

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 2020

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

An ordinance amending sections 14.32.030 and 14.32.035 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 an above ground installation, notice to adjacent property owners will be 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.— The proposed start date of the work; A copy or other documentation of the use permit~~
35 ~~authorizing the applicant or owner to use or occupy the public way for the purpose described~~
36 ~~in the application, including the appropriate franchise agreement or master license~~
37 ~~agreement. Where the applicant is not the owner of the facility or facilities to be installed,~~
38 ~~maintained, or repaired, the applicant must demonstrate in a form and manner specified by~~
39 ~~the City Engineer that the applicant is 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 13. For all above ground installations, evidence that the applicant has provided notice to all
79 property owners whose properties are adjacent to the portion of the public way where the
80 work is being performed. The notice shall contain the name of the permit holder, the purpose
81 of the construction, and a contact phone number and email for the permit holder. Such
82 evidence shall be satisfactory to the City Engineer that all adjacent property owners have
83 received notice; and

84
85 14. Any other information that may reasonably be required by the City Engineer.

86
87
88 SECTION 2. Amending the Text of Salt Lake City Code Section 14.32.035. That Section 14.32.035
89 of the *Salt Lake City Code* (Permit Application Approval Criteria) shall be and hereby is amended as follows:

90 **14.32.035: PERMIT APPLICATION APPROVAL CRITERIA; APPROVAL OR**
91 **DENIAL:**
92

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

- 96 1. The capacity of the public way to accommodate the facilities proposed to be constructed
97 and installed, and the compatibility of such new facilities with existing facilities;
98
99 2. Any damage to or disruption of public or private facilities, improvements, or
100 landscaping ~~then-existing~~ in the public way;

101
102 3. The capacity of the public way to accommodate multiple work projects in the public
103 way or other conflicting uses of the public way;

104 ~~3.—The public interest in minimizing the cost and disruption of construction from numerous~~
105 ~~excavations in the public way;~~

106
107 4. Any ~~then-existing~~ excavation restrictions imposed by the City Engineer pursuant to
108 section 14.32.085 ~~of this chapter;~~

- 109
110 5. The availability of alternatives to excavation, including, without limitation, the
111 existence of excess capacity in the public way, or the feasibility of using tunneling, boring, or
112 other trenchless technology;
113
114 6. The qualifications and reputation of the applicant;
115
116 7. The financial strength of the applicant, including the applicant's ability to provide the
117 required ~~bonding and~~ security; and
118
119 7.8. Evidence that tThe applicant has provided required notice to adjacent property
120 owners.~~and~~
121
122 ~~8. Potential conflicts with other uses of the public way.~~

123
124 B. The City Engineer may deny the issuance of permits to persons who have shown by past
125 performance that they will not consistently conform to the engineering regulations, construction
126 specifications, design standards or the requirements of this chapter; provided that prior to any
127 such denial, such person shall be given written notice of the basis for such denial, and shall be
128 given a reasonable opportunity to be heard in connection therewith.

129
130 C. When necessary, in the judgment of the City Engineer, to fully determine the relationship
131 of the work proposed to existing or proposed facilities within the public ways, or to determine
132 whether the work proposed complies with the engineering regulations, construction
133 specifications and design standards, the City Engineer may require the filing of engineering
134 plans, specifications and sketches showing the proposed work in sufficient detail to permit
135 determination of such relationship or compliance, or both, and the application shall be deemed
136 suspended until such plans and sketches are filed and approved.

137
138 D. The disapproval or denial of an application by the City Engineer may be appealed by the
139 applicant to the Director of ~~Public Services~~Community and Neighborhoods, by the filing of a
140 written notice of appeal within ten (10) days of denial. The Director of Community and
141 Neighborhoods~~Public Services~~ shall hear such appeal and render his/her decision, within fifteen
142 (15) days following notice of such appeal.

