

CLERK'S OFFICE

APPROVED

Date: 2-23-99

Sections 19 & 21

CLERK'S OFFICE

APPROVED

Date: 2-9-99

Notice of reconsideration given
by Mr. Wuerch, 2-10-99
RECONSIDERED 2-23-99

Submitted by: Chairman of the Assembly at
the Request of the Mayor

Prepared by: Department of Law

For reading: February 9, 1999

CLERK'S OFFICE

AMENDED AND APPROVED

Date: 3-16-99

Sections 1-18, & 20

ANCHORAGE, ALASKA

AO NO. 99-13(S)

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING
ANCHORAGE MUNICIPAL CODE TO PROVIDE FOR MUNICIPAL REIMBURSEMENT
OF UTILITY RELOCATION COSTS NECESSITATED BY MUNICIPAL CAPITAL
PROJECTS; TO ADJUST THE FEE AND FINE SCHEDULES FOR UTILITY PERMITS;
STREAMLINE PERMIT MONITORING; AND PROVIDE FOR ANNUAL BLANKET
PERMITS.

WHEREAS, Alaska Public Utilities Commission decision U-83-74(7)\U-83-79(4) held
that municipalities will reimburse utilities for relocations necessitated by municipal capital
projects; and

WHEREAS, the Assembly finds it is in the best interest of the municipality to provide
reimbursement to utilities required to relocate their facilities in conjunction with a municipal
capital project, provided the utility facilities were correctly installed under a valid permit; and

WHEREAS, the Assembly finds that it is in the best interest of the municipality to
streamline the permit process, including providing a blanket permit mechanism and updating the
fee and fine schedules, now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS.

Section 1. Anchorage Municipal Code section 14.60.030 is hereby amended as follows:

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

***	***	***
[24.30.020.A	USE OF A PUBLIC PLACE WITHOUT A LICENSE	50.00]
***	***	***
[24.30.090.C	UNAUTHORIZED LOCATION	1,000.00 PLUS TRIPL PERMIT
FEES]		
***	***	***
[24.60.010	EXCAVATION OR CONSTRUCTION WITHOUT PERMIT	300.00 PLUS
TRIPLE PERMIT FEES.]		
***	***	***

24.60.020 [050] Utility installation without permit 1,000.00 plus triple permit fees

24.60.130 Failure to underground ,000.00 [500.00] plus triple permit fees.

24.60.140 Failure to remove utilities ,000.00 plus triple permit fees. [500.00]

Section 2. Anchorage Municipal Code section 24.30.010 is hereby amended by adding and amending the definitions to read as follows (*other definitions in the referenced sections are not affected and therefore not set out*):

24.30.010 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Betterment is that improvement to the capacity or quality of a utility distribution system beyond that required to maintain the level of service existing before the relocation, except for an improvement required by federal, state or municipal code change or an improvement required to resolve a location conflict.

Construction or a derivation of *construction* means construction, reconstruction, alteration, improvement or repair, but not maintenance.

Emergency is an event demanding immediate attention

Facility means a structure or other tangible thing, including those things that move, transport, store, transmit, boost, conduct or provide access to the service or product a utility may provide to its customers.

Maintenance means the preservation of the public place and its facilities as nearly as possible in its original condition as constructed or improved.

Utility means every corporation, company, individual or association of individuals as defined by AS 42.05.990(4) that owns, operates, manages or controls any plant, pipeline or system for furnishing electrical service, telecommunication service, telephone service, cable television service, natural or manufactured gas service, water service, sewer service, or similar service to the public for compensation.

Public place means and includes streets, avenues, ways, boulevards, drives, circles, courts, places, alleys, sidewalks, and planting strips, bicycle paths, squares, triangles, easements and rights-of-way reserved, granted or dedicated for [OPEN TO THE USE OF] the use of the public, [EASEMENTS, INCLUDING BUT NOT LIMITED TO UTILITY EASEMENTS, DEDICATED OR GRANTED TO THE PUBLIC,] and the space above or beneath the surface of such places, except parks. For purposes of this title,

Public place shall not include telecommunications, electrical, gas, telephone or other easements granting rights only to utilities.

Roadway prism means the top surface to one foot outside of the limits of the traveled way, shoulder, curbs and gutter, attached sidewalk, and the supporting subsurface structure, the limits of which are defined by a surface sloping down and away from one-foot outside both sides of the surface at a ratio of 1-foot vertical to 1-1/2 foot horizontal.

(CAC 10.24.010-10.24.160; CAC 10.40.120.F; AO No. 87-66)

Section 3. Anchorage Municipal Code subsection 24.30.020A. is hereby amended to read as follows (*other subsections are not affected and therefore not set out*):

24.30.020. [LICENSE AND P] Permit required; sidewalk permits and exemptions.

A. *Permit required.* It is unlawful for anyone to use any public place as defined in section 24.30.010 without first having applied for and obtained a [LICENSE OR] permit to engage in such use and paying the [LICENSE OR] permit fee if one is prescribed in this title. No contractor's license shall be required of a certificated utility doing its own work. Nothing contained in this section shall apply to street or storm sewer maintenance work performed by the municipality or street or storm sewer improvement projects under contract with the municipality. A permit must be obtained for the use of any public place.

