

ORDINANCE NO. Introduction (CM)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE AMENDING SECTIONS 7-1.01, 7-1.06, AND 7-1.10 OF CHAPTER 1 (STREET EXCAVATIONS) OF TITLE 7 (PUBLIC WORKS) OF THE WATSONVILLE MUNICIPAL CODE TO AMEND EXISTING DEFINITIONS, SPECIFICATIONS, AND BOND OR DEPOSIT REQUIREMENTS; AND ADDING SECTIONS 7-1.13 THROUGH 7-1.17 TO CHAPTER 1 (STREET EXCAVATIONS) OF TITLE 7 (PUBLIC WORKS) OF THE WATSONVILLE MUNICIPAL CODE TO ESTABLISH SAFETY PRECAUTIONS AND LIABILITY INSURANCE REQUIREMENTS, MORATORIUM AGAINST STREET EXCAVATIONS ON NEWLY IMPROVED STREETS, MORATORIUM PERMIT REQUIREMENTS, MORATORIUM BACKFILL AND RESURFACING REQUIREMENTS, AND COORDINATION OF PUBLIC UTILITY EXCAVATIONS

WHEREAS, the City of Watsonville is a charter city organized and existing under the laws of the State of California; and

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution and other applicable provisions of state law, the City has authority to adopt and enforce ordinances to protect the public health, safety, and welfare of its residents; and

WHEREAS, the City owns, operates, and maintains public streets, sidewalks, and rights-of-way and is responsible for ensuring their safe use and long-term structural integrity; and

WHEREAS, street excavations, trenching, and related construction activities within the public right-of-way, if not properly regulated, may create unsafe conditions for motorists, bicyclists, and pedestrians and may result in premature pavement failure and increased maintenance costs to the City; and

WHEREAS, newly constructed, reconstructed, or resurfaced streets represent a significant public investment, and repeated or uncoordinated excavations substantially reduce the service life and functional condition of such improvements; and

WHEREAS, the City Council desires to establish clear and uniform standards governing street excavations, including updated definitions, safety precautions, liability insurance requirements, bonding or deposit requirements, backfill and resurfacing specifications, and coordination requirements applicable to public and private utility work; and

WHEREAS, the City Council further desires to establish moratoria on street excavations on newly improved streets, except under limited circumstances and subject to enhanced restoration requirements, in order to preserve City infrastructure and reduce disruptions to the public; and

WHEREAS, the City Council finds that the amendments set forth herein are necessary to protect City streets and public rights-of-way, ensure that excavation work is performed safely and responsibly, and allocate the full cost of such work to those entities performing the excavation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:

Section 1. Findings.

The City Council hereby finds that the foregoing recitals are true and correct and are material to the adoption of this ordinance.

Section 2. Amendment.

Section 7-1.01 (Definitions) of the Watsonville Municipal Code is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. Amendment.

Section 7-1.06 (Backfilling and resurfacing specifications) of the Watsonville Municipal Code is hereby amended as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 4. Amendment.

Section 7-1.10 (Bond or deposit required) of the Watsonville Municipal Code is hereby amended as set forth in Exhibit C, attached hereto and incorporated herein by this reference.

Section 5. Addition.

Section 7-1.13 (Safety precautions and liability insurance) is hereby added to Chapter 1 (Street Excavations) of Title 7 (Public Works) of the Watsonville Municipal Code as set forth in Exhibit D, attached hereto and incorporated herein by this reference.

Section 6. Addition.

Section 7-1.14 (Moratorium against street excavations on newly improved streets) is hereby added to Chapter 1 (Street Excavations) of Title 7 (Public Works) of the Watsonville Municipal Code as set forth in Exhibit E, attached hereto and incorporated herein by this reference.

Section 7. Addition.

Section 7-1.15 (Moratorium, permits: required) is hereby added to Chapter 1 (Street Excavations) of Title 7 (Public Works) of the Watsonville Municipal Code as set forth in Exhibit F, attached hereto and incorporated herein by this reference.

Section 8. Addition.

Section 7-1.16 (Moratorium, backfill and resurfacing requirements) is hereby added to Chapter 1 (Street Excavations) of Title 7 (Public Works) of the Watsonville

Municipal Code as set forth in Exhibit G, attached hereto and incorporated herein by this reference.

Section 9. Addition.

Section 7-1.17 (Coordination of public utility excavations) is hereby added to Chapter 1 (Street Excavations) of Title 7 (Public Works) of the Watsonville Municipal Code as set forth in Exhibit H, attached hereto and incorporated herein by this reference.

Section 10. CEQA.

The City Council finds that this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15060, subdivisions (c)(2) and (c)(3), and 15061, subdivision (b)(3).

