ORDINANCE NO. 2024-03

AN ORDINANCE ESTABLISHING WORKING HOURS FOR NON-EMERGENCY WORK ON PUBLIC RIGHTS-OF-WAY, STREETS AND ROADWAYS; PROVIDING FOR PERMITTING FOR SUCH WORK; AND MAKING EXCEPTIONS FOR EMERGENCY WORK

WHEREAS, due to damage caused by other entities doing utility work, the Town has experienced considerable after hours need for repair of the Town's water lines on public rights-of-way, requiring after hours and overtime labor, material and equipment expenses for the Town, as well as other disruptive effects; and

WHEREAS, the Town Council finds that it is appropriate to adopt regulations as to the hours of the day during which non-emergency work on the public streets, roadways, and rights-of-way can be conducted.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Trinity, Alabama, as follows, to-wit:

Section 1. Definitions.

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

Street means any and all public highways, streets, roads or other public ways within the municipal limits of the Town of Trinity.

Right-of-way means any public right-of-way or easement within the Town limits of the Town of Trinity.

Town Official means the Mayor, Building Inspector or other person designated by the Mayor or the Council to administer and enforce the provisions of this Ordinance.

Utility means water lines, sewer lines, electric transmission lines, communication lines or

any other public utility line or infrastructure.

Section 2. Non-Emergency Work

Unless specifically authorized by the Town Official, no non-emergency work involving any boring, open cut, excavation or other work which could cause damage to any underground utility within any public street or right-of-way shall take place other than between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. No such work shall be allowed on Saturday or Sunday unless specifically authorized by the Town Official.

Section 3. Town Approval Required

No person shall commence or do any work involving any boring, open cut or excavation, or perform any other work that could cause damage to any underground utility situated within any public street or right-of-way without the approval of the Town Official. Before any such work shall commence, such person shall notify the Town Official of the intention to commence the work; and the Town Official shall promptly evaluate the application and issue a permit for the work. This permit shall contain specification for repair of the street or right-of-way, including specification of materials and methods to be used. It shall also specify any inspections to be made. All persons performing such work shall do so in accordance with the specifications of the permit, and failure to comply with the specifications, obtain any required permit or inspections or comply with any other provision of this Ordinance shall be unlawful.

Section 4. Exception To Town Approval

The provisions of Section 2 and 3 notwithstanding, no prior permission shall be required by a person possessing a franchise or other lawful right to perform work upon any street or right-

of-way in the event of a bona fide emergency requiring such work; but such persons shall give prompt notice of taking such action to the Town Official and shall be required to repair such bores, cuts or excavations in accordance with standards specified by the Town Official.

Section 5. Exceptions

This Ordinance shall not apply to work conducted by the Town of Trinity, or to any contractor of the Town to whom any exemption has been granted.

Section 6. Effective Date

This Ordinance shall be deemed effective upon its adoption and publication according to law.

ADOPTED and **APPROVED** this 25th day of March, 2024.

Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

Ashley Patterson, Town Clerk

LWM/zip0324/trinity.ordinance.waterlinesafterhourswork
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Ashley C. Patterson
Notary Public, Alabama State at Large
My Commission Expires October 8, 2024