



CITY OF OWENS CROSS ROADS

ORDINANCE NO. 22-020

REPLACES ORDINANCE 21-014

AN ORDINANCE REGULATING THE DISTURBANCE OF ANY RIGHTS OF WAY, ROADWAY, CITIZENS PRIVATE PROPERTY OR OTHER PUBLIC PLACES IN THE CITY OF OWENS CROSS ROADS, STATE OF ALABAMA, AND FUTURE ADDITIONS; PRESCRIBING CERTAIN DUTIES AND CONDITIONS; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF OWENS CROSS ROADS, ALABAMA, AS FOLLOWS:

Section One: Permit Requirements

It shall be unlawful to dig any ditch or to make any excavation of any kind, or to cause any disturbance to or repair, modification or improvement on, under or above, any right of way, roadway, citizens private property, or other public place in the City of Owens Cross Roads, Alabama, without first filing with the City an application in writing on such form as the City may prescribe in obtaining a formal permit for such work. For the purpose of this ordinance, cutting grass and/or trimming existing shrubbery on the Right of Way in front of personal property is not considered a disturbance and is exempt from the requirements for a permit.

Section Two: Application for Permit

Application shall be made by the person, or his or her agent, for or on whose account the proposed work is to be performed. "Person" shall include a partnership, firm or corporation for the purposes of this ordinance. A fee of **\$50.00** shall be charged by the City for each permit issued, subject to the further provisions of this ordinance.

Section Three: Work Performed Under Permit

All work performed under a permit issued by the City shall be performed in accordance with the practices and standards established by the City with respect to disturbances as described in Section One of this ordinance. The work shall be performed so as to cause minimum interference with the proper and usual use of the rights of way, roadway, citizens private property, or other public places of the City of Owens Cross Roads; it shall be completed within the time specified by the permit or, absent such, within 30 days; and the property disturbed shall be restored to as good condition as it was in before such disturbance, subject to the City's approval and within 24 hours of completion. The person performing work under the permit shall be responsible for any faulty or defective restoration regardless of when it occurs or if previously approved by the City. The City of Owens Cross Roads shall have the right to restore the property disturbed to its prior condition at the expense of the person obtaining the permit for the work.

Section Four: Establishment of Regulations and Specifications

The City may establish regulations, specifications and/or conditions for work performed within a public right of way, roadway, citizens private property or other public place for their, public improvements and/or persons and property as may be deemed necessary in the discretion of the City. It shall be unlawful for any person to perform any work within a public right of way, roadway, citizens private property, or other public place in violation of any applicable law, rule, standard or specification and/or the terms and conditions set forth in the permit as prescribed by the City. In addition, the City may establish a time limit in which the work is required to be completed under the permit which is either shorter or longer than is required under this ordinance.

Section Five: Separate Permit Required for Each Project

A separate permit shall be required for each disturbance as described in Section One of this Ordinance. The permit must be obtained at least ten (10) working days prior to the commencement of the work. The permit shall be kept at the site of the work and shall be exhibited upon request by any law enforcement officer or any authorized representative of the City including the Mayor, Council Members or their designee.

Section Six: Inspection

The City shall have the right and authority to inspect all work performed under the permit. The City may be present on the site to advise contractors on the applicable laws, rules, standards and specifications, and the City shall have the authority to reject any defective materials and workmanship not in conformance with the permit and applicable laws, rules, standards and specifications governing the work done under the permit.

Section Seven: Notification of Property Owners

The City shall notify property owners of any impending property disturbances by contractors by posting notifications on doors at least one (1) day prior to occurrence.

Section Eight: Compliance with Other Requirements of Law, Including Franchise

Compliance with the permitting requirements with this division shall not excuse any person, entity or governmental agency from complying with all other requirements of law, including without limitation, holding a valid franchise of the City.

Section Nine: Revocation

The City may revoke the permits provided for under this ordinance at any time and at the City's discretion.

Section Ten: Emergency Work or Repairs

If emergency work or repairs are required, within 48 hours after the occurrence of the emergency, any person, firm, contractor, corporation or other entity performing the work shall apply for the necessary permit, pay the fees associated therewith and fulfill the rest of their requirements necessary to bring itself into compliance with

CITY OF OWENS CROSS ROADS ORDINANCE NO. 22-020

this ordinance for the action it took in response to the emergency. Before acting without a permit, the person, firm, contractor, corporation or other entity must make a good faith attempt to notify the City of the situation and obtain oral permission to begin work without a permit. Emergency situations do not excuse the person, firm, contractor, corporation or other entity from complying with all other laws, regulations, practices and standards, including the terms of franchise agreements.

Section Eleven: Effective Date

This ordinance shall become effective upon its adoption and publication.

Section Twelve: Indemnity

The City of Owens Cross Roads shall not be liable or responsible for any acts or damages that may occur in the performance of any work by the holder of a permit, and the issuance of a permit by the City of Owens Cross Roads shall be deemed an agreement on the part of the permittee to indemnify the City and hold it harmless against any and all liability, loss, cost, damage or expense that may accrue to the City because of the negligence or misconduct in the performance of any work by the permittee.

Section Thirteen: Repealer

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are repealed.

ADOPTED and APPROVED this 26 day of July 2022.



Tony Craig, Mayor

ATTEST:



Christie D. Eason, City Clerk



City of Owens Cross Roads, Alabama, certificate of publication.

This is to certify that Ordinance No. 22-020, City of Owens Cross Roads, Alabama, was published by posting on the City website, and on FIVE (5) bulletin boards within the City.