

**Ordinance #17-2003**  
**Village of Dexter**  
**Street and Utility Right-Of-Way Ordinance**

An ordinance to regulate work in the streets or street Right-Of-Ways (ROW) within the Village of Dexter;

**WHEREAS**, the Village Council of the Village of Dexter has determined that it is in the best interest of the Village to adopt the Ordinance, to provide for the method and manner of construction, repair, replacement of utilities within the streets or street ROW's of the Village and provide for the method and manner of allocating the cost thereof;

**The Village of Dexter Ordains:**

**Section 1. Purpose:** The Village of Dexter monitors all work conducted in the streets and street right-of-ways through the permitting process. This process allows the Village to coordinate activities between Village and other utilities, to maintain a record of street cuts and patches and to identify specific Village requirements.

**Section 2. Permit Required:** Any work within the ROW, which disturbs the pavement, curb and/or gutter, driveway entrances, sidewalks, landscaping, or grassed areas, requires a permit. This work may include but is not limited to, utility main and/or lateral replacement and repair; valve replacement or repair; installation of new underground mains or laterals, structures or accessories; splices, buried drops (under pavement or sidewalks); pole changes for height, accidents, etc.; cathodic protection; boxes and vault installations and jacking or boring under the ROW where disturbance within the ROW may occur. Any utility work that does not disturb the ROW is exempt from the permitting requirements except to the extent that traffic detours or lane closures must be approved by the Director of Public Works and/or his designee.

**Exception:** The Village of Dexter does not issue permits for private irrigation systems within the Public Rights-of-Way and is not responsible for damage caused to irrigation systems placed within the Public Rights-of-Way.

**Section 3. Emergency Streets Cuts:** Director of Public Works and/or his/her designee may, if the public safety requires immediate action, grant permission to make a necessary street cut or excavation before a permit is issued.

**Section 4. Obtaining Permits:** Before work within the ROW is started, the necessary permit shall be obtained from the Village Offices. The fee for such permit shall be in accordance with the fee schedule. Failure to obtain a permit shall result in a civil infraction violation per Chapter 22, Municipal Civil Infractions, of the Village of Dexter General Code.

**Section 5. Responsibility:** The permittee and/or contractor receiving the permit is held responsible for the work performed and the Village of Dexter will contact the permittee for required adjustments or corrections regardless of whether the permittee performed the work or subcontracted and assigned the work. The permittee is solely responsible for the work performed.

**Section 6. Inspection:** In all cases the permittee, for a street cut, shall notify the Village when the work will commence so, if necessary, arrangements can be made to have an inspector present while the work is in progress. The permittee may be billed for the necessary expense of the inspector. All connections made to water and sewer mains require inspections prior to backfill.

**Section 7. Street Cuts and New Pavement:**

**Street Excavations.** No permit shall be granted for making an excavation or opening within the limits of a street, which will result in permanent or prolonged interference with the public use of the street.

**Open Cuts.** No permit to make an opening or excavation in or under a paved street shall be granted to any person within 3 years after the completion of any paving or resurfacing thereof. Open cuts on graveled streets are permitted. Paved streets that have been resurfaced within 3 years will be subject to bore and jack of the street unless authorized by Village Council.

**Saw Cuts.** All pavement cuts shall be saw cut in a straight manner and shall be made at right angles or parallel with the centerline of the pavement.

**Emergency Openings.** Pavement less than 3 years old may be cut in emergency situations as determined by the Village Manager and the Director of Public Works.

**Section 8. General Worksite Responsibilities:** The permittee or its subcontractors shall have a copy of the permit on the job site at all times. The permittee shall be responsible for the condition of any ROW repairs. Pavement repairs shall be warranted until the Village shall overlay or reconstruct the pavement. Should the condition of the patch become such that additional pavement is in jeopardy of failure, the utility company may be held responsible for an area larger than the original repair. Other repairs (sidewalks, curb and gutter, trenches, etc.) shall be warranted for the reasonable life of such structures.

**Section 9. Standards:**

**Rigid Base Pavements:** Concrete on earth, asphalt on concrete base, asphalt on brick base, brick on earth.

**Saw Cut:** All pavement cuts shall be saw cut in a straight and true manner, and shall be made at right angles or parallel to the pavement centerline. Cuts shall be made to depth of five (5) inches. Pavements less than 3 years old shall be cut in emergencies only, with the approval of the Director of Public Works or the Village Manager.

