



CITY OF LYONS

PHONE: (503)859-2167

FAX: (503)859-5167

www.cityoflyons.org

449 5TH STREET

LYONS, OREGON 97358

cityoflyons@wavecable.com

Tuesday, July 25, 2000

TO: Organizations Involved in Cutting Streets within the City of Lyons for Utility and Other Projects

FROM: William M. Hatt, Mayor, City of Lyons

RE: Street Cutting Procedures and Standards

The Lyons City Council recently adopted Ordinance P10-54, "An Ordinance Regulating the **Cutting and Excavation of Streets** for the Purpose of Constructing, Installing, Maintaining and Operating Public Utility Facilities". The purpose of this memo is to make you aware of and familiarize you with the procedure to be used when cutting City streets for utility and other projects.

Following is the procedure to be used when City streets are to be cut or excavated as a part of a utility or other project:

1. The organization or individual who intends to cut or excavate within the right of way of a City street shall contact City Hall at least two working days before work is scheduled to begin. Notice can be accomplished by phone, fax, or other means. The City of Lyons phone number is (503) 859-2167. The fax number is (503) 859-5167. City Hall is open from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday. City Hall is located at 449 5th Street in Lyons.
2. When initial contact is made, the organization or individual shall provide City staff with basic information about the project including:
 - a. The date of request.
 - b. Name of organization or individual making the request.
 - c. The date work is scheduled to begin.
 - d. The precise location of the street or streets scheduled to be cut.
 - e. The nature of the project (to install a gas line, to repair a water line, etc.)
 - f. The type of cut or excavation to be made.
 - g. When the work is scheduled to occur.
 - h. When the work is to be completed, the street is to be repaired and all debris removed from the site.
 - i. An individual to contact who is responsible for the project (including address and telephone number).

3. Within two working days after initial contact is made, the project may begin. **NOTE: if there is an emergency situation, the project may begin without notification. However, notification should be made to the City on the next working day.**
4. City staff will provide the project information to the Street Commissioner as soon as possible after initial contact is made. The Street Commissioner will supervise the project on behalf of the City. He is free to monitor and evaluate the project at any time.
5. When the project is completed, the street is repaired, and all debris has been removed from the project site, the responsible organization or individual shall notify the City and the City shall make a final inspection. Work must be completed to the satisfaction of the City and the Street Commissioner will make a decision on behalf of the City.

The street overlay or restoration of a cut shall meet all requirements as outlined in the Street and Engineering Standards as adopted by the City. A copy of the standards is attached to this memo. (Exhibit #1, Resolution #245.)

Work to repair and restore any excavation or cut shall be completed within 15 days, except that during periods of inclement weather, the City may extend the time period.

If the organization or individual fails to promptly repair the street within the established time period, to a condition which is acceptable to the City, the City shall make the repair, and the cost thereof shall be reimbursed to the City by the organization or individual.

Any violation of these standards shall be enforced pursuant to the City of Lyons Enforcement Ordinance. A copy of the Ordinance P10-54 is attached.



CITY OF LYONS

PHONE: (503)859-2167
FAX: (503)859-5167
www.cityoflyons.org

449 5TH STREET
LYONS, OREGON 97358
cityoflyons@wavecable.com

REQUEST FOR STREET CUTTING OR EXCAVATION

Date of Request _____

Date Work Scheduled to Begin _____

Name of Organization or Individual Making Request _____

Date Work is Scheduled to be Completed _____

Date Street Restoration is to Occur _____

Location of the Project:

Precise Location and Street Name Where Cut is to be Made _____

Purpose of the Project: _____

Type of Cut or Excavation to be Made: _____

Name of Individual to be Contacted Who is Responsible for the Project:

