

Table Re: Right-of-Way Management Ordinance Comparison of Selected Provisions			
Mesa Ordinance Provision	Buckeye, Chandler, El Mirage, Fountain Hills, Gilbert	Glendale, Litchfield Park, Paradise Valley, Peoria	Phoenix, Scottsdale, Surprise, Tempe
9-1-1 Definition of Terms EASEMENT, PUBLIC EASEMENT: An area of land over which the City of Mesa coordinates the locations of public or private improvements, underground or overhead, furnished for the use of the public; including electricity, gas, steam, communication, telecommunications, data transmission, cable TV, water, storm drainage, sewage, sidewalks, landscaping, traffic signals, streetlights, flood control, etc. owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations.	Buckeye CC 19-2-1(I): Public Place means any property owned, maintained or controlled by the City. Chandler CC 46-1: Public place shall mean any property owned, maintained or controlled by the City. El Mirage CC 151.001: Public Place. Any property owned, maintained or controlled by the City. Fountain Hills: [See definition of Right-of-Way] Gilbert CC 10-5(a): As used in this section, the phrases "right-of-way" and "utility easement" shall mean public rights-of-way and public utility easements of the town.		
9-1-1 Definition of Terms RIGHT-OF-WAY, PUBLIC RIGHT-OF-WAY: An area of land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved or dedicated to the City for public purposes including, but not limited to, street, highway, alley, public utility, pedestrian walkway, bikeway, or drainage. Within public rights-of-way, the City of Mesa coordinates the locations of public or private improvements, underground or overhead; including electricity, gas, steam, communication, telecommunications, data transmission, cable TV, water, storm drainage, sewage, sidewalks, landscaping, traffic signals, streetlights, flood control, pedestrian, roadway purposes, etc. owned and operated by any person, firm, company, corporation, municipal department, or board duly authorized by federal, state, or municipal regulations.	Buckeye CC 19-2-1(L): Right-of-Way means land, or utility right-of-way whether or not improved or accepted for maintenance, which by deed, conveyance agreement, easement, dedication, usage or process of law is reserved for the public and occupied or intended to be occupied by a street, highways, alley public, utility, pedestrian walkway, bikeway, drainage, curb, gutter, driveway, railroad, electric transmission line, oil or gas pipeline, water lines and facilities, sanitary or storm sewer lines and facilities, effluent lines and facilities, or for another public use. . . Chandler CC 46-1: Right-of-way means the same as streets and public ways as defined below. Chandler CC 46-1: Streets and public ways means the surface of and the space above and below any public street, sidewalk, right-of-way, alley, easement, or other public way of any type whatsoever, now or hereafter existing as such within the City. El Mirage CC 151.001: RIGHT-OF-WAY. The same as Highway as defined hereinabove. El Mirage CC 151.001: HIGHWAY. The full width of the right-of-way of any road, street, highway, alley, land, or pedestrian walkway used by or for the general public, whether or not the road, street, highway, alley, land or pedestrian right-of-way has been improved or accepted for maintenance by the city. HIGHWAY also means and includes land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes. Fountain Hills CC 13-3: Street means the surface, the air space above the surface and the area below the surface of any public street, road, highway, path, sidewalk, alley, court, easement or other public right-of-way or public place now or hereafter held by the town, County of Maricopa or State of Arizona for the purpose of public travel or public utilities.	Glendale CC 10-3: Streets and/or public ways: The surface of and the space above and below any public street, sidewalk, right-of-way, alley, right-of-way easement or other public way of any type whatsoever, now or hereafter existing as such within the city. Litchfield Park CC 7-16-1: As used in this section, the phrase “public right-of-way” shall mean rights-of-way dedicated to the public for roadway or other public purpose in which there are no utility easement rights acquired prior to such dedication. Paradise Valley CC 14-1-3(11): "Street" shall mean the surface of and the space above and below any public street, road, highway, freeway, easement, lane, path, alley, court, sidewalk, parkway, or driveway now or hereafter existing as such within the Town.	Phoenix CC 5B-2: Public highway or highway means all roads, streets and alleys and all other dedicated public rights-of-way and public utility easements of the City. Phoenix CC 5B-2: Rights-of-way shall have the same meaning as public highway or highway. Scottsdale CC 47-66(a): Right-of-way means land which by deed, conveyance, agreement, easement, dedication, patent, reservation, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, city utility, trail, path or sidewalk purposes. Surprise CC 42-23: Street means any street, highway, sidewalk, alley, avenue or other public way or public grounds in the city. Tempe CC 31A-2: Public highway or highway means all roads, streets and alleys and all other dedicated public rights-of-way and public utility easements of the city. Tempe CC 31A-32: Rights-of-way shall have the same meaning as public highway or highway.