(CAC 10.28.050; AO No. 79-220; AO No. 97-88, §1, 6-3-97)

Section 4. Anchorage Municipal Code section 24.30.090 is hereby amended by repealing subsection 24.30.090D. as follows:

24.30.090. Revocation of permit; removal of structures; unauthorized locations [; ADOPTION OF FEES].

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* * *

[D. THE DIRECTOR OF PUBLIC WORKS IS AUTHORIZED AND DIRECTED TO PREPARE A SCHEDULE OF FEES APPLICABLE TO ALL SUCH PERMITS HERETOFORE OR HEREAFTER ISSUED COMMENSURATE WITH THE COST OF ADMINISTRATION, INSPECTION AND POLICING INVOLVED IN THE ISSUANCE AND CONTINUANCE OF SUCH PERMITS AND THE USE THEREBY GRANTED, AND ANY SUCH SCHEDULE, WHEN APPROVED BY THE ASSEMBLY BY RESOLUTION, SHALL GOVERN THE AMOUNT OF THE FEE FOR ANY SUCH PERMIT, WHICH SHALL BE COLLECTED BY THE DIRECTOR OF PUBLIC WORKS AS A CONDITION TO THE ISSUANCE OR CONTINUANCE

OF ANY SUCH PERMIT. IN ORDER TO EFFECTUATE COLLECTION OF SUCH FEES, HE SHALL PROMPTLY NOTIFY HOLDERS OF OUTSTANDING PERMITS ISSUED PURSUANT TO PREVIOUS ORDINANCES OF THE MUNICIPALITY FROM TIME TO TIME, TO PAY THE APPLICABLE FEE OR THE PERMIT WILL BE REVOKED.]

(CAC 10.32.070)

Section 5. Anchorage Municipal Code chapter 24.30 is hereby amended by adding a new section 24.30.095 to read as follows:

24.30.095 **Fee schedule.**

A The director of public works shall prepare a schedule of fees applicable to all permits, commensurate with the costs of administering, inspecting and policing the permits and their use. The schedule shall be effective upon approval by the assembly. Notification of fee schedule changes to permit holders and applicants shall be made promptly by the department of public works. Fees shall be collected by the department.

B Fees shall be paid in accordance with section 24.30.100 before a permit is issued pursuant to this title.

Section 6. Anchorage Municipal Code section 24.30.100 is hereby repealed and re-enacted to read as follows (*the former section 24.30.100 is attached to the AM accompanying this AO*):

24.30.100 **Fees for use of public places**

Fees shall be paid in accordance with this section before a permit is issued. The permit fee charged will include reasonable charges for plotting as-built locations on the permanent records of the department of public works.

A *Basic fee for permanent uses.* The basic fee for a permanent use permit shall include the first inspection of up to one hour and shall be based on the following schedule:

PERMIT FEES FOR PERMANENT USES	
Location of Use	Fee
Inside road prism, each 360 linear feet	\$200.00
Outside road prism, each 360 linear feet	\$100.00

The fee shall be for the first foot of each 360 linear feet of work area measured along or parallel to the road prism.

B *Removal of paved surface.* The fee for a permit which authorizes the removal of existing paved surface shall be based on the following schedule:

PERMIT FEES FOR REMOVAL OF PAVED SURFACE	
Age of pavement surface since construction	Fee
One year or less since construction	\$2,000.00
More than one, but less than two years old	\$1,000.00
More than two, but less than three years old	\$500.00
More than three years old	\$100.00
If Recycled Asphalt Paving or chip seal	\$100.00

The fee shall be for the first foot of each 360 linear feet of work area measured along or parallel to the road prism. The fee shall be for any width of pavement removal.

C. Additional inspections. After the first inspection of up to one hour in length covered by the basic fee, every additional inspection of work authorized by the permit shall be subject to a minimum hourly charge of \$100.00. When the municipality deems additional inspections beyond that covered by the basic fee is likely, the total estimated fees shall be prepaid and the unused portions, if any, shall be refunded to the permittee upon completion of work required under the permit.

D. Temporary public place rental permits. Temporary public place rental permit fees shall be based on the following schedule:

FEES FOR TEMPORARY PUBLIC PLACE RENTAL PERMITS	
Location of Use	Fee
Improved public place	\$0.30 / square foot / month
Outside improved public place	\$0.10 / square foot / month

When a temporary permit authorizes use of a public place for a project that extends through more than one use location, the location shall be considered to be an improved public place.

E. Encroachment permits. The ~~annual~~ fee for an encroachment permit shall be \$100.00.

F. Sidewalk encroachment permits. The annual fee for a sidewalk encroachment permit issued pursuant to Chapter 24.30.020.B shall be \$50.00 with no other charges for the use of or encroachment on the sidewalk. The permit and fee requirements do not apply to vendors with valid licenses issued under Chapter 10.60.