Name _____ Phone Number _____

Address _____

Fax Number _____ E-Mail _____

Requested by: _____

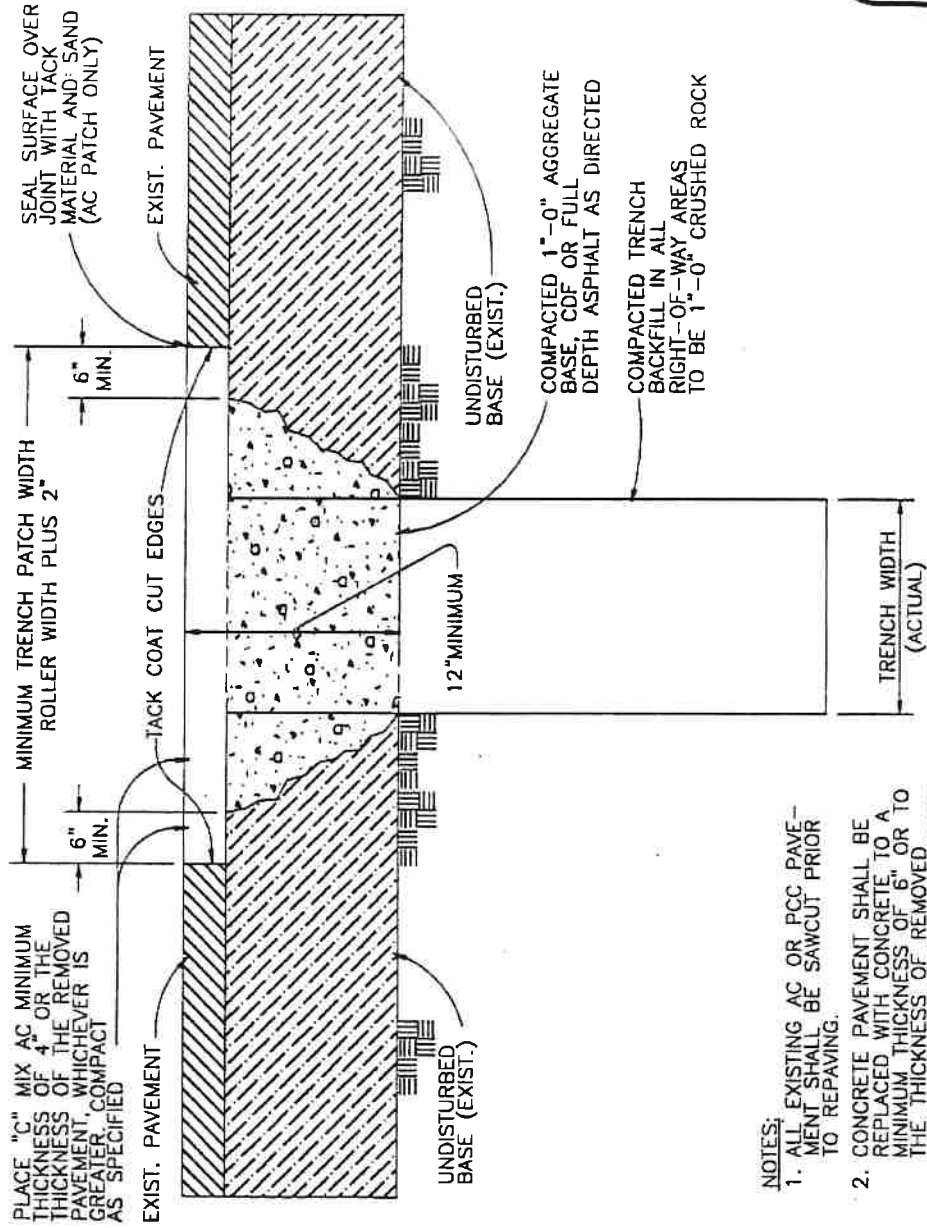
For City of Lyons Use:

Name of Person Accepting request on Behalf of the City:

Date Approved:

Special Instructions from City: **Promptly repair and restore the affected portion of the street to previous condition.**

Thank you for notifying us.



NOTES:

1. ALL EXISTING AC OR PCC PAVEMENT SHALL BE SAWCUT PRIOR TO REPAVING.
2. CONCRETE PAVEMENT SHALL BE REPLACED WITH CONCRETE TO A MINIMUM THICKNESS OF 6" OR TO THE THICKNESS OF REMOVED PAVEMENT, WHICHEVER IS GREATER.
3. IF EXISTING BASE MATERIAL IS CTB OR ATB, THEN REPLACEMENT BASE MATERIAL SHALL MATCH EXISTING.

Date: 4-13-00
 Dwn By: DEL
 Scale: NONE

City of Lyons, Oregon

STREET PATCH
 DETAILS &
 STANDARDS

CITY OF LYONS

ORDINANCE NO. P10-54

AN ORDINANCE REGULATING THE CUTTING AND EXCAVATION OF STREETS FOR THE PURPOSE OF CONSTRUCTING, INSTALLING, MAINTAINING AND OPERATING PUBLIC UTILITY FACILITIES.

THE CITY OF LYONS ORDAINS AS FOLLOWS:

WHEREAS, Public Utility Agencies providing necessary public utilities within the City of Lyons from time to time find it necessary to excavate or cut into public streets within the City in order to construct, install, maintain and/or operate its utility facilities, and

WHEREAS, the unregulated cutting or excavation of streets within the City of Lyons has resulted in street repairs which are of poor quality, which are not as durable as the existing road improvements, and which result in a need to repair or replace the street at a much earlier time than should have been the case, and

WHEREAS, the failure to maintain a consistent quality of roadway when such improvements are made, has resulted in considerable inconvenience and expense to the citizens of the City of Lyons and to other people using the City's street system;

NOW, THEREFORE, BE IT HEREBY RESOLVED

Section 1. Street Excavations and Restorations.

