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ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 38, STREETS AND SIDEWALKS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., WORK ON, OVER, UNDER OR AFFECTING STREETS, DIVISION 2., PERMIT GENERALLY, SECTION 38-50, ISSUANCE AND TERM GENERALLY; SECTION 38-59, CONTENTS OF PERMITS; DIVISION 3., PERMIT, INSPECTION AND GUARANTEE FEES, SECTION 38-67, SCHEDULE AND SECTION 38-68, AMOUNT OF INSPECTION FEES.

1. NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 38, Streets and Sidewalks, of the Code of the City of Newport News, Virginia, Article II., Work On, Over, Under or Affecting Streets, Division 2., Permit Generally, Section 38-50, Issuance and term generally; Section 38-59, Contents of permits; Division 3., Permit, Inspection and Guarantee Fees, Section 38-67, Schedule and Section 38-68, Amount of inspection fees, be, and the same hereby is, amended and reordained as follows:

CHAPTER 38

STREETS AND SIDEWALKS

ARTICLE II. WORK ON, OVER, UNDER OR AFFECTING STREETS

DIVISION 2. PERMIT GENERALLY

Sec. 38-50. Issuance and term generally.

(a) Any person, company or corporation required to obtain a permit by section 38-47 shall make application therefor to the director of engineering on a form prescribed by him, which form shall state the type, amount and dimensions of the work to be performed; the place where such work is to be performed; the purpose of such work; the time at which the work is to be commenced; and the time at which the work is to be completed. Upon the filing of an application for a permit under this article, it shall be the duty of the director of engineering to ascertain that all work to be done pursuant to the permit otherwise complies in all respects with prevailing planning practices, zoning regulations, appropriate construction standards and with the provisions of this Code and other ordinances of the city and the resolutions, policies and regulations of the city before issuing the permit. Additionally, no construction sign shall be erected and no material shall be placed in such a manner as to result in a traffic hazard or otherwise impede the normal use of the right-of-way, if any, such as walkways, bike paths, drainage ditches, etc. The director of engineering shall issue a permit when such compliance is apparent or can be assured by the terms

of the permit and when all applicable requirements for obtaining the permit have been met.

(b) The director of engineering may prescribe a limit for the duration of such permit and may extend the same, so long as the time limitation of extension is based upon reasonable standards prevailing in the industry at the time, taking into consideration weather, availability of material and labor, as well as the applicant's own estimation of the time period needed to complete the project. In no event shall the permit exceed ~~ninety (90) days~~one year, though the permit may be extended for good cause shown. The director of engineering may establish a limited period of work during the term of the permit.

(c) A permit as issued under this article may be revoked at any time during the period it covers by the director of engineering for failure of the permittee to comply with the provisions of this article or the conditions and agreements of his application by giving written notice to the permittee at his address of record. For failure to rectify such default after revocation, the former permittee shall be held to be in violation of this article for each and every day such default shall continue and each violation shall be considered a Class 4 misdemeanor, and the director of engineering may in his discretion cause such work to be performed as is necessary to rectify such default, and the costs or expenses thereof shall be chargeable to and paid by the former permittee.

Sec. 38-59. Contents of permits.

Permits issued under this division shall specify the manner and the conditions under which the permitted work shall be done. Unless otherwise specified in the permit, every permit issued shall be deemed to include the following provisions:

(1) Public travel is to be protected by adequate lights, barricades and appropriate warning signals and signs at all times.

(2) Public travel is to be blocked only in the manner and as specified in the permit.

(3) Pavement is to be used for piling or storing of excavated material or for deposit of material and the placing of equipment only as specified in the permit.

(4) The maximum amount of ditch, trench or other excavation to be opened at any one (1) time shall not exceed two hundred fifty (250) feet, including the backfilled portion of any trench which is not in condition for public travel, unless the director of engineering finds reason for an exception.

(5) All backfilling of excavations shall be done to a ninety-five (95) percent density compaction. Excavations within the improved section of the right-of-way shall be backfilled in accordance with section 38-62 of this article. Compaction by using water is not permitted.