G. Road closure permits. The fee for a permit authorizing road closure shall be based on the following schedule:

PERMIT FEES FOR ROAD CLOSURES	
Type of Closure	Fee

Full closure	\$100.00
Partial closure	\$50.00

The fee shall be for the first foot of each 360 linear feet of work area measured along or parallel to the road prism. Areas of traffic control markings, cones, signs and delineators outside the work area are not measured for permit purposes.

H *Blanket utility permits.* The annual fee for a utility company operating in a public place outside of the road prism under a blanket utility permit pursuant to Chapter 24.60 shall be \$1,000.

Work in a public place without a permit. \$1,000 plus triple permit fees will be assessed private contractors, private utilities or public utilities for any work done by them in a public place without the appropriate permit. In addition, anyone performing work in a public place without a valid permit may be subject to a fine pursuant to title 14.

J *Work not in conformance with a permit.* For work not brought into conformance with a valid permit within 10 days of notice to the permittee by the municipality of such non-conformance, may be assessed a fee of \$1,000 plus municipal inspection fees associated with monitoring the work being brought into conformance.

K *Work in violation of a notice to stop work.* Anyone issued a notice to stop work who fails to stop work or resumes work without permission from the municipality or removes, mutilates, destroys or conceals the notice may be assessed a fee of \$1,000 per day for each and every day the violation continues. In addition, anyone performing work in violation of a notice to stop work or resumes work without permission from the municipality, may be subject to a fine pursuant to title 14.

L *Other permits.* Any work for which a permit is issued, but which is not addressed elsewhere in this section, shall require a basic fee of \$100.00.

M *Exceptions to fees.* Community councils engaged in the authorized use or encroachment of public rights-of-way shall be exempt from permit fees when the use is part of the community council's beautification program and commercial or noncommercial persons' or organizations' names or logos are not displayed. Established business improvement districts shall also be exempt from permit fees. Permits are required.

N *Billing.* A Utility may receive permits in advance of payment of fees under any billing arrangement authorized by the department of public works.

Section 7: Anchorage Municipal Code section 24.30.220 is hereby amended to read as follows

24.30.220 Inspection of work; as-built information.

All work done by a permittee under this chapter may [SHALL] be inspected and approved by the director of public works, or his designee, and all as-built information required by the director [HIM] shall be furnished to the director. [HIM PRIOR TO REFUND OF THE BOND OR INDEMNITY DEPOSIT.] As-built information furnished will be obtained by means of industry standard [ACCEPTED] survey techniques, as may be modified by the director of public works. For utilities, location maps shall be modified to include the as-built information. The updated location maps shall be provided to the director at least annually. [THE PERMIT FEE CHARGED WILL INCLUDE REASONABLE CHARGES FOR PLATTING AS-BUILT LOCATIONS ON THE PERMANENT RECORDS OF THE DEPARTMENT OF PUBLIC WORKS.]

Section 8. Anchorage Municipal Code section 24.60.010 is hereby re-numbered as section 24.30.025 and amended to read as follows:

24.30.025 [24.60.010] Franchise holders; permit for use of public place—Required [; EXCEPTIONS].

[A *FRANCHISE HOLDERS.*] It is unlawful for anyone holding a franchise from the municipality, or who may hereafter be granted a franchise, although deriving [HIS] rights to occupy public places from the franchise, to use or occupy any such public place, [TO] go upon such public place, or [TO] perform any construction work therein which shall disturb the surface of the street, planting (parking) strip, sidewalk or other public place, or which may consist of the placing of facilities along, across, within, over, or under a public place, [CROSSARMS, WIRES, TRANSFORMERS OR OTHER APPARATUS ON POLES ALREADY PLACED,] without complying with all the provisions of this title [CHAPTERS 24.30 THROUGH 24.80 IN RELATION THERETO] and obtaining a permit from the director of public works to do so.

[B WORK ON MUNICIPAL WATER OR SEWER LINES. NO PERSON SHALL PERFORM ANY EXCAVATION OR CONSTRUCTION WORK ON ANY MUNICIPALLY OWNED, OPERATED OR MAINTAINED WATER LINE OR SEWER WHICH USES A MUNICIPAL TRUNK OR INTERCEPTOR IN, ON, OVER OR UNDER ANY PUBLIC RIGHT-OF-WAY WITHIN THE MUNICIPALITY WITHOUT FIRST HAVING APPLIED FOR AND HAVING RECEIVED A LICENSE FROM THE MUNICIPALITY TO PERFORM SUCH WORK PURSUANT TO THIS TITLE.]

[C EXCEPTIONS. THIS SECTION SHALL NOT APPLY TO THE USE OF A CUSTOMER SERVICE LINE WHICH IS EXEMPT UNDER SECTION 24.30.020.B.]

