

# CITY OF DOVER

## ORDINANCE NUMBER 44

**AN ORDINANCE OF THE CITY OF DOVER, IDAHO, SETTING FORTH ITS AUTHORITY, ESTABLISHING APPLICABILITY, SETTING STANDARDS FOR UTILITY INSTALLATION WITHIN PUBLIC RIGHT OF WAYS, SETTING STANDARDS FOR ENCROACHMENT ONTO A PUBLIC RIGHT OF WAY, PROVIDING FOR VIOLATIONS AND PENALTIES, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of Dover, Idaho has deemed it in the public interest to adopt certain public road standards regarding utilities installation within and encroachment onto the City's public right of ways;

**NOW, THEREFORE BE IT ORDAINED** by the City Council of Dover, Idaho that the following be and is hereby adopted as an Ordinance of the City of Dover, Idaho;

### **SECTION 1: AUTHORITY**

This ordinance is adopted pursuant to authority granted to the City of Dover at Title 40 of the Idaho Code.

### **SECTION 2: APPLICABILITY**

The standards contained within this ordinance shall be applicable to those portions of new driveways and approaches located within a City right of way, and to the placement of utilities within a City right of way.

### **SECTION 3: PERMISSION AND MINIMUM STANDARDS FOR UTILITY CONSTRUCTION**

#### **A. General**

Prior to the start of construction of public or private utility projects within City rights of way, the applicant or utility shall obtain permission for such use from the City Council of Dover, Idaho. Any such request shall occur at an agenda meeting of the City Council and be accompanied by a design drawing. All construction shall proceed in compliance with the standards set forth in this section, the terms of the City Council's approval and the design drawings submitted.

Note that not all City roads exist within a known City-owned right of way. It remains the responsibility of the utility provider to obtain necessary easements from any private property owner.

Unless otherwise approved by the City Council, utilities constructed within City right of ways shall comply with the following standards:

**B: Design Drawings**

Prior to the start of construction, the applicant or utility shall submit, for City approval, design drawings showing the location of any poles, lines, piping, culverts or any structure or facility located or to be located within the City right of way. The drawings shall indicate these locations with respect to the road surface, shoulders and ditches, the right of way line, bridges, culverts, drainage structures, driveways, road intersections and any other road improvement structure within the right of way.

**C. Standards for Utility Placement and Construction**

On City roads with a hard surface (including Bituminous Surface Treatment and asphalt paving) utility lines, pipes, etc. may be installed within the roadway resulting in a cut through the hard surface. However, the City Council, at its discretion, may require utility lines be installed under the road surface using techniques which do not require a cut through the road surface, such as tunneling, burrowing or driven pipe. The repaired road surface shall meet or exceed existing conditions and shall not negatively affect the surrounding roadway.

On City roads with no hard surface, utility lines, pipes, etc. may be installed within the roadway in a manner resulting in constructed conditions meeting or exceeding existing conditions.

Utilities shall be located as near as practicable to the outer edge of the City right of way.

Where utility cables cross a road or right of way such cables shall be encased in conduit extending two (2) feet beyond the bottom of the ditch or to the edge of any fill within the right of way. Water lines and pressurized sewage lines which cross roads and rights of way shall be placed in a secondary encasement for ease of maintenance and repair.

During construction work barricades, lights and other traffic control devices shall be erected and maintained as may be necessary to conform to the Manual on Uniform Traffic Control Devices, published by the U. S. Department of Transportation, Federal Highway Administration, 1988 edition, which is hereby adopt and incorporated herein.

Equipment parking and materials storage shall be as far from the road surface as

feasible, and equipment or materials left overnight within thirty (30) feet of the road surface shall be marked and/or protected, so as not to constitute a hazard to the traveling public. This section shall not be construed to authorize trespass upon private lands adjacent to City roads or rights of way for the purpose of construction, equipment parking, materials storage or any other purpose.

Any disturbance of the travel surface, shoulders, ditches drainage or traffic control devices shall be repaired and restored to its prior condition. If trench or pavement settling should occur within two (2) years of the installation of the utility, repairs shall be made by the applicant or utility as directed by the City and at no cost to the City. By proceeding with the original approved construction, the applicant or utility agrees that if the applicant or utility fails to make such necessary repairs, the City may initiate the repair and bill the applicant or utility. No new construction within City rights of way will be authorized to that applicant or utility until such claim has been settled.