Section 11. Severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions.

Section 12. Effective Date.

This ordinance shall take effect thirty (30) days after adoption.

Section 13. Publication.

This ordinance shall be published in accordance with the Charter of the City of Watsonville.

Exhibits

- A. Section 7-1.01 (Definitions) Amendment
- B. Section 7-1.06 (Backfilling and resurfacing specifications) Amendment
- C. Section 7-1.10 (Bond or deposit required) Amendment
- D. Section 7-1.13 (Safety precautions and liability insurance) Amendment
- E. Section 7-1.14 (Moratorium against street excavations on newly improved streets) Addition
- F. Section 7-1.15 (Moratorium, permits: required) Addition
- G. Section 7-1.16 (Moratorium, backfill and resurfacing requirements) Addition
- H. Section 7-1.17 (Coordination of public utility excavations) Addition

Exhibit A

Section 7-1.01 Definitions. (additions in underline, deletions in ~~strikethrough~~):

For the purposes of this chapter, “street excavations” shall mean the opening, trenching, excavating, repairing, installing, adding to, removing, or otherwise altering any portion of any public street, alley, sidewalk, curb, gutter, or driveway, or any other facility existing within a public right-of-way area for any purpose whatsoever.

For the purposes of this chapter, “Director of Public Works” shall also mean such other duly authorized designee, including the City Engineer or such persons authorized by the Director of Public Works to administer the requirements of this chapter.

Exhibit B

Section 7-1.06 Backfilling and resurfacing specifications. (additions in underline, deletions in ~~strikethrough~~):

All street excavations shall be backfilled and resurfaced by a qualified licensed contractor and inspected by City staff to the satisfaction of the Director of Public Works. All work shall be done in compliance with the current edition of the Public Improvement Standards the City adopted and enforced at the time of the street excavation, and all applicable safety orders, rules, and recommendations of the State Division of Industrial Safety. Specifications for backfilling and resurfacing of street excavations shall meet the requirements within the current edition of the City's Standard Details adopted and enforced at the time of the street excavation.

Permittees shall be responsible for settlement of backfill and resurfacing of the excavation for a period of one (1) year following the date of final resurfacing, and upon notification by the City shall make repairs within five (5) days to the satisfaction of the Director of Public Works.

Exhibit C

Section 7-1.10 Bond or deposit required. (additions in underline, deletions in ~~strikethrough~~):

When required by the Director of Public Works, no permit shall be granted until a corporate surety bond is filed with the Director of Finance in a minimum amount of One Thousand and no/100ths (\$1,000.00) Dollars or such other amount as may be specified in the permit by the Director of Public Works. Said surety bond shall be conditioned upon the faithful performance of any work the permittee may undertake on such public streets for the protection of the City and against damages to any street, sidewalk, or structure, or materials therein. Said bond shall be in favor of the City and shall be approved by the City Attorney as to form and sufficiency. In lieu of the above requirement, the permittee may deposit or may be required to deposit with the Director of Finance a cash bond in such amount as may be prescribed by the Director of Public Works. This cash bond shall be in the form of a letter of Credit, Passbook, Certificate of Deposit, Cashier's Check, or Money Order. The cash bond shall be in the name of the City of Watsonville only and held by the City. If the permittee fails to comply with the provisions of the permit, the City may declare a forfeiture of the cash bond, or any portion thereof, and use the proceeds of such cash bond to complete the permitted work. The cash bond shall be refunded by the Director of Finance when all the work done by the permittee under the permit has been completed and approved by the Director of Public Works.

In the event the permittee fails to comply with the requirements of the permit, the Director of Public Works shall give written notice to the permittee of noncompliance with such requirements, specifying the deficiencies in such compliance. Should the permittee fail to correct such deficiencies and complete the permitted work within five (5) days from receipt of the notice, the cash bond shall be declared forfeited. Upon such forfeiture, the City may use the proceeds of the cash bond to complete the permitted work. Any additional cost to perform this work will be charged to the permittee. The City reserves the right to do any and all work necessary to bring the right-of-way into a safe condition. Such portion of the cash bond, if any, remaining after the payment for all work done by the Director of Public Works hereunder shall be refunded to the permittee, and such refund shall be accompanied by a statement of disbursements by the Director of Public Works in performing the work in the place and stead of the permittee.