(CAC 10.40.010; GAAB 25.20.020; AO No. 79-220)

Section 9. Anchorage Municipal Code sections 24.60.020, 24.60.030, and 24.60.040 are hereby repealed as follows:

24.60.020 **[PERMIT FOR USE OF PUBLIC PLACE--APPLICATION;
CONTENTS; REVOCATION.]**

[IN ORDER TO OBTAIN THE PERMIT PROVIDED FOR IN SECTION 24.60.010, ANYONE DESIRING TO DO SUCH WORK SHALL FILE WITH THE DIRECTOR OF PUBLIC WORKS AN APPLICATION THEREFOR, ON A FORM FURNISHED BY THE DIRECTOR OF PUBLIC WORKS, WHICH APPLICATION SHALL BE ACCOMPANIED BY A PLAT, DRAWN TO AN ACCURATE SCALE, SUCH PLAT BEING MADE CONFORMABLE TO SUCH REASONABLE RULES AND REGULATIONS AS THE DIRECTOR OF PUBLIC WORKS MAY PRESCRIBE, AND SHOWING THE EXACT LOCATION, CHARACTER, POSITION, DIMENSION, DEPTH AND HEIGHT OF THE WORK PROPOSED TO BE DONE. THE DIRECTOR OF PUBLIC WORKS, PRIOR TO THE GRANTING OF ANY PERMIT, MAY REQUIRE SUCH MODIFICATIONS OR CHANGES AS HE DEEMS NECESSARY TO PROPERLY PROTECT THE PUBLIC IN THE USE OF SUCH PUBLIC PLACES, AND SHALL IN THE PERMIT, IF THE PERMIT BE GRANTED, FIX THE TIMES WITHIN AND DURING WHICH SUCH WORK SHALL BE DONE. WHEN SUCH APPLICATION HAS BEEN APPROVED, A PERMIT ALLOWING SUCH CONSTRUCTION SHALL BE ISSUED BY THE DIRECTOR OF PUBLIC WORKS, WHO SHALL HAVE THE POWER TO SUPERVISE, REGULATE AND DIRECT THE CONSTRUCTION AND WHO SHALL KEEP A RECORD OF THIS PERMIT AND THE WORK DONE THEREUNDER. PERMITS ISSUED MAY BE REVOKED BY THE DIRECTOR OF PUBLIC WORKS ON TEN DAYS' NOTICE.]

(CAC 10.40.020)

24.60.030 **[PERMIT FOR USE OF PUBLIC PLACE--FEES.]**

[ANYONE DOING CONSTRUCTION WORK UNDER A PERMIT REQUIRED UNDER SECTION 24.60.010 SHALL PAY A PERMIT FEE AS SET FORTH IN THE CURRENT APPROVED FEE SCHEDULE. IF THE CONSTRUCTION IS TO BE PERFORMED UNDER A SUBDIVISION OR OTHER AGREEMENT BETWEEN THE MUNICIPALITY AND THE PERMITTEE, A DEPOSIT TOWARD THE CHARGES TO COVER THE MUNICIPALITY'S ACTUAL COSTS SHALL BE MADE AS SET FORTH IN SECTION 24.20.040.]

24.60.040 **[PERMIT FOR USE OF PUBLIC PLACE--CONSTRUCTION
WITHOUT PERMIT DEEMED NUISANCE.]**

[ALL STRUCTURES BUILT, EXCAVATIONS MADE AND MATERIAL PLACED ON ANY PUBLIC PLACE BY ANYONE HOLDING A FRANCHISE FROM THE

MUNICIPALITY WITHOUT A PERMIT THEREFOR FIRST HAVING BEEN OBTAINED, AS PROVIDED IN THIS SECTION AND SECTIONS 24.60.010 THROUGH 24.60.030, SHALL BE DEEMED PUBLIC NUISANCES, AND, IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATION OF THIS TITLE, SUCH NUISANCES SHALL BE ABATED WITH OR WITHOUT ACTION, AND SUCH OTHER PROCEEDINGS SHALL BE TAKEN CARE OF AS ARE AUTHORIZED BY LAW AND THE ORDINANCES OF THE MUNICIPALITY FOR THE PREVENTION, ABATEMENT AND PUNISHMENT OF NUISANCES; AND IT SHALL BE NO DEFENSE TO ANY PROSECUTION OR PROCEEDING UNDER THIS SECTION THAT THE PERSON VIOLATING THIS SECTION HAS A FRANCHISE TO USE OR OCCUPY SUCH PUBLIC PLACE.]

(CAC 10.40.040)

Section 10. Anchorage Municipal Code section 24.60.050 is hereby re-numbered as section 24.60.020 and amended to read as follows:

24.60.020[24.60.050] Utility installations--Permit required; revocation; conditions.