**Backfill:** All trenches, holes, and pits shall be filled with successive layers not more than nine (9) inches in depth, loose measure, and each layer shall be thoroughly compacted to not less than 95% of the maximum unit of weight, and all backfill shall be such that it will provide a condition equal to or better than the original condition and in accordance with the Village of Dexter Standards. All of the material shall be Class II sand unless authorized by the Director of Public Works and/or his/her designee.

**Pavement Replacement:**

**The work of final restoration:** including both paving surface and paving base, shall be performed by the permittee according to the Village specification, unless prior arrangements for the final restoration have been made with the Director of Public Works or his/her designee.

**Pavement less than 3 years:** The existing pavement shall be removed to provide a minimum replacement of 100 square feet with a minimum width of ten (10) feet (measured parallel to the pavement centerline), with the same material used in the existing pavement. The repair shall be made to the original pavement thickness, with the minimum being six (6) inches.

**Where the line of cut would be less than five (5) feet** from an existing expansion or weakened plane joint, concrete or asphalt shall be removed to said point.

**Pavement more than 3 years old:** The existing pavement shall be removed to provide a replacement of not less than 5 feet in width. The repair shall be made to the original pavement thickness, with the minimum being six (6) inches.

**All concrete replacement,** including base material, shall be high-early strength concrete and shall be returned to traffic as soon as its strength reaches 2,800 psi (three (3) days).

**Flexible Base Pavements:** Asphalt Stone Base.

**Saw Cut:** All pavement cuts shall be saw cut in a straight and true manner and shall be made at right angles or parallel with the centerline of the pavement. Cuts shall be made to a depth of five (5) inches. Pavements, less than 3 years old shall be cut in emergencies only, with the approval of the Director of Public Works.

**Backfill:** All trenches, holes, and pits shall be filled with sound earth or with sand/gravel placed in successive layers not more than nine (9) inches in depth, loose measure, and each layer shall be thoroughly compacted not less than 95% of the maximum unit weight, and all backfill compaction will be subject to check by the Village of Dexter Department of Public Works. Restoration shall be such that it will provide a condition equal to or better than the original condition and in accordance with the Village of Dexter Engineering Standards. Sand-gravel backfill material shall consist of approved bank-run sand or gravel or a mixture of approved sand or stone screenings with gravel or crushed stone, provided that there shall be a substantial excess of sand or stone screenings in the mixture.

**Pavement Replacement:** The existing pavement shall be removed to provide for a replacement of not less than one (1) foot wider and longer than the trench opening in every dimension. The repair shall be made to the original thickness, with in-kind materials. The asphaltic base and surface courses shall be compacted to the same density as the original pavement, using approved compaction equipment. In no case shall a cut result in a remaining slab width of less than five (5) feet from the patch to an existing joint and/or existing patch.

**Section 10. Replacing Sidewalk, Driveway and Curb:** Whenever a part of a block, square or section of curb, sidewalk or driveway is broken or damaged by the person making any excavation or opening in or under any street, alley or public place, the entire block, square or section shall be removed to the score, groove or saw cut line and replaced or reconstructed to the original thickness.

**Section 11. Markings:** Each Street cut shall be marked on its four (4) corners with a six (6) inch diameter circle pursuant to Section 8 of Public Act 53 of 1974, Amendment of Michigan's Miss Dig Color Code.

**Section 12. Trenching Operation:** At no time shall more than 200 lineal feet of trench be opened and incompletely backfilled. The remainder of the area of trenching operations shall be available for safe vehicular and pedestrian traffic at all times, special exceptions may be allowed by the Director of Public Works and/or his/her designee.

**Section 13. Restoring Opening:** If the Director of Public Works and/or his/her designee finds that the pavement surfaces and adjacent surfaces to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, the Director of Public Works and/or his/her designee may require a negotiated contribution from the permittee for the resurfacing in place of patching such street. The total area for the proposed patch or probably damaged area must exceed twenty-five (25) percent of the total pavement surfacing between curb faces or between concrete gutter edges in any block. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.

Any operation in the right-of-way not covered by the above specifications, submitted with this permit, shall be done in accordance with instruction of the Director of Public Works and/or his designee.

