 or maintained without further compliance with this Chapter, as it may be amended from time to
560 time. (R&R 1999-34)

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564 **15.05.160. Hillside Development Standards.**
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565 (1) Grading.

566 (a) The provisions of this Section shall be in addition to the grading standards set forth in
567 Section 15.030.035.

568 (b) Any land or parcel having a slope of greater than ten percent (10%) shall be deemed to be
569 land having a "steep slope" within the meaning of this Chapter. No person shall be permitted to
570 grade, **cut**, excavate, fill, or to erect any structure on undisturbed hillside areas that exceeds a

571 slope greater than thirty percent (30%). Any person proposing to grade, cut, excavate, fill or to
572 erect any structure on any slope or hillside with a slope between ten per cent (10%) and thirty
573 per cent (30%) shall be required to submit a geologic report which meets the standards and
574 requirements of this Chapter. A geologic report may not be required if a geologic report relating
575 to the subject property has, at an earlier date, been accepted and approved by the City
576 Engineer. An applicant may appeal the decision of the City Engineer through a request for
577 Administrative Review.

578 (c) Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted
579 under an approved grading plan obtained for some purpose other than to produce fill material,
580 or imported from an area outside the hillside area of Provo City.

581 (d) Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the
582 existing terrain and shall be rounded and contoured as necessary to blend with existing
583 topography to the maximum extent possible. The City will not accept the dedication and
584 maintenance of cut and fill slopes except those within the required street right-of-way. Where a
585 cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the
586 downhill lot. Cut and fill slopes shall not be allowed to disrupt existing drainage channels.

587 (e) Sections of the International Building Code regulating excavation and grading shall be
588 complied with.

589 (f) Exceptions for grading hillside slopes which exceed thirty percent (30%) may be granted for
590 the following:

591 (i) Construction of public streets and utilities required to provide city
592 infrastructure where necessary as determined by the City Engineer.

593 (ii) Maintenance and construction of public and private utilities where necessary
594 as determined by the City Engineer.

595 (iii) Grading authorized through an Administrative Review as outlined in Provo
596 City Ordinance Section 15.03.035(5) of this chapter.

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601 **15.11.010. Definitions.**

602 For purposes of this Chapter the following terms, phrases, words and their derivatives shall have the meanings
603 set forth in this Section, unless the context clearly indicates that another meaning is intended. Words used in
604 the present tense may include the future tense, words in the single number may include the plural number,
605 words in the plural number may include the singular. The words "shall" and "will" are mandatory, and "may" is
606 permissive. Words not defined shall be given their common and ordinary meaning.

607 "Applicant" means any person who makes application for a permit.

608 "Business" means any place in Provo City in which there is conducted or carried on principally or exclusively
609 any pursuit or occupation for the purpose of gaining a livelihood.

610 "City" means Provo City, Utah, a municipal corporation of the State of Utah.

611 "City Engineer" means the City Engineer or the City Engineer's designee.

612 "Emergency" means any unforeseen circumstances or occurrence, the existence of which constitutes an
613 immediate danger to persons or property, or which causes interruption of utility or public services.

614 "Engineering Regulations," "Regulations," "Specifications," and/or "Design Standards" mean the latest version
615 of the Engineering Regulations, specifications, design standards or criteria published or adopted by the City
616 Engineer.

617 "Failure" means a work site restoration which fails to meet City Engineer specifications, or which results in a
618 deteriorated or substandard condition within the duration of the warranty period. Failure may be settlement of
619 surfaces, deterioration of materials, or other surface irregularities. Measurement of failure shall be further
620 defined in the engineering regulations.

621 "Infrastructure Provider" means a person providing to another, for the purpose of providing telecommunication
622 services to customers, all or part of the necessary system which uses the right-of-way.

623 "Operator" means any person who provides service over a telecommunications or broadband Internet access
624 system and directly or through one (1) or more affiliates owns a controlling interest in such system, or who
625 otherwise controls or is responsible for the operation of such a system.

626 "Permittee" means any person which has been issued a permit and thereby has agreed to fulfill the
627 requirements of this Chapter.

628 "Person" means and includes any natural person, partnership, firm, association, provider, corporation,
629 company, organization, or entity of any kind.

630 "Pipe Driveway" means a driveway approach which uses a pipe or other means to bridge the gutter.

631 "Property Owner" means person or persons who have legal title to property and/or equitable interest in the
632 property, or the ranking official or agent of a company having legal title to property and/or equitable interest in
633 the property.

634 "Provider" means an operator, infrastructure provider, reseller, system lessee, or public utility company.