A. It is unlawful for a utility [ANYONE ACTING AS A PERSON, FIRM, COMPANY, CORPORATION OR ASSOCIATION] having the right under Alaska Statutes Title 42, the Anchorage Municipal Charter, any municipal ordinance [OR FRANCHISE] or under any other law to construct or [,] maintain, or [AND] operate any facility across, along, within, on, under or over a [THE STREETS, ALLEYS OR] public place[S] of the municipality, [PIPES, DUCTS, UTILITY TUNNELS, VAULTS, MANHOLES, POLES, FIXTURES, WIRES OR ANY OTHER APPURTENANCES NECESSARY FOR THE PURPOSE OF CONDUCTING ANY LAWFUL BUSINESS, EITHER PUBLIC OR PRIVATE, TO GO UPON SUCH PUBLIC PLACE TO PERFORM ANY WORK THEREIN WHICH WILL DISTURB THE SURFACE OF THE [STREET, PLANTING STRIP, SIDEWALK OR PUBLIC PLACE, OR TO OCCUPY THE AREA ABOVE, UPON OR BENEATH THE SURFACE OF THE STREET, PLANTING STRIP, SIDEWALK OR] PUBLIC PLACE, OR WHICH WILL CONSIST OF THE PLACING OF CROSSARMS, WIRES, TRANSFORMERS OR OTHER APPARATUS ON POLES ALREADY PLACED, OR FOR SERVICE CONNECTIONS,] without complying with all the provisions of any ordinance in relation thereto and obtaining and complying with [HAVING] a permit from the director of public works [TO DO SO]. Permits issued may be revoked on twenty [TEN] days' notice from the director of public works. Franchise holders shall be subject to the requirements of chapter 24.30.

B. The terms and conditions of the use and occupancy of public places [streets and alleys] in the municipality by a utility [ANYONE] constructing or operating under authority of this section shall be as set out in sections 24.60.030 [24.60.060] through 24.60.160 [24.60.170].

C. In the event an emergency requires work in a public place, the public health, safety, and welfare is at risk because of the emergency, and the emergency is of such a nature that application for and approval of a permit will unduly delay the utility's response to the emergency, the work may commence prior to permit application and approval. Work outside of the road prism and meeting the requirements of AMC 24.60.040.A may proceed under a blanket utility permit. The Utility shall immediately act to safeguard the public and its facilities and shall immediately notify the Department of Public Works, the Anchorage Police Department and the Anchorage Fire Department of its action.

(CAC 10.40.050)

Section 11. Anchorage Municipal Code section 24.60.060 is hereby re-numbered as section 24.60.030 and amended to read as follows:

24.60.030[24.60.060] Utility installations--Application for permit; issuance.

A utility [ANYONE] desiring to place or maintain any of the authorized facilities mentioned in section 24.60.020 [24.60.050] shall, prior to the commencement of any [CONSTRUCTION] work, file an application for a permit therefor as described in this title. When permission has been granted by the director of public works, a permit allowing for such construction shall be issued by the director of public works, who shall have the power to supervise, regulate and direct the construction and who shall keep a record of the permit and the work done thereunder. Except as provided for in section 24.60.040, a [A] single utility permit shall authorize only such activities as are reasonably required for the construction and placement of a separate and specific utility facility as applied for by the permittee.

(CAC 10.40.060)

Section 12. Anchorage Municipal Code Title 24 is hereby amended by adding a new section 24.60.040 to read as follows:

24.60.040 Utility installations -- blanket utility permits; provision for; work log required; individual public place permit not required.

A *Provision for blanket utility permits.* A utility may obtain one blanket utility permit for all work during a calendar year for installation of facilities to provide individual service to properties or for maintenance of an existing facility, if all such work is to be entirely outside a roadway prism and does not require approval by the traffic engineer pursuant to section 9.14.130. An application for a blanket utility permit shall be filed and a permit issued prior to commencement of any work. All work shall be performed in accordance with this title and the permit requirements. The utility shall notify the municipality of the location, description, and proposed dates of commencement and completion of the work under the blanket permit prior to commencement of the work.

2 **B. *Requirement to submit log of work.*** The utility shall keep a log of all work
3 performed under a blanket utility permit. The log shall include a brief description
4 of the work performed and its location. Timely submittal of the log, as specified
5 in the permit, shall satisfy the notification requirement in subparagraph A. The
6 first log submittal shall occur prior to the start of work and shall include the
7 proposed start and completion dates. Subsequent submittals shall note additional
8 or changed work. The log may be submitted to the municipality electronically.

9
10 **C. *Municipal inspection not performed.*** The director of public works or his designee
11 shall not be responsible for inspection of work performed by a utility under a
12 blanket utility permit, nor will it charge fees for any inspection of work done
13 under the permit. Notwithstanding this provision, the director or his designee
14 may perform periodic inspections of a utility's work under a blanket utility
15 permit.

16
17 **Section 13.**

18
19
20 **24.60.050[24.60.070] Utility installations--Permit fees.**

21
22 **A utility performing [ANYONE DOING CONSTRUCTION] work under a permit**
23 **required by section 24.60.020 [24.60.050] or a permit allowed by 24.60.040 shall pay a**
24 **permit fee as set forth in section 24.30. [THE CURRENT APPROVED FEE**
25 **SCHEDULE. IF CONSTRUCTION IS TO BE PERFORMED UNDER SUBDIVISION**
26 **OR OTHER AGREEMENT BETWEEN THE MUNICIPALITY AND THE**
27 **PERMITTEE, A DEPOSIT TOWARD THE CHARGES TO COVER THE**
28 **MUNICIPALITY'S ACTUAL COSTS SHALL BE MADE AS SET FORTH IN**
29 **SECTION 24.20.040.] This section does not apply to work to be performed under a**
30 **subdivision agreement in title 21.**