1. Subject to the provisions of this ordinance, a Public Utility Agency operating within the City of Lyons or other party authorized by the City of Lyons may make necessary excavations within the street right of way for the purpose of constructing, installing, maintaining and operating its public utility facilities or similar improvements. Except in emergencies, and in the performance of making routine service connections and ordinary maintenance, prior to making a cut or excavation in the right of way of any street, the Public Utility Agency or other authorized party shall obtain approval from the City for the proposed cut or excavation and its location. The Public Utility Agency shall give notice to the City by telephone, fax, or other appropriate means.
 - (a) two working days prior to the commencement of service or maintenance work; or
 - (b) as soon as is practicable after the commencement of work performed under emergency conditions.

2. When any excavation or cut is made by a Public Utility Agency or other authorized party, that agency shall promptly repair the affected portion of the street. If the Public Utility Agency or other authorized party fails to repair the affected portion of the street within the time period as set out in the authorization, to a condition acceptable to the City, the City shall make the repair, and the cost thereof shall be reimbursed to the City by the Public Utility Agency or other authorized party.
3. The authorized time period for street repair shall not exceed 15 days, except that during periods of inclement weather, the City may extend the time period.
4. Upon completion of work, all surplus earth, rock, debris, rubbish or other materials shall be removed immediately and the street restored to a condition as good as or better than what existed prior to the work.

Section 2. Location and Relocation of Facilities.

1. All facilities of the Public Utility Agency shall be placed so that they do not interfere unreasonably with the use by the City and by the public of the streets. They shall be placed in accordance with the specifications adopted by the City governing the location of facilities. In the absence of Street Design and Engineering Standards, the improvement shall be accomplished as directed by the Street Commissioner, or his designee.
2. The City may require, in the public interest, the removal or relocation of facilities maintained by the Public Utility Agency in the street right of way of the City. The Public Utility Agency shall remove and relocate the facility within a reasonable time after receiving written notice to do so from the City of Lyons. The cost of such removal or relocation of these facilities shall be paid by the Public Utility Agency. When such removal or relocation is required for the convenience or benefit of any person, governmental agency or instrumentality other than the City, the Public Utility Agency shall be entitled to reimbursement for the reasonable cost thereof from such person, agency or instrumentality.

Section 3. City Approval of Cut or Excavation Restoration Projects.

1. The overlay or restoration of a cut shall meet all requirements as outlined in the Street Design and Engineering Standards adopted by the City and shall be approved by the Street Commissioner. In the absence of Street Design and Engineering Standards, the overlay or restoration of a cut shall be accomplished as directed by the Street Commissioner, or his designee.
2. In the absence of the Street Commissioner, the Mayor shall appoint another council member to temporarily fill the position of the Street Commissioner, or shall designate the City Engineer to fill the position on a temporary basis.

3. Whenever it is determined necessary or appropriate, the Street Commissioner shall request assistance in making a decision by the City Engineer or by the City Council.
4. All decisions made by the Street Commissioner shall be reported to the City Council at the next regularly scheduled meeting of the City Council.

Section 4. Enforcement and Penalty.

1. A violation of this ordinance shall be enforced pursuant to the City of Lyons Enforcement Ordinance.
2. Failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, or failure to comply with the conditions for the cut or excavation as approved by the City, shall subject the Public Utility Agency or other party authorized by the City who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance to the Enforcement Procedures and Penalties as specified by the City of Lyons Enforcement Ordinance.
3. A violation of the provisions of this Ordinance is declared to be an offense, but not a crime. It is intended to be an offense that can be disposed of in all respects as a civil proceeding and not governed by procedural, evidentiary, substantive, and constitutional rules applicable to criminal charges and proceedings. A party adjudged responsible for an infraction shall not be deemed "guilty" of an infraction and a judgment of responsibility shall not be deemed a "conviction" for any purpose.

Section 5. Emergency Clause. Whereas, the City Council of the City of Lyons considers it necessary that the foregoing Ordinance be enacted for the protection of the peace, health, safety, and welfare of the residents of the City of Lyons, Oregon, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council and its approval by the Mayor.

Passed by the Council this 21st day of
March, 2000

Approved: [Signature]
Mayor of the City of Lyons, Oregon

Date: 3-21-00

ATTEST:

By: [Signature]
Recorder of the City of Lyons, Oregon

Date: 3-21-00