

**AN ORDINANCE TO REGULATE AND CONTROL ALL UTILITY CONSTRUCTION, BOTH PUBLIC AND PRIVATE, UNDER EXISTING ASPHALT AND CONCRETE SURFACES WITHIN PUBLIC RIGHTS-OF-WAY WHERE THE CITY HAS JURISDICTION IN AN EFFORT TO PROTECT THE INTEGRITY, SAFETY AND OPERATIONAL PERFORMANCE OF THE BROADWAYS WITHIN THE CITY OF DADEVILLE**

*WHEREAS*, issues have arisen related to utility construction, as the means and methods used by utility companies, contractors, developers, etc. to install, adjust, repair or relocate utilities in public rights-of-way are not always in accordance with standard City specifications and therefore result in damage to the structural integrity of the public way and interference with the public's use of the public way; and

***NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DADEVILLE, ALABAMA AS FOLLOWS:***

1. That in order to protect the City's roadways and the citizens who utilize them on a daily basis, the Mayor and the City Council of the City of Dadeville, Alabama do hereby adopt Ordinance No. 516 of the City of Dadeville Code of Ordinances in their entirety and shall read as follows:

***SECTION 1. - Street Cutting permit – Establishment of Procedure; Fee***

**ARTICLE 1: APPLICABILITY**

These standards shall apply to all underground public and private utilities that are to be located, adjusted, repaired or relocated within the rights-of-way of roadways under the jurisdiction of the City. It shall be unlawful for any person other than an authorized officer, employee or agent of the City to make any opening, cut or excavation in or under the surface of any street, alley, sidewalk or public way on the property of the City without having first obtained a permit as provided by this Ordinance. All permanent pavement repair work is to be performed by the City or a Contractor acting on behalf of the City. It is the responsibility of the Utility Owner or Contractor to coordinate with the City Inspector on work to be performed. The Utility Owner or Contractor will be responsible for installing proper backfill, compacting appropriately and installing a temporary asphalt repair once the utility work is complete. Upon inspection by the City, the City or Contractor acting on behalf of the City will complete the necessary paving work to repair the surface in a permanent and appropriate manner.

**ARTICLE 2: APPLICATION AND FEES**

*Street Cut Fee*

An underlying street cut fee in the amount of \$100 shall accompany a Street Cutting Permit application for utility work in the City right-of-way.

*Restoration Deposit*

A restoration deposit is required to accompany a Street Cutting Permit application to pay for the proper restoration of asphalt or concrete that was removed. The City will be responsible for the repair, and the deposit will be used for that purpose. It will be the responsibility of the utility company or contractor making the cut to properly backfill the excavated area per City specifications and details in preparation for the new asphalt and/or new concrete to be installed.

A sketch that shows the extents and dimensions of the impacted area shall be provided to the City Inspector prior to submission of a Street Cut permit application or, in the case of an emergency situation as identified in Section 2. upon application for a permit. The City Inspector will determine the amount of the restoration deposit per the sketch provided based on current industry costs for construction labor and materials, rounded up to the nearest hundred. **The deposit will be filed with the City Clerk.**

**SECTION 2. - Same – Emergency Repairs:**

In the event that any sewer, main, conduit or other utility installation in or under any street, alley, sidewalk or public way shall burst, break or otherwise be in such condition as to seriously endanger persons or property, the owner of such sewer, main, conduit or other installation shall immediately repair such trouble and shall immediately take all necessary steps to make such location safe and secure. The City should be notified of any emergency work performed as soon as possible. Such owner shall not begin making any permanent repairs to such street, alley, sidewalk or public way until the permit requirements are met as provided in this article. Such permit shall be secured within 18 hours after such break or serious trouble shall have developed, and the necessary temporary repairs to the street, alley, sidewalk or public way shall be made as directed by the City Inspector or an authorized deputy and shall be completed as soon as practical after receipt of proper permit.

**SECTION 3. – Deposit of Construction Materials, etc.**

It shall be unlawful for any person engaged in or responsible for the construction of any structure or the grading, clearing or maintaining of any lot within the City limits to cause or permit the depositing of soil, rocks, gravel, mud, cement, construction debris and maintenance debris on the traveled way, gutters, sidewalks or storm draining facilities of any street, alley or thoroughfare of said City at any time. The acts prohibited by this section shall include the scattering of soil, sand, cement and mud by the tires and tracts of construction vehicles.

2. **PENALTIES:** In addition to any other penalty imposed by the provisions of any city code or ordinance, any person or entity violating the provisions of this article shall pay all costs of restoring any street, sidewalk, alley or public way necessitated by such violation.
3. **SEVERABILITY:** If any portion of this ordinance shall be held unconstitutional, invalid or unenforceable, such holding shall not affect the remaining portions of this chapter nor render the remaining portions of this chapter invalid, and to that end the provisions hereof are declared to be severable.
4. **EFFECTIVE DATE:** The requirements set forth herein shall be effective following posting/publishing as required by Alabama law.

ADOPTED and APPROVED this the 27<sup>th</sup> day of February, 2024

  
Jimmy F. Goodman, Mayor

ATTESTED:

  
Debbie M. Minor, City Clerk

CERTIFICATION:

I, Debbie M. Minor, as City Clerk of the City of Dadeville, Alabama hereby certify that the above and foregoing copy of 1 (one) Ordinance No. 516 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Dadeville on the 27<sup>th</sup> day of February, 2024, as same appears in the official records of said City.

Posted at Dadeville City Hall, Dadeville Public Library, city website

Published in The Dadeville Record 3-7-24



Debbie M. Minor  
Debbie M. Minor, City Clerk



CITY OF DADEVILLE, ALABAMA  
DEPARTMENT OF BUILDING SAFETY

**STREET CUTTING PERMIT APPLICATION**

STREET CUTTING PERMIT # \_\_\_\_\_

ADDRESS OF CUT \_\_\_\_\_

OWNER OF PROPERTY \_\_\_\_\_

PURPOSE OF CUT \_\_\_\_\_

TYPE OF STREET	SIZE OF STREET CUT
_____ ASPHALT	IN SQUARE FEET _____
_____ CONCRETE	

**COST OF PERMIT: \$100.00**

CONTRACTOR \_\_\_\_\_  
E-MAIL \_\_\_\_\_ DATE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_ PHONE \_\_\_\_\_

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT I AGREE TO COMPLY WITH ALL CITY ORDINANCES AND STATE LAWS REGULATING STREET CUTTING. I AM THE OWNER OR AUTHORIZED TO ACT AS THE OWNER'S AGENT FOR THE HEREIN DESCRIBED WORK.

\_\_\_\_\_  
Signature of Contractor/Agent      Print Name      DATE \_\_\_\_\_

**FOR OFFICE USE ONLY**

SITE PLAN W/CUT DIMENSIONS _____	COMMENTS _____
RESTORATION FEE _____ IMPACT FEE _____	_____
APPROVED _____	_____
BUILDING INSPECTOR	_____
SITE INSPECTION DATE _____, BY _____	_____

265 N BROADNAX ST, DADEVILLE, AL 36853, PHONE 256-825-9242 \* FAX 256-825-9291

Ord 516 7-27-24