31
32 **Section 14.** Anchorage Municipal Code chapter 24.60 is hereby amended by adding sections
33 24.60.060, 24.60.070, and 24.60.080 to read as follows:

34
35 **24.60.060**

36
37
38 **A. *Restoration warranty for work inside a roadway prism.*** A utility performing
39 work in a roadway prism under a permit required by this title shall warrant the
40 performance of the excavation, backfill, compaction and resurfacing, this work
41 together termed "restoration." The warranty period shall start when the permit is
42 closed. The utility shall warrant the performance of the restoration shall be at
43 least equal to the performance of the adjacent surface grade and cross-section,
44 until such time as the roadway prism within and adjacent to the restored area is
45 resurfaced by asphaltic overlay or removal and replacement. Permittee shall also

warrant that the joint between the restored area and existing surfacing shall be free of cracking and separation.

- B** *Remedies.* If at any time the municipality determines that the restoration described in subsection A has not performed at least equal to the adjacent surface grade and cross-section, it will notify the utility in writing that the restoration must be reconstructed in accordance with the municipal standard specifications, details, and design standards. Crack sealing alone is not an approved reconstruction method. Within five business day of receipt of such written notice, the utility shall begin to reconstruct the restoration at its sole expense. The utility shall obtain a permit in accordance with the requirements of this title prior to commencement of the reconstruction. If such reconstruction is ordered during the winter, the utility may be required to provide temporary resurfacing or patching until conditions allow reconstruction, which shall be performed within 30 days therefrom. Following reconstruction, the restoration warranty shall continue in accordance with subparagraph A. If the utility fails to begin reconstruction within five business days following receipt of the notice, the director of public works may proceed to perform the reconstruction and recover from the utility all expenses necessary to accomplish the work, including the costs of collection. The utility shall be subject to a fine of \$1000/day for each day the utility has not started reconstruction or temporary resurfacing or patching as required after receipt of the notice to do so. In addition, fees and a fine pursuant to title 14 may be assessed the utility.

24.60.070 Utility installations—restoration warranty for work outside a roadway prism; remedies.

- A** *Restoration warranty for work outside a roadway prism.* A utility performing work outside a roadway prism under a permit allowed by this title shall warrant the performance of the excavation, backfill, compaction, and any landscaping and surfacing, this work together termed “restoration.” The utility shall warrant the performance of the restoration at least equal to the performance of the adjacent surface grade and cross-section for up to five years from completion of the work. If work outside of the roadway prism affects the roadway prism, the utility shall restore the affected road prism area and warrant such restoration pursuant to section 24.60.060. The warranty period shall start when the permit is closed.
- B** *Remedies.* If at any time the municipality determines that the restoration described in subsection A has not performed at least equal to the adjacent surface grade and cross-section in accordance with the subsection, it will notify the utility in writing that the restoration must be reconstructed in accordance with the municipal standard specifications, details, and design standards. Crack sealing alone is not an approved reconstruction method. Within 10 days of receipt of such written notice, the permittee shall reconstruct the restoration at its sole expense. The utility shall obtain a permit in accordance with the requirements of this title prior to commencement of the reconstruction. If such reconstruction is

ordered during the winter, the utility may be allowed to provide temporary resurfacing or patching until conditions allow reconstruction, which shall be performed within 30 days therefrom. Following reconstruction, the restoration warranty period shall start anew, in accordance with subparagraph A. If the utility fails to accomplish the reconstruction within ten days following receipt of the notice, the director of public works may proceed to perform the reconstruction and recover all expenses necessary to accomplish the work, including the costs of collection. In addition, the utility shall be subject to fees and a fine pursuant to title 14.

24.60.080. Transfer of utility ownership.

Unless otherwise agreed to by the municipality, any transfer of ownership of facilities shall include the transfer of all rights and obligations under permits issued in this title for those facilities including, but not limited to, warranties, fees, and fines.

Section 15. Anchorage Municipal Code section 24.60.080 is hereby repealed as follows

24.60.080 [Utility installations -- joint use of poles.]

[ANYONE ERECTING OR MAINTAINING POLES UNDER AUTHORITY OF SECTIONS 24.60.050 THROUGH 24.60.050 SHALL ALLOW ANYONE CONSTRUCTING UNDER AUTHORITY OF SECTIONS 24.60.050 THROUGH 24.60.170 JOINT USE OF ITS POLES UPON PAYMENT, EXCEPT AS PROVIDED IN SECTION 24.60.090, OF A REASONABLE PROPORTION OF THE COST OF SUCH POLES INSTALLED, AND SHALL OBEY AN ORDER ISSUED BY THE DIRECTOR OF PUBLIC WORKS RELATIVE TO THE JOINT USE OF POLES.]