635 "Public Utility Company" means any company subject to the jurisdiction of the Utah State Public Service
636 Commission, or any mutual corporation providing gas, electricity, water, telephone, or other utility product or
637 services for use by the general public.

638 "Public Way" means and includes all public rights-of-way and easements, public footpaths, walkways and
639 sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways. ~~It does not,~~
640 ~~however, include utility easements not within public ways of the City.~~

641 "Private Drain Line" means a pipe installed solely for the transmission of water collected or generated on
642 private property such as drainage, spring, or storm water, or condensate into the public drainage system.

643 "Reseller" refers to any person that provides service over a system for which a separate charge is made, where
644 that person does not own or lease the underlying system used for the transmission and does not install any
645 system in the rights-of-way.

646 "Resident" means the person or persons currently making their home at a particular dwelling.

647 "Storm Drain" means a dedicated pipe, conduit, water way, or ditch installed in a right-of-way or easement for
648 the transmission of storm and drainage water. This term does not include private drain lines.

649 "System Lessee" refers to any person that leases a system or a specific portion of a system to provide
650 services.

651 "Telecommunications System" or "System" means all conduits, manholes, poles, antennas, transceivers,
652 amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a
653 provider located in the construction, ownership, operation, use or maintenance of a telecommunications or
654 broadband Internet access system.

655 "Work Site Restoration" means and includes the restoring of the original ground or paved hard surface area to
656 comply with engineering regulations, and includes but is not limited to repair, cleanup, backfilling, compaction,
657 and stabilization, paving and other work necessary to place the site in acceptable condition following the
658 conclusion of the work, or the expiration or revocation of the permit. (R&R 1999-34, R&R 2000-12, Am 2006-
659 50, Am [2013-14](#))

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663 **15.11.050. Permit Fees.**

664 (1) The City shall charge and a permittee shall pay upon issuance of a permit, fees for costs associated with
665 the work performed under the permit as provided in the Consolidated Fee Schedule adopted by the Municipal
666 Council, ~~for utility street cut fees. Such costs-~~ Permit fees may include costs for reviewing the project and
667 issuing the permit, inspections of the project, deterioration of the public way or diminution of the useful life of
668 the public way, and other costs to the City associated with the work to be done under the permit. All costs shall
669 be assessed in a non-discriminatory manner.

670 (2) The City Engineer may waive permit fees or penalties or portion thereof provided for in this Chapter, when
671 the City Engineer determines that such permit fee or penalty:

672 (a) pertains to construction or rehabilitation of housing for persons whose income is below the median
673 income level for the City; or

674 (b) pertains to an encroachment on the public way involving a beautification project which furthers
675 specific goals and objectives set forth in the City's strategic plan, master plans, or other official
676 documents, including decorative street lighting, building facade lighting, flower and planter boxes, and
677 landscaping.

678 (c) will be paid by a City department, agency, or affiliated entity.

679 (3) Additional charges to cover the reasonable cost and expenses of any required engineering review,
680 inspection, and work site restoration associated with each undertaking may be charged by the City to each
681 permittee, in addition to the permit fee.

682 (4) The fees paid pursuant to this Chapter shall be set aside and dedicated to repaving, rehabilitating and
683 otherwise improving City streets, easements, roads, rights-of-way, and telecommunications facilities, including
684 providing funding to retain or otherwise employ a rights-of-way manager.

685 (5) The City Engineer shall charge ~~utility-Construction~~ ~~Permit fees-Fees~~ as shown on the Consolidated Fee
686 Schedule adopted by the Municipal Council.

687 (a) ~~When a street is scheduled for rehabilitation during the next year, no fee shall be required.~~

688 ~~(b) If work is done without a permit, a stop order may be given and a fee will be assessed, which is four~~
689 ~~(4) times the total permit fee as per the Consolidated Fee Schedule. double fee shall be assessed.~~

690 ~~(c) A Provo City approved Flowable fill shall be required on all street cuts with trench widths of thirty~~
691 ~~(30) inches or less, unless the street is scheduled for rehabilitation.~~ (R&R 1999-34, R&R 2000-12, Am
692 2006-15, Am 2006-50)

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696 **15.11.080. Compliance with Specifications, Standards and Traffic-Control Regulations -**
697 **Site Permittee Identification.**
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698 (1) The work performed in a public way shall conform to the requirements of engineering regulations, design
699 standards, construction specifications and traffic control regulations of the City, copies of which shall be
700 available from the City Engineer, kept on file in the office of the City Recorder and be open to public inspection
701 during office hours.