Upon completion of construction of the lines and facilities, all rubbish and debris shall be immediately removed and the roadway and the roadside shall be left safe and clean to the satisfaction of the City.

All areas within the City right of way which have been disturbed or denuded or vegetation shall be reseeded as soon as possible after utility construction is completed.

**D. Start of Construction and Road Closure Notification**

No construction work shall be started on utility placement until the Public Works Administrator has given notice to the applicant or utility to proceed. The Bonner County Sheriff's Office and the Westside Fire District shall be notified by the applicant or utility of the date(s) and time(s) of full or partial road closures associated with the utility placement to allow for any necessary re-routing of emergency vehicles. The applicant or utility shall publish a notice of any full road closures in the Bonner County Daily Bee in advance of the closure stating the date and location of the closure and the estimated duration of the closure. The applicant or utility shall also post signs on the road where a full closure is to occur notifying the traveling public of the dates, times and duration of the closures.

**SECTION 4: ENCROACHMENT PERMISSION AND MINIMUM STANDARDS FOR DRIVEWAYS AND INTERSECTING ROADWAYS**

**A. Permission to Construct Encroachment Required**

Prior to the start of construction of that portion of any new roadway or driveway located within a City right of way, and providing access to a parcel, dwelling or building site, the property owner or his agent shall make a written encroachment request to the Dover City Council. Such requests shall be accompanied by a drawing showing the

design and location of the driveway and any culverts or other structures associated with the roadway or driveway constructions.

All construction of roadways or driveways shall conform with the standards within this Ordinance and with the terms of any granted request.

**B. Standards**

Unless otherwise approved by the City Council, that portion of any new roadway or driveway within a City right of way shall comply with the following standards:

Culverts under new roadways or driveways located within a City right of way shall comply with City Council requirements. Unless required otherwise, culverts shall have a minimum diameter of twelve (12) inches. Culverts shall be located, sized and constructed so as to form a continuation of and not adversely impact the existing roadside drainage system, and shall extend to the toe of any fill placed with the driveway.

That portion of a new roadway or driveway located within a City right of way shall have a slope of plus or minus two percent ( $\pm 2\%$ ), and shall have a surface design which prevents the drainage of waters from the surface of the roadway or driveway onto the road surface of the City roadway.

Where curbs and gutters have been installed or are planned to be installed, the driveway shall be constructed to maintain the integrity of the curb and gutter design.

New approaches shall intersect the roadway at an angle of between eighty (80) and ninety (90) degrees, and as close to ninety (90) degrees as is possible.

That portion of approaches located within a City right of way shall have a minimum travel surface width of twenty (20) feet and the surface of the approach shall be connected to the surface of the City roadway by a curve with a radius of at least twenty (20) feet.

During construction of encroachment, such barricades, signs, and other traffic control devices shall be erected and maintained as required by the City in conformance with the Manual on Uniform Traffic Control Devices.

**SECTION 5: VIOLATIONS AND PENALTIES**

Any person who violates this Ordinance or the terms of any approval granted pursuant to this Ordinance shall, upon conviction, be deemed guilty of a misdemeanor punishable by a maximum fine of three hundred dollars (\$300.00) or by incarceration

for a maximum period of one hundred eighty (180) days, except that the penalty for failing to remove unauthorized encroachments into the City right of way shall be as set forth at 40-2319, Idaho Code.

The City Council may initiate civil action in a court of competent jurisdiction to enjoin or otherwise prohibit violation of the terms of this Ordinance.

**SECTION 6: SEVERABILITY**

The provisions of this Ordinance are hereby declared to be individually severable. Should a court of competent jurisdiction declare any provision of this Ordinance to be invalid, it shall not affect the validity of the remaining provisions.

**SECTION 7: EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon publication in one (1) issue of the Bonner County Daily Bee pursuant to the provisions of Idaho Code.

Regularly passed and approved as an Ordinance of the City of Dover, Idaho, this 18th Day of June, 1998 upon the following roll call vote:

|                      |               |
|----------------------|---------------|
| Randy Curless, Mayor | <u>Aye</u>    |
| Margaret Becker      | <u>Aye</u>    |
| Neal Hewitt          | <u>Aye</u>    |
| Rick Hyde            | <u>Aye</u>    |
| Brad Littlefield     | <u>Absent</u> |

  
Paul Randy Curless, Mayor

**ATTEST:**

  
Karen Ames, Clerk