In granting any permit, the Director of Public Works and/or his/her designee may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to: a) limitations on the period of one year in which the work may be performed; b) restrictions as to the size and type of equipment commensurate with the work to be done; c) designation of routes upon which materials may be transported; d) the place and manner of disposal of excavated

materials; e) requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and f) regulations as to the use of streets in the course of the work.

The Permittee shall notify the Department of public works and/or his/her designee in writing upon completion of all work accomplished under the provisions of the permit. The Director of Public Works shall issue a certificate of final inspection and/or his/her designee to each permittee three years after the permanent restoration of the excavation has been made, provided that the work authorized by the permit has been performed according to the Village specifications. Prior to the issuance of a certificate, the Director of Public Works and/or his/her designee shall make a full inspection of the restoration to determine whether the Village specifications have been adhered to. If any settlement in a restored area occurs within two (2) years from the date of completion of the permanent restoration, any expense incurred by the Village to correct such settlement shall be paid by the permittee or recovered from the posted bond, unless the permittee submits proof satisfactory to the Director of Public Works and/or his/her designee that the settlement was not due to defective backfilling.

In no case shall any opening made by a permittee be considered in the charge or case of the Village, or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of police power, when it is necessary to protect life and property.

**Section 14. Temporary Trench Covering:** All trenches across traffic lanes, where it becomes necessary to remove an existing surfacing or pavement, shall be provided with temporary trench cover, after proper compaction. Minimum requirements for temporary trench cover shall be bituminous patching mixture conforming to MDSH specifications CP-1, CP-3 or CP-5 as specified by the Director of Public Works and/or his/her designee. Temporary trench covers shall be properly maintained the permittee until a permanent trench cover is placed.

**Section 15. Permanent Trench Covering:** The final surface shall take place before the construction year ends, no later than November 15<sup>th</sup>, and all cuts made in the off season, November 15<sup>th</sup> to April 15<sup>th</sup>, shall be completed before June 15<sup>th</sup> of the following construction season, unless prior arrangements have been made with the Director of Public Works and/or his/her designee.

**Section 16. Permit Fees per Utility Right-of-Way:**

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| 1. | Residential Driveways – New and Existing  | \$25.00   |
| 2. | Commercial Driveways – New and Existing   | \$60.00   |
| 3. | Minor Maintenance, including streetlights: Any work on a street right-of-way including repairs on existing sewer and water leads for residential properties including all above and belowground utilities, minor work within the street right-of-way, such as repairing a residential gas lead or electrical service lead, etc. | \$100.00  |
| 4. | Bore, Jack and Tunnel – Applies to all utilities, including sewer and water leads, for new residential properties.  | \$200.00  |
| 5. | Pavement Cutting for any purpose – All utilities, including sewer and water leads, for new and existing residential properties.   | \$400.00  |
| 6. | Major Maintenance – Including new construction and repair of existing underground utilities, such as gas mains, fiber optics, electrical supply lines, and telephone, not pertaining to residential service leads, etc.   | \$500.00  |
| 7. | Annual Blanket Utility Right-of-Way Work Permit<br><i>(Performance Guarantee not required)</i>  | \$3000.00 |

**Section 17. Performance Escrow:** The Permittee shall submit a performance escrow prior to the issuance of the permit. The amount shall be 50% of the total cost of construction for any work being completed, and shall be submitted to the Village Offices. Upon the Village’s inspection and approval of the work, the performance escrow will be refunded to the Permittee.

**Section 18 Penalty:** Any person, firm, or corporation violating any provision of this ordinance is responsible for a civil infraction, subject to payment of a civil fine as specified in Section 22 of the Village of Dexter General Code, plus costs and other sanctions, for each infraction.

**Section 19 Savings Clause:** That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 20 Severability:** The various parts, section and claim of this ordinance are to be declared to be several. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder if the ordinance shall not be affected.

**Section 21 Effective Date:**

This Ordinance is hereby declared to have been adopted by the Village of Dexter Village Council at a meeting thereof duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_ 2003, and ordered to be given effect upon publication.

I hereby certify the preceding ordinance was adopted by the Village of Dexter Village Council at its regular meeting held on \_\_\_\_\_, 2003.

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John Coy, Village President

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Donna L. Fisher, Village Clerk