<p>9-1-5: RELOCATION, JOINT LOCATION:</p> <p>(A) THE CITY RESERVES ITS PRIOR OR SUPERIOR RIGHTS TO LAY, CONSTRUCT, ERECT, INSTALL, USE, OPERATE, REPAIR, REPLACE, REMOVE, RELOCATE, REGRADE, WIDEN, REALIGN OR MAINTAIN ANY RIGHT-OF-WAY, AERIAL, SURFACE, OR SUBSURFACE IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO WATER MAINS, TRAFFIC CONTROL DEVICES, CABLE AND DEVICES, SANITARY SEWER, PIPES, TUNNELS, POLES, OVERHEAD FACILITIES, OR ANY OTHER CITY CONSTRUCTION WITHIN PUBLIC RIGHT-OF-WAY, CITY EASEMENTS AND PUBLIC EASEMENTS.</p> <p>1. WHEN THE CITY INVOKES ITS PRIOR OR SUPERIOR RIGHTS UNDER THIS SECTION, THE PERMITTEE SHALL MOVE ITS FACILITIES LOCATED IN THE RIGHT-OF-WAY, AT ITS OWN COST, TO SUCH A LOCATION AS THE CITY DIRECTS, UNLESS A CITY LICENSE, FRANCHISE, OR AGREEMENT PROVIDES OTHERWISE.</p> <p>2. WHEN THE CITY DIRECTS A PERMITTEE TO REMOVE OR RELOCATE ITS FACILITIES PURSUANT TO THIS SECTION, THE PERMITTEE SHALL REMOVE OR RELOCATE ITS FACILITIES WITHIN A REASONABLE TIME, BUT IN NO EVENT SHALL THE TIME PERIOD EXCEED THIRTY (30) DAYS. HOWEVER, THE CITY ENGINEER MAY EXTEND THIS TIME PERIOD IF SHE DETERMINES THAT THE CIRCUMSTANCES WARRANT SUCH AN EXTENSION.</p> <p>3. IF A PERMITTEE’S RELOCATION EFFORTS PURSUANT TO THIS SECTION DELAY THE CONSTRUCTION OF A MESA PROJECT TO THE EXTENT THAT THE CITY BECOMES LIABLE FOR DOCUMENTED DELAY DAMAGES, THE PERMITTEE SHALL REIMBURSE THE CITY FOR THE DOCUMENTED DAMAGES ATTRIBUTABLE TO THE DELAY CAUSED BY THE PERMITTEE.</p>	<p>Buckeye CC 19-2-8(F): Any encroachment including but not limited to pipes, conduit, wire, cable, appurtenances or other structures or facilities installed or maintained in, on or under any public place, right-of-way or other public surface or subsurface drainage facility, shall be relocated, at the sole expense of the permittee/owner of the utility, promptly upon request of the city as may be necessary to facilitate any public purpose, public utility or city project. . . .</p> <p>Chandler CC 46-2.6(F): Any encroachment including but not limited to pipes, conduit, wire, cable, appurtenances or other structures or facilities installed or maintained in, on or under any public place, right-of-way or other public surface or subsurface drainage facility, shall be relocated, at the sole expense of the permittee/owner of the utility, promptly upon request of the city as may be necessary to facilitate an public purpose, public utility or city project. . . . The Department will not exercise the right to require such relocation in an unreasonable or arbitrary manner.</p> <p>Chandler CC 46-8.12(M): The licensee shall from time to time protect, support, temporarily dislocate, temporarily or permanently as may be required, remove or relocate, without expense to the City any facilities installed, used or maintained under the license, if and when made necessary by any lawful change of grade, alignment, or width of any street and public way, by the City or any other governmental entity, or made necessary by any other public improvement or alteration in, under, on, upon or about any street and public way or other public property, whether such public improvement or alteration is at the instance of the City or another governmental entity, and whether such improvement or alteration is for a governmental or proprietary function, or made necessary by traffic conditions, public safety, street and public way vacation or any other public project or purpose of City or any other governmental entity.</p> <p>El Mirage CC 151.008(F): Any encroachment including but limited to pipes, conduit, wire, cable, appurtenances, or other structures or facilities installed or maintained in, on, or under any public place, right-of-way, or highway, shall be relocated, at the sole expense of the permittee, as may be necessary to facilitate a public purpose or any city project. The pavement restoration fee shall be waived by the Public Works Director for any relocation required by the city and is not an improvement for the owner of the facility. The relocations shall be under the same terms and conditions as the initial installation allowed pursuant to permit. The Department will not exercise the right to require the relocation in an unreasonable or arbitrary manner.</p> <p>Fountain Hills CC 13-8(F)(5): A licensee must remove, replace or modify at its own expense, any of its facilities within any public right-of-way when required to do so by the town manager to allow the town to change, maintain, repair, improve or eliminate a public thoroughfare. Nothing in this article shall prevent licensee from seeking and obtaining reimbursement from sources other than the town.