Exhibit D

Section 7-1.13 Safety precautions and liability insurance. (additions in underline, deletions in ~~strikethrough~~):

It shall be the duty of the applicant for any street excavation, and upon receipt of a permit, to perform the work in a safe manner, and to make the excavation and work area accessible to fire hydrants, and to provide safe and adequate crossings over the excavation for vehicular traffic, bicyclists, and pedestrians where such access exists or is otherwise required by the Director of Public Works. The permittee shall be responsible for establishing traffic control in accordance with California Manual on Uniform Traffic Control Devices (MUTCD) or such other traffic control standards as may be required by the Director of Public Works or identified on the permit. If the permitted work is located on an arterial or collector street, the permittee shall submit a traffic control plan that is stamped and signed by a licensed civil engineer for review by City staff prior to issuance of the permit. The permittee shall be required to file with the City such certificates of liability insurance with minimum limits as determined by the City, with insurance provisions as may be identified on the permit or otherwise required by the Director of Public Works. All permittees shall be solely responsible for all liabilities associated with their work carried out in performing excavations within City streets.

Exhibit E

Section 7-1.14 Moratorium against street excavations on newly improved streets. (additions in underline, deletions in ~~strikethrough~~):

- A. It shall be unlawful to excavate City streets that are subject to a moratorium against such excavation due to the completion of new street resurfacing, new construction, or reconstruction in accordance with the following schedule:
 - i. Excavations are subject to a moratorium pursuant to this chapter and shall not be permitted within a period of three (3) years from the date of issuance by City of a Notice of Completion on City streets that have received a surface treatment consisting a slurry seal, cape seal, "3-Layer" pavement surfacing, or such other pavement maintenance where such improvement does not exceed one inch (1") in depth.
 - ii. Excavations are subject to a moratorium pursuant to this chapter and shall not be permitted within a period of five (5) years from the date of issuance by City of a Notice of Completion on City streets that have been newly constructed, or resurfaced and reconstructed where such resurfacing or reconstruction improvement exceeds one inch (1") in depth.
- B. The Director of Public Works may grant an exemption to the street excavation moratorium pursuant to this chapter and may issue permits for excavations in accordance with additional backfill and resurfacing specifications as may be identified in the permit for such excavation and pursuant to the Public Improvement Standards adopted by the City for excavation backfill and resurfacing within City streets subject to a moratorium.

Exhibit F

Section 7-1.15 Moratorium, permits: required. (additions in underline, deletions in ~~strikethrough~~):

It shall be unlawful to trench, cut, dig, make or cause any excavation in any City street subject to a moratorium pursuant to 7-1.14 unless the permittee shall have first obtained a permit to do so. Any person or party, including a public utility, who is required excavate a City street subject to a moratorium against such excavation shall obtain a permit and shall be responsible for the full cost of plan preparation, plan review, construction inspection, material testing, bonding, and all other expenses related to the work.

Exhibit G

Section 7-1.16 Moratorium, backfill and resurfacing requirements. (additions in underline, deletions in ~~strikethrough~~):

Backfill and restoration of streets subject to a moratorium pursuant to 7-1.14 shall include additional backfill, resurfacing, surface grinding, aggregate base, sub-base repairs, and striping or other related work as needed, and may include up to full-width surface restoration of the City street as may be required by the Director of Public Works and identified on the permit for such excavation. It is expressly understood that the act of excavating a recently maintained, reconstructed or constructed City street diminishes the life of the pavement and deteriorates the condition of the City street, and any permittee requiring an excavation on a City street subject to a moratorium pursuant to 7-1.14 shall be required to comply with such additional backfill and resurfacing requirements as adopted by the City in its Public Improvement Standards that are deemed necessary to restoring the condition of the City street to as close as practical to the condition as existed prior to such excavation.

Exhibit H

Section 7-1.17 Coordination of public utility excavations. (additions in underline, deletions in ~~strikethrough~~):

It is the City's intent to proactively coordinate with all parties, including privately owned or public utility companies, that operate and maintain underground utilities within City streets, either subject to permits issued in accordance with this chapter, or by franchise or otherwise. Public or privately owned utility companies shall coordinate with the Director of Public Works in advance of any planned work to maintain or extend existing underground utilities or install new underground utilities to minimize the damage to City streets that may be caused by multiple excavations within City streets, or damage caused by excavating newly constructed or recently reconstructed or resurfaced City streets. On an annual basis each January, all publicly or privately owned utility companies operating underground utilities within the City shall prepare and submit to the Director of Public Works a list of City streets that are subject to planned utility work for the ensuing two-year period or shall provide notice that no utility work is planned for such period. Notice shall subsequently be provided immediately upon a determination that unanticipated utility work has been planned, and a tentative schedule submitted therefore. To the greatest extent practical, based on the planned utility work information provided to the City, the Director of Public Works may coordinate the scheduling of street maintenance and resurfacing work with planned utility work; however, permittees remain solely responsible for compliance with the provisions of this chapter regardless of the City's scheduling of its street maintenance and resurfacing or reconstruction projects.