(CAC 10.40.080)

Section 16. Anchorage Municipal Code section 24.60.090 is hereby amended to read as follows:

24.60.090 Utility installations--Authority to require joint use of facilities.

Where feasible and practical, t[T]he director of public works may require joint use of poles, trenches and other facilities constructed under authority of sections 24.60.020 [26.60.050] through 24.60.170. [, WHERE FEASIBLE AND PRACTICAL,] S[S]uch joint usage shall [TO] be documented in an agreement between the several users as to ownership, division of cost, maintenance and future rights of occupancy. [, AND] T[T]he director of public works may deny issuance of a permit for placement of an additional facility of the same type on the opposite side of any right-of-way or any place else within any public place where a facility of the same type already exists.

(CAC 10.40.090)

Section 17. Anchorage Municipal Code section 24.60.100 is hereby repealed as follows:

24.60.100 [UTILITY INSTALLATIONS--PAINTING OF POLES.]

[ANYONE ERECTING OR MAINTAINING POLES UNDER AUTHORITY OF SECTIONS 24.60.050 THROUGH 24.60.170 SHALL, UPON ORDER OF THE DIRECTOR OF PUBLIC WORKS, PAINT OR REPAINT ITS POLES TO SUCH HEIGHT AND IN SUCH COLORS AND AT SUCH TIME AS THE DIRECTOR OF PUBLIC WORKS MAY DIRECT.]

(CAC 10.40.100)

Section 18. Anchorage Municipal Code section 24.60.110 is hereby re-numbered as section 24.60.100.

Section 19.
follows:

Utility installations--Order to change, relocate or remove facilities;
"public convenience and necessity" defined.

- A. If, incident to construction of public place capital [STREET] improvement projects by the municipality or to any other construction for the public convenience and necessity authorized or ordered by the municipality in any public place, the municipality determines and orders that a utility facility located across, within, over, along or under a public place [STREET] must be changed, relocated or removed [AS REQUIRED BY PUBLIC CONVENIENCE AND NECESSITY], the utility owning or in charge of the facility shall commence to and shall change, relocate or remove it in accordance with the order, which shall include a time of completion.
- B. If the utility facility is not changed, relocated or removed, or work commenced to effect the change, relocation or removal, within the time [A REASONABLE TIME AS] required by the order, the municipality may change, relocate or remove it at the utility's expense or take whatever other action is necessary for compliance with the order. The Director of Public Works shall adjust the time for compliance if the delay is due to circumstances beyond the control of the utility and delay is in the best interest of the municipality. The original permit shall be void upon 20 days' notice. Said notice may be given before or after the due date for compliance with the order. The facility shall then be treated as an unauthorized encroachment under section 24.90.030, after the order and 20 day notice period expire without compliance.

C.

1. The change, removal, or relocation is requested, in writing, by the municipality incident to a municipal capital project or other capital activity and the utility facility was properly constructed and installed under a valid permit or other instrument entered into by the municipality, or a predecessor in interest; or
2. The change, removal, or relocation is necessitated by a disturbance to the utility's facilities incident to the municipality constructing facilities or otherwise working in the public place and the utility facility was constructed and installed under a valid permit or other instrument entered into between the municipality, or a predecessor in interest, and the utility which expressly provided for a different manner or method of bearing the costs or expenses of changes, relocations or removals; or
- 3 The municipality is obligated to reimburse the cost under section 21.90.080.

Utilities need not have been issued a permit for facilities first installed prior to September 16, 1975, or for facilities installed before the right-of-way became a municipal public place in order to be eligible for reimbursement. However, to the extent permits issued prior to September 16, 1975 exist, those permits must be produced prior to a determination of eligibility. Facilities must be in compliance with those permits to be eligible for reimbursement.

[C] THE COST OF CHANGE, RELOCATION OR REMOVAL OF THE UTILITY FACILITY SHALL BE THE EXPENSE OF THE UTILITY UNLESS:

- [1 THE UTILITY FACILITY WAS CONSTRUCTED AND INSTALLED UNDER A VALID FRANCHISE, AGREEMENT, PERMIT OR OTHER INSTRUMENT ENTERED INTO BY THE MUNICIPALITY AND THE UTILITY EXPRESSLY PROVIDING FOR A DIFFERENT MANNER OR METHOD OF BEARING OF COSTS OR EXPENSES OF THE CHANGE, RELOCATION OR REMOVAL; OR**
- [2 THE MUNICIPALITY IS OBLIGATED TO REIMBURSE THE COST UNDER SECTION 21.90.080.]**

D. In all cases where a valid permit is presumptively required as a condition for municipal reimbursement of a utility relocation, and the actual permit document is unavailable, the Municipality will review circumstantial evidence of a permit, or a permit waiver, or an absence of a permit requirement prior to its determination of reimbursement eligibility.

- [D]. Nothing in this section shall be construed to permit any utility to locate without the express consent of the municipality, or municipal permit, any utility facility**

in, over, along or under a public street or place or other property of the municipality.

