

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 2022

(Amendment to Require Notice for Permits to Work in the Public Way)

An ordinance amending sections 14.32.030 and 14.32.035 and inserting a new section 14.32.036 of the *Salt Lake City Code* pertaining to notice of permits to work in the public way.

WHEREAS, the City Engineer has by policy requested that holders of a permit to work in the public way provide notice of such work to adjacent property owners prior to commencing such work; and

WHEREAS, the City Council desires that where there is construction in the public way, the City will require that notice is given to adjacent property owners as a requirement to obtain a permit to work in the public way; and

WHEREAS, the City Council now desires to amend this ordinance; and

WHEREAS, the City Council finds that this ordinance is in the best interest of the public.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of Salt Lake City Code Section 14.32.030. That Section 14.32.030 of the *Salt Lake City Code* (Permit Application Requirements) shall be and hereby is amended as follows:

14.32.030: PERMIT APPLICATION REQUIREMENTS:

A. ~~The permit application~~~~Applications for a permit shall be filed with the City Engineer on a form or forms to be furnished by the City Engineer, and~~ shall contain, as applicable:

1. The name, address, telephone number, and ~~faesimile-number~~email of the applicant. Where an applicant is not the owner or in sole control of the facility to be installed, maintained or repaired in the public way, the application also shall include the name, address, telephone number, and ~~faesimile-number~~email of the owner;

2. A description of the location, purpose, method of the proposed work, and surface and subsurface area to be affected;

3. Where required by the City Engineer, a~~A~~ plan showing the proposed location of the work and the dimensions of any excavation and the facilities to be installed, maintained, or

31 repaired in connection with the work, and such other details, existing utilities, and drawing
32 standards as the City Engineer may require;

33
34 ~~4.— A copy or other documentation of the use permit authorizing the applicant or owner to~~
35 ~~use or occupy the public way for the purpose described in the application, including the~~
36 ~~appropriate franchise agreement or master license agreement. Where the applicant is not the~~
37 ~~owner of the facility or facilities to be installed, maintained, or repaired, the applicant must~~
38 ~~demonstrate in a form and manner specified by the City Engineer that the applicant is~~
39 ~~authorized to act on behalf of the owner;~~

40 5.4.

41 - The proposed start date of the work;

42
43 6.5. The proposed duration of the work, ~~which shall include~~including the duration of
44 the restoration of the public way physically disturbed by the work;

45
46 7.6. The applicant's signature, certifying~~Written certification~~ that all material to be
47 used in the work and restoration of the public way, will be on hand and ready for use so as
48 not to delay the work and the prompt restoration of the public way;

49
50 8.7. The applicant's signature, committing ~~Written certification~~ that the applicant ~~and~~
51 ~~owner are will perform the work~~ in compliance with all terms and conditions of this chapter,
52 ~~the orders,~~ and all applicable ~~rules and engineering~~ regulations ~~of the City Engineer, and that~~
53 ~~the applicant and owner are not subject to any outstanding assessments, fees or penalties that~~
54 ~~have been finally determined by the City;~~

55
56 9.8. Evidence that applicant carries of insurance as required by either
57 section 14.32.065 ~~of this chapter~~ or the applicable agreement with the City;

58
59 10.9. A performance deposit security device as required by section 14.32.070 ~~of this~~
60 ~~chapter;~~

61
62 11.10. A scaled site plan, rendering or photo simulation, scaled elevation view and
63 other supporting drawings and calculations, showing the location and dimension of all
64 improvements. The submittal must include sufficient information to determine compliance
65 with the standards and requirements of this chapter, specifically including information
66 concerning structure height and location within the public way, compliance with the City's
67 intersection and driveway sight distance standards, and compliance with the ADA;

68
69 12.11. Evidence of all regulatory approvals, permits, authorizations or licenses for the
70 offering of such services from the appropriate Federal, State, and local authorities (whether
71 the services are being offered by the permit provider or another person), upon request of
72 City;

73
74 ~~13.12.~~ Evidence that the ~~owner-franchise holder~~ (if not the applicant) has provided
75 permission to perform the work on behalf of the ~~owner-franchise holder~~ and, if applicable,
76 permission to use or attach to ~~owner's-franchise holder's~~ property in the public way; and

77
78 ~~14.13.~~ Any other information that may reasonably be required by the City Engineer.
79

80 SECTION 2. Amending the Text of Salt Lake City Code Section 14.32.035. That Section 14.32.035
81 of the *Salt Lake City Code* (Permit Application Approval Criteria) shall be and hereby is amended as follows:

82 **14.32.035: PERMIT APPLICATION APPROVAL CRITERIA:**

83 A. ~~Factors to be considered by the City in~~ In reviewing the permit application for approval,
84 ~~and the scope and timing of approved work, shall include~~ the City Engineer shall consider, among
85 other things, the following:

86 1. The capacity of the public way to accommodate the facilities proposed to be constructed
87 and installed, and the compatibility of such new facilities with existing facilities;
88

89 2. Any damage to or disruption of public or private facilities, improvements, or
90 landscaping ~~then existing~~ in the public way;
91