</p> <p>Gilbert CC 10-5(d) Location and relocation of facilities in rights-of-way</p>	<p>Glendale CC 10-67: Prior Rights</p> <p>(a) The city reserves the prior and superior right to construct, erect, install, use, operate, repair, replace, remove, relocate, regrade, widen, realign or maintain any streets and public ways or any aerial, surface or subsurface improvement, including water mains, traffic control conduits, cable and devices, sanitary or storm sewers, subways, tunnels, bridges, viaducts or any other public construction within the streets and public ways.</p> <p>(b) When the city uses its prior and superior right to the streets and public ways, a licensee shall move its property located in the streets and public ways, at its own cost, to such a location as the city directs. Notwithstanding the foregoing, if the public purpose project is paid for totally or in part by non-public funds (including non-public fund reimbursement or repayment of public funds), then a licensee's costs of moving its property shall be borne by the source of the non-public funds in the same ratio as the non-public funds bear to the total project costs.</p> <p>Glendale CC 10-68: Construction Conflicts.</p> <p>If the city determines during the course of a project that a licensee's facilities are in conflict with the city's use of the streets and public ways, the following shall apply:</p> <p>(a) Prior to city notice to proceed to the city's contractor, the licensee shall remove or relocate the conflicting facility within a reasonable time not to exceed three (3) months, unless otherwise agreed by the city. The relocation period shall begin running upon receipt by the licensee of written notice from the city.</p> <p>Glendale CC 10-71: Construction delays; damages.</p> <p>(b) If a licensee's construction, relocation or operation of a cable system so delays construction of a public project causing the city to be liable for delay damages, the licensee shall reimburse the city for those damages attributable to the delay created by the licensee.</p> <p>Litchfield Park CC The installation, use and maintenance of the permittee’s facilities within the public rights-of-way authorized herein shall be in such a manner as not to interfere with placement, construction, use, and maintenance of public rights-of-way, street lighting, water pipes, drains, sewers, traffic signal systems, or other utility systems that have been, or may be, installed, maintained, used or authorized by the city. Upon the city’s request, the permittee’s facilities will be relocated at permittee’s expense (unless state law expressly requires otherwise). Upon the city’s request, by a time specified by the city, if the permittee fails to move its facilities, the city may do so and will bill the permittee the costs therefor and the permittee shall pay those costs within thirty days after its receipt of the invoice therefor. Further, the permittee shall reimburse the city any additional cost the city incurs due to the location or relocation of the permittee’s facilities, including all design and construction costs.</p> <p>Conflict with City Projects.</p> <p>Litchfield Park CC 17-16-4(L):</p> <p>1. Identification of Conflict. If, during the design process of public improvements, the city discovers a potential conflict with proposed construction, the permittee shall either:</p>	<p>Phoenix CC 5B-12(b): The City reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, regrade, widen, realign, or maintain any rights-of-way, aerial, surface, or subsurface improvements, including, but not limited to, water mains, traffic control conduits, cable and devices, sanitary or storm sewers, subways, tunnels, bridges, viaducts, or any other public construction within the rights-of-way of the City.</p> <p>(c) When the City invokes its prior superior right to the rights-of-way, the provider shall move its facilities located in the rights-of-way, at its own cost, to such a location as the City directs.</p> <p>(d) If, during the course of a project, the City determines provider’s facilities are in conflict, the following shall apply:</p> <p>(1) Prior to City notice to proceed to contractor: The provider shall, within a reasonable time, but in no event exceeding one month, remove or relocate the conflicting facility. This time period shall begin running upon receipt by the provider of written notice from the City. However, if both the City and the provider agree, the timeframe may be extended based on the requirements of the project.