F [E] As used in sections 24.60.050 through 24.60.170, relative to street improvements, the term "public convenience and necessity" includes:

- The construction or reconstruction of the street improvement;
- 2 The widening of any existing street;
- 3 The relocation of existing street improvements; or
- 4 Change in street grade

G. A utility shall not be eligible for reimbursement of the costs of changing, removing, or relocating its facilities where:

The utility has failed to install the facilities in a reasonably prudent manner, in compliance with all federal, state, and municipal standards applicable at the time of installation, or in situations when the utility has placed facilities in the public place without approval of a permit, easement or other valid authorization, except as provided in 24.60.020C, 24.60.120C, or 24.60.120D, or where the facilities are not in compliance with the municipal permit, easement or other valid authorization allowing for their installation.

2. An emergency necessitates repairs by the municipality to restore the serviceability of the public place in the condition existing when the utility first constructed its facilities and the repairs create a need to change, remove, or relocate the facilities.

3. The costs are attributed to a betterment of the relocated facility.

4. The costs are attributable to a relocation done for the convenience of the utility.

5. The costs do not exceed the salvage value of the facilities changed, removed or relocated. However, costs exceeding the salvage value are eligible for reimbursement.

H. A utility changing, removing, or relocating its facilities under this section must comply with 24.60.020.

(CAC 10.40.120; AO No. 84-62)

Section 20. Anchorage Municipal Code sections 24.60.130, 24.60.140, 24.60.150, 24.60.160, and 24.60.170 are hereby amended to read as follows:

24.60.130 Utility installations--Underground placement of distribution lines.

Utility distribution lines shall be placed underground as required by chapter 21.90. No permit may be issued under this title to install a utility distribution line overhead in violation of chapter 21.90.

(CAC 10.40.130; AO No. 84-62)

24.60.140 Utility installations--Removal of facilities on cessation of use.

Utilities [ANYONE] accepting permits under the terms of sections 24.20.020 [24.60.050] through 24.60.170 for the installation of any facility [PIPES, DUCTS, UTILITY TUNNELS, VAULTS, MANHOLES, POLES, WIRES OR ANY OTHER APPURTENANCES] shall remove or decommission such facility at the direction of the director of public works [INSTALLATION] when the facility [IT] is no longer required [OR USED AND THE DIRECTOR OF PUBLIC WORKS HAS ORDERED THE REMOVAL THEREOF], such work [REMOVAL] to be done at the expense of the utility [OWNER OF THE FACILITY].

(CAC 10.40.140)

24.60.150 Utility installations--Provision for future street grades.

A All underground utility pipes, ducts, utilidors, vaults, manholes, tunnels or other facilities or appurtenances thereto installed under authority of sections 24.60.020 [24.60.050] through 24.60.160 [24.60.170] shall be designed and placed to provide acceptable minimum bury below future street grades as established by the department of public works, the depths of bury to be approved by the director of public works prior to the issuance of any permit for such work.

B Also, prior to finalizing design on any underground utility project to be constructed by any agency of the municipality by contract or force account, which may by virtue of the terms of chapters 24.30 through 24.80 be exempted from the posting of an indemnity deposit, plans will be submitted to the department of public works for review and for the establishment of depth and location to accommodate future street grades.

(CAC 10.40.150; AO No. 81-66(S))

24.60.160 Utility installations--Reference markers.

The director of public works may, as a condition to issuance of a permit for installation of any [UTILITY PIPES, DUCTS, UTILIDORS, TUNNELS OR OTHER] facilities [OR APPURTENANCES THERETO], require [THAT] the permittee to [SHALL] set and maintain permanent durable reference markers over and along, or at an offset to, the facility. Spacing, type, method of installation and information contained on the markers shall be subject to the approval of the director of public works.

(CAC 10.40.160)

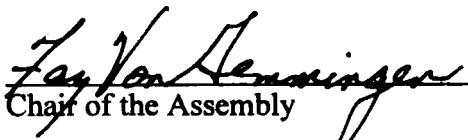
24.60.170 Utility installations--Indemnification of municipality.

A utility [ANYONE] accepting permits under the terms of sections 24.60.020 [24.60.050] through 24.60.170 shall, in addition to meeting the requirements of [THE PROVISIONS PROVIDED FOR IN] sections 24.60.020 [24.60.050] through 24.60.170, indemnify and save the municipality free and harmless from any liability, loss, cost, damage, trouble or expense due to casualty, accident or damages either to person or property which may at any time arise or occur by reason of the construction, maintenance, operation or use of any facility [CONDUITS, PIPES, DUCTS, UTILITY TUNNELS, VAULTS, MANHOLES, POLES, WIRES OR ANY OTHER APPURTENANCES] of any character placed under authority of sections 24.60.020 [24.60.050] through 24.60.170, not arising from the sole negligence of the municipality. Such indemnity is required until two years after the facilities [PIPES, DUCTS, UTILITY TUNNELS, VAULTS, MANHOLES, POLES, WIRES OR ANY OTHER APPURTENANCES] are removed from the public place [STREET], or until the municipality furnishes a written release of the requirement to the owner thereof.

(CAC 10.40.170)

Section 21. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 16th day of March, 1999.


Chair of the Assembly

ATTEST:


Municipal Clerk