92 3. The capacity of the public way to accommodate multiple work in the public way
93 projects or other conflicting uses of the public way;

94 ~~3. The public interest in minimizing the cost and disruption of construction from numerous~~
95 ~~excavations in the public way;~~
96

97 4. Any ~~then existing~~ excavation restrictions imposed by the City Engineer pursuant to
98 section 14.32.085 ~~of this chapter~~;
99

100 5. The availability of alternatives to excavation, including, without limitation, the
101 existence of excess capacity in the public way, or the feasibility of using tunneling, boring, or
102 other trenchless technology;
103

104 6. The qualifications and reputation of the applicant;
105

106 7. The financial strength of the applicant, including the applicant's ability to provide the
107 required ~~bonding and~~ security; and
108

109 ~~7.8.~~ Notice to adjacent properties has been accomplished as described in 14.32.036. ~~and~~
110

111 ~~8. Potential conflicts with other uses of the public way.~~

B. The City Engineer may deny the issuance of permits to persons who have shown by past performance that they will not consistently conform to the engineering regulations, construction specifications, design standards or the requirements of this chapter; provided that prior to any such denial, such person shall be given written notice of the basis for such denial; and shall be given a reasonable opportunity to be heard in connection therewith.

C. When necessary, in the judgment of the City Engineer, to fully determine the relationship of the work proposed to existing or proposed facilities within the public ways, or to determine whether the work proposed complies with the engineering regulations, construction specifications and design standards, the City Engineer may require the filing of engineering plans, specifications and sketches showing the proposed work in sufficient detail to permit determination of such relationship or compliance, or both, and the application shall be deemed suspended until such plans and sketches are filed and approved.

D. The disapproval or denial of an application by the City Engineer may be appealed by the applicant to the Director of Public Services, by the filing of a written notice of appeal within ten (10) days of denial. The Director of Public Services shall hear such appeal and render his/her decision, within fifteen (15) days following notice of such appeal.

E. In approving or disapproving work within the public way, or permits therefor; in the inspection of such work; in reviewing plans, sketches or specifications; and generally in the exercise of the authority conferred upon him/her by this chapter, the City Engineer shall act in such manner as to preserve and protect the public way and the use thereof.

SECTION 3. Inserting a new Salt Lake City Code Section 14.32.036. That Section 14.32.036 of the Salt Lake City Code (Notice Requirements) shall be and hereby is inserted as follows:

A. Prior to the City issuing a Work in the ROW permit, notice of the proposed work shall be delivered by the applicant to the adjacent properties, except as otherwise provided herein. Notice will be paid for and delivered by applicant unless otherwise determined by the City Engineer.

1. "Adjacent properties" means (a) the property(ies) with a boundary contiguous to the portion of the public way where the work is proposed, and (b) one property on each side of the contiguous property(ies).

a. With respect to proposed work located below ground and behind the curb and gutter, notice shall be delivered to the adjacent properties on the same side of the public way as the proposed work.

b. With respect to proposed work located below ground and in the paved section of the public way, notice shall be delivered to the adjacent properties on both side of the public way.

c. With respect to proposed work located above ground, notice shall be delivered to the adjacent properties on both sides of the public way.

d. Notice shall be provided to every adjacent property contiguous to the work location, regardless of whether the work is below ground or above ground.

2. The notice shall meet the following requirements:

a. Notice shall be given by either:

(i) placing a door hanger or flyer on the building on each adjacent property in a conspicuous location and affixed in a manner that it won't easily be dislodged by weather, or

(ii) mailing notice to the occupant and, if a separate address, the record owner of the adjacent property. The notice must be mailed if the adjacent property is a vacant lot.

(iii) If a multi-unit building is located on an adjacent property, notice must be mailed to the owner of the building and occupant of each unit, and to the record owner of each unit if a separate address.

b. Each notice shall contain the name of the permit applicant and a local contact phone number and email address for the permit applicant.

c. Each notice shall describe the reason for the construction, the anticipated date(s) of construction, and whether the street will be closed due to construction.

3. If notice is delivered by the applicant, evidence of satisfactory notice means a construction drawing showing which properties were noticed, a copy of the provided notice, and any of the following: an affidavit from the permit applicant confirming delivery of notice and the date notice was delivered, a photo showing the notice on the building and property address, a certificate of mailing, or a signed receipt for certified mail delivery. If the City provides the notice, it shall keep a record of how and where the notice was delivered.

4. No notice shall be required in the following situations:

a. Any work where a permit is not required.

b. Emergency situations.

c. Certain maintenance type activities where the street remains passable and unrestricted, such as snow plowing, street sweeping, street patching activities, and pothole repairs.

d. Replacement work where the work is replacing like for like (example -replacing a section of sidewalk with the same width sidewalk).

e. Placement of a dumpster, POD, or other obstruction for less than 8 days.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its passage.

Passed by the City Council of Salt Lake City, Utah, this ____ day of _____, 2022.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.
Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2022.
Published: _____.

Approved As To Form
Salt Lake City Attorney's Office

By: _____

Kimberly K. Chytraus

Date: _____