143
144 E. In approving or disapproving work within the public way, or permits therefor; in the
145 inspection of such work; in reviewing plans, sketches or specifications; and generally in the
146 exercise of the authority conferred upon him/her by this chapter, the City Engineer shall act in
147 such manner as to preserve and protect the public way and the use thereof.
148

149 SECTION 3. Effective Date. This ordinance shall become effective on the date of its
150 passage.

151 Passed by the City Council of Salt Lake City, Utah, this ____ day of _____, 2020.

152

153

154

155

CHAIRPERSON

156

157 ATTEST AND COUNTERSIGN:

158

159

160

CITY RECORDER

162

163

164 Transmitted to Mayor on _____.

165 Mayor's Action: _____ Approved. _____ Vetoed.

166

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MAYOR

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CITY RECORDER

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174 (SEAL)

175

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177 Bill No. _____ of 2020.

178 Published: _____.

179

Approved As To Form
Salt Lake City Attorney's Office
By: _____
Kimberly K. Chytraus
Date: _____

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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 plan showing the proposed location of the work and the dimensions of any excavation and the facilities to be installed, maintained, or

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

4. The proposed start date of the work;
5. The proposed duration of the work, including the duration of the restoration of the public way physically disturbed by the work;
6. The applicant's signature, certifying that all material to be used in the work and restoration of the public way, will be on hand and ready for use so as not to delay the work and the prompt restoration of the public way;
7. The applicant's signature, committing that the applicant will perform the work in compliance with all terms and conditions of this chapter, and all applicable engineering regulations;
8. Evidence that applicant carries insurance as required by either section 14.32.065 or the applicable agreement with the City;
9. A security device as required by section 14.32.070;
10. A scaled site plan, rendering or photo simulation, scaled elevation view and other supporting drawings and calculations, showing the location and dimension of all improvements. The submittal must include sufficient information to determine compliance with the standards and requirements of this chapter, specifically including information concerning structure height and location within the public way, compliance with the City's intersection and driveway sight distance standards, and compliance with the ADA;
11. Evidence of all regulatory approvals, permits, authorizations or licenses for the offering of such services from the appropriate Federal, State, and local authorities (whether the services are being offered by the permit provider or another person), upon request of City;
12. Evidence that the franchise holder (if not the applicant) has provided permission to perform the work on behalf of the franchise holder and, if applicable, permission to use or attach to franchise holder's property in the public way;
13. For all above ground installations, evidence that the applicant has provided notice to all property owners whose properties are adjacent to the portion of the public way where the work is being performed. The notice shall contain the name of the permit holder, the purpose of the construction, and a contact phone number and email for the permit holder. Such evidence shall be satisfactory to the City Engineer that all adjacent property owners have received notice; and
14. Any other information that may reasonably be required by the City Engineer.

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

14.32.035: PERMIT APPLICATION APPROVAL CRITERIA; APPROVAL OR DENIAL:

A. In reviewing the permit application for approval, the City Engineer shall consider, among other things, the following:

1. The capacity of the public way to accommodate the facilities proposed to be constructed and installed, and the compatibility of such new facilities with existing facilities;
2. Any damage to or disruption of public or private facilities, improvements, or landscaping in the public way;
3. The capacity of the public way to accommodate multiple work projects in the public way or other conflicting uses of the public way;
4. Any existing excavation restrictions imposed by the City Engineer pursuant to section 14.32.085;
5. The availability of alternatives to excavation, including, without limitation, the existence of excess capacity in the public way, or the feasibility of using tunneling, boring, or other trenchless technology;
6. The qualifications and reputation of the applicant;
7. The financial strength of the applicant, including the applicant's ability to provide the required security; and
8. Evidence that the applicant has provided required notice to adjacent property owners.

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 Community and Neighborhoods, by the filing of a written notice of appeal within ten (10) days of denial. The Director of Community and Neighborhoods 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. 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 _____, 2020.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

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

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2020.
Published: _____.

Approved As To Form
Salt Lake City Attorney's Office
By: Kimberly K. Chytraus
Kimberly K. Chytraus
Date: January 5, 2021