(6) On pavement cuts, the pavement shall be restored to its former dimensions, cross-section and profile with material conforming to city specifications.

(7) No tree roots shall be cut to the extent of rendering the tree unsafe and, if possible, tunneling through or under roots instead of cutting anchor roots shall be followed.

(8) Shoulders, ditches and drainage mediums shall be left in the same condition as found, or as specified in the permit.

(9) The permittee agrees to repair any sinks in the backfill or pavement occurring within one (1) year after the work done under the permit is completed.

(10) If entrances to adjacent property are affected, the permittee shall, if practical, provide temporary facilities for safe ingress and egress to such property.

(11) The permittee agrees to restore the street to a satisfactory condition consistent with adjoining sections of the street in accordance with this article and as specified in the permit.

(12) The permittee agrees, by the acceptance of the permit, to defend, indemnify, keep and hold the city free and harmless from liability on account of injury or damage to person or property growing out of activity authorized by the permit, whether suit is brought against the city either independently or jointly with the permittee.

(13) The permittee agrees, by the acceptance of the permit, upon notice in writing, to remove or relocate any structure or installation placed in, on, under or over any street, if such structure or installation interferes with the use of the street or any public improvement or repair planned or found necessary thereon.

(14) The permittee shall be responsible for complying with the Virginia Underground Utility Damage Prevention Act and city ordinances and state laws on erosion and sediment control.

(15) The permittee shall give the director of engineering or his authorized representative twenty-four (24) hours' advance notice of the time permitted work is to begin. Additionally, permittees shall give four (4) hours' advance notice of requests for inspection prior to repairs of construction openings and/or prior to concrete pouring.

DIVISION 3. PERMIT, INSPECTION AND GUARANTEE FEES

Sec. 38-67. Schedule.

(a) Minimum permit and inspection fees for work for which a permit is required by this article shall be required in accordance with the following schedule except as otherwise specifically established by franchise agreement:

~~*Amount of Disturbance Within the Right-of-Way*~~	~~*Fee*~~
~~Less than 500 square feet of disturbance~~Residental Apron	$ 50.00
~~Between 500 and 1,000 square feet of disturbance~~Test Pit/Core	$ ~~100.00~~50.00
~~More than 1,000 square feet of disturbance~~	~~$ 200.00 plus $100.00 for every increment of 1,000 square feet of disturbance over 2,000 square feet.~~
Multiple Family/Commercial/Industrial/ Utility	$50.00 + $2.00 per linear foot of disturbance measured along the longest dimension of the cut.
Blanket permit for tree trimming	$200.00
Renewal Fee - Residential	$50.00
Renewal Fee - MF/Comm/Ind/Util	$1,000.00 per month or fraction thereof of extension of work period.

(b) In lieu of separate permits for ~~each job~~tree trimming, utilities regularly ~~working~~performing tree trimming within the various rights-of-way and easements of the city may apply for and be issued a blanket permit by the director of engineering pursuant to stated conditions and for a period not to exceed one year. Such permit shall be issued only for work which does not entail the disruption of a right-of-way or easement and may be issued upon payment of an annual inspection fee of two hundred dollars ($200.00).

~~(c) Up to ten (10) individual street pavement cuts may be included on one permit if each cut is not larger than one square yard in area, all such cuts are within three hundred (300) linear feet along any one street, the inclusion of additional cuts will not increase the inspection services required for any one cut, and all such cuts will be able to be repaved or resurfaced at one time.~~

Sec. 38-68. Amount of inspection fees.

Except as to the minimum fees set forth in section 38-67, inspection fees under this article shall be the actual cost of making inspections necessary to assure that the work is done in a proper and orderly manner. For work requiring more than four (4) hours of inspection time, a fee of ~~thirty~~fifty dollars (~~$30.00~~50.00) per hour shall be charged in addition to the minimum fee.

2. That this ordinance shall be in effect on and after July 1, 2016.