</p> <p>Phoenix CC 5B-11(e): The installation, use, and maintenance of the provider’s facilities within the rights-of-way authorized in this chapter shall be in such a manner as not to interfere with the City’s placement, construction, use, and maintenance of its rights-of-way, street lighting, water pipes, drains, sewers, traffic signal systems, or other City systems that have been, or may be, installed, maintained, used or authorized by the City. Upon the City’s request, provider’s facilities will be relocated at provider’s expense, unless State law expressly requires otherwise. Upon the City’s request, by a time specified by the City, if the provider fails to move its facilities, the City may do so and may bill the provider the costs therefor and the provider shall pay those costs within thirty days after its receipt of the invoice therefor. Further, the provider shall reimburse the City any additional cost the City incurs due to the location or relocation of the provider’s facilities, including all design and construction costs.</p> <p>Scottsdale CC 7-70(e): Nothing in a license shall be construed to prevent the city from constructing sewers, grading, paving, repairing, and/or altering any street, easement, drainage channel, alley, or public highway, or laying down, repairing, or removing water or sewer mains or constructing or establishing any other public work. All such work shall be done, insofar as practicable, in such manner as not to obstruct, injure, or prevent the free use and operation of the poles, wires, conduits, conductors, pipes, or appurtenances of the licensee. If any property of a licensee herein shall interfere with the construction or repair of any street or public improvement, whether it be construction, repair, or removal of a sewer or water main, the improvement, all such poles, wires, conduits, or other</p>
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	<p>or utility easements.</p> <p>(6) <i>Town's facilities.</i> . . . Upon the town's request, the permittee's facilities will be relocated at permittee's expense (unless state law expressly requires otherwise). Upon the town's request, by a time specified by the town, if the permittee fails to move its facilities, the town may do so and will bill the permittee the costs therefor and the permittee shall pay those costs within 30 days after its receipt of the invoice therefor. Further, the permittee shall reimburse the town any additional cost the town incurs due to the location or relocation of the permittee's facilities, including all design and construction costs.</p> <p>(12) <i>Conflict with Town Projects</i></p> <p>b. <i>Priority right.</i> The town reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, regrade, widen, realign, or maintain and rights-of-way, aerial, surface, or subsurface improvements, including, but not limited to, water mains, traffic control conduits, cable and devices, sanitary or storm sewers, subways, tunnels, bridges, viaducts, or any other public construction within the rights-of-way and utility easements of the town.</p> <p>c. <i>Relocation.</i> When the town invokes its prior superior right to the rights-of-way, the permittee shall move its facilities located in the rights-of-way and utility easements, at its own cost, to such a location as the town directs.</p> <p>d. <i>Procedures.</i> If, during the course of a project, the town determines permittee's facilities are in conflict, the following shall apply:</p> <p>1. Prior to the town notice to proceed to contractor: The permittee shall, within a reasonable time, but in no event exceeding one month, remove or relocate the conflicting facility. This time period shall begin running upon receipt by the permittee of written notice from the town. However, if both the town and the permittee agree, the time frame may be extended based on the requirements of the project.</p>	<p>a. Locate and, if necessary, expose its facilities in conflict; or</p> <p>b. Use the one-call notification center (“Blue Stake”) to locate or expose its facilities. The permittee shall reimburse the city for the cost resulting from the use of such location service. The city shall make reasonable efforts to design and construct projects pursuant to this section so as to avoid relocation expense to the permittee. Permittee shall furnish the location information in a timely manner, but in no case longer than ten calendar days from the city’s request.</p> <p>2. Priority Right. The city reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, re-grade, widen, realign, or maintain any public rights-of-way, aerial, surface, or subsurface improvements, including, but not limited to, traffic control conduits, storm sewers, subways, tunnels, bridges, viaducts, or any other public construction within the public rights-of-way.</p> <p>3. Relocation. When the city invokes its prior superior right to the public rights-of-way, the permittee shall move its facilities located in the public rights-of-way, at its own cost, to such a location as the city directs.