702 (a) A Provo City approved Flowable fill shall be required on all street crossings unless other measures
703 are accepted and approved by the City Engineer.~~cuts unless the street is scheduled for rehabilitation~~
704 ~~within the next year.~~

705 (2) When a job site is left unattended before completion of the work, traffic control signs and devices which
706 comply with the Manual on Uniform Traffic Control Devices (MUTCD) shall be left in place. In addition, a sign
707 with contact information, signage with minimum two (2) inch high letters shall be attached to a barricade or
708 ~~otherwise posted at the site~~, indicating the permittee's name, or company name, telephone number, and after
709 hours telephone number, shall be posted at the site.

710 (3) All excavations shall be conducted in a manner resulting in a minimum amount of interference or
711 interruption of street or pedestrian traffic. Inconvenience to residents and businesses fronting on a public way
712 shall be minimized. Suitable, adequate and sufficient barricades and/or other structures shall will be available
713 ~~and~~ used where necessary to prevent accidents involving property or persons. Barricades shall be in place until
714 all of the permittee's equipment and materials are is removed from the site and the excavation has been
715 ~~backfilled and proper temporary gravel surface is in place, except where backfilling and resurfacing is to be~~
716 ~~done by the City; in which case the barricades, together with any necessary lights, flares or torches, must~~
717 ~~remain in place until the backfill work is actually commenced by the City.~~and proper resurfacing is in place.
718 From sunset to sunrise, all barricades and excavations must be clearly outlined with approved traffic control
719 ~~devices by adequate signal lights, torches, etc.~~ The City's Police Department and Fire Department shall be
720 notified at least twenty-four (24) hours in advance of any planned excavation requiring street closure or traffic
721 detour. (R&R 1999-34, R&R 2000-12)

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725 **15.11.140. Bond - When Required, Conditions, Warranty.**

726 (1) Except as noted in this Chapter, each applicant, before being issued a permit, shall provide the City with an
727 acceptable security (this may include a corporate surety bond, cash bond or letter of credit, as determined by
728 the City) in the amount of ten thousand dollars (\$10,000.00) to guarantee faithful performance of the work
729 authorized by a permit granted pursuant to this Chapter. The amount of the security required may be increased
730 or decreased at the discretion of the City Engineer whenever it appears that the amount and cost of the work to

731 be performed, and not satisfactorily completed, may vary from the amount of security otherwise required under
732 this Chapter. The form of the security and the entity issuing the security shall be subject to the approval of the
733 City Attorney.

734 (2) Public utilities franchised by the City shall not be required to file any security if such requirement is
735 expressly waived in the franchise documents.

736 (3) The security required by this Section shall be conditioned as follows:

737 (a) That the permittee shall fully comply with the requirements of the City ordinances and regulations,
738 specifications and standards promulgated by the City relative to work in any public way, and respond to
739 the City in damages for failure to conform therewith;

740 (b) That after work is commenced, the permittee shall proceed with diligence and expedition and shall
741 promptly complete such work and restore the public way to construction specifications so as not to
742 obstruct the public place or travel thereon more than is reasonably necessary;

743 (c) That the permittee shall guarantee the materials and workmanship for a period of two (2) years from
744 completion of such work, with reasonable wear and tear excepted; and

745 (d) That unless authorized by the City Engineer on the permit, all paving, resurfacing or replacement of
746 street facilities on ~~major arterial and or~~ collector streets shall be done in conformance with the
747 regulations contained herein within three (3) calendar days, and for local streets within seven (7)
748 calendar days from the time the excavation commences ~~on all other streets~~, except as provided for
749 during excavation in winter or during weather conditions which do not allow paving according to
750 engineering regulations. In winter, a temporary patch shall be provided. In all excavations, restoration or
751 pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work
752 is expected to exceed the above duration, the permittee shall submit a detailed construction schedule for
753 approval. The schedule will address means and methods to minimize traffic disruption and complete the
754 construction as soon as reasonably possible. (R&R 1999-34, R&R 2000-12)

755 **15.11.160. Work Without Permit - Penalty.**

756 (1) A stop order may be issued by the City Engineer directed to any person or persons doing or causing any
757 work to be done in the public way without a permit. The abutting property owner shall be responsible for
758 causing work to be done.

759 (2) Any person found to be doing work in a public way without having obtained a permit, as provided in this
760 Chapter, shall be required to pay a ~~permit penalty~~ fee equal to ~~two~~four (24) times the ~~normal total~~ permit fee.

761 For work where a fee is not typically required, if a permit is not been obtained, a penalty fee will be assessed as
762 determined by the City Engineer. ~~replacement work, where a fee is not normally charged, the normal permit fee~~
763 ~~for new construction shall apply.~~ (R&R 1999-34, R&R 2000-12)

764