</p> <p>4. Procedures. If, during the course of the project, the city determines permittee’s facilities are in conflict, the following shall apply:</p> <p>a. Prior to the city notice to proceed to contractor: The permittee shall, within a reasonable time, but in no event exceeding one month, remove or relocate the conflicting facility. This time prior shall begin running upon receipt by the permittee of written notice from the city. However, if both the city and permittee agree, the time frame may be extended based on the requirements of the project.</p> <p>Litchfield Park CC 7-16-4(N): Relocation of Facilities.</p> <p>2. Delay. If permittee’s relocation effort so delays construction of a public project causing the city to be liable for damages, the permittee shall reimburse the city for those damages attributable to the delay created by the permittee.</p> <p>3. City Costs. Except as otherwise provided in a license, franchise, or permit, or by other provision of law, the entire cost of relocation shall be borne by the city if the permittee is required by the city to relocate facilities which are located in private easements obtained by the permittee prior to the dedication of the public right-of-way from which facilities must be relocated. These prior rights of the permittee would also be unaffected by any subsequent relocation. “Prior rights” as used in this subsection means private easement or other legally sufficient rights obtained by the permittee prior to the dedication of the public rights-of-way from which the facilities are requested by the city to be relocated.</p> <p>Paradise Valley CC 14-3-6: If during the term of a License the Town, a public utility district, a public water district, a public sanitation district, a public drainage district or any other similar special public district elects to alter, repair, realign, abandon, improve, vacate, reroute or change the grade of any street or to replace, repair, install, maintain, or otherwise alter any above ground or underground cable, wire conduit, pipe, line, pole, wire-holding</p>	<p>appliances and facilities, shall be removed or replaced in such manner as shall be directed by the city so that the same shall not interfere with the said public work of the city, and such removal or replacement shall be at the expense of the licensee herein.</p> <p>Surprise CC 50-150: The licensee shall from time to time protect, support, temporarily dislocate, temporarily or permanently, as may be required, remove or relocate, without expense to the city for any facilities installed, used or maintained under the license, if and when made necessary by any lawful change of grade, alignment or width of any street, by the city or made necessary by any other public improvement or alteration in, under, on, upon or about any street, when such public improvement or alteration is at the instance of the city, when such improvement or alteration is for a governmental or proprietary function, or made necessary by traffic conditions, public safety, street vacation or any other public project or purpose of the city, and when the licensee has substantially the same obligations with respect to the cost thereof as all other users of the public rights-of-way.</p> <p>Tempe CC 31A-32(c): The city reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, regrade, widen, realign or maintain any rights-of-way, aerial, surface or subsurface improvements, including, but not limited to, water mains, traffic control conduits, cable and devices, sanitary or storm sewers, subways, tunnels, bridges, viaducts or any other public construction within the rights-of-way of the city.</p> <p>(d) When the city invokes its prior superior right to the rights-of-way, the provider shall move its facilities located in the rights-of-way, at its own cost, to such a location as the city directs.</p> <p>(d) If, during the course of a project, the city determines provider's facilities are in conflict, the following shall apply:</p> <p>(1) Prior to city notice to proceed to contractor, the provider shall, within a reasonable time, but in no event exceeding one month, remove or relocate the conflicting facility. This time period shall begin running upon receipt by the provider of written notice from the city. However, if both the city and the provider agree, the time frame may be extended based on the requirements of the project . . .</p> <p>Tempe CC 31A-31(e): The installation, use and maintenance of the provider's facilities within the rights-of-way authorized herein shall be in such a manner as not to interfere with the city's placement, construction, use and maintenance of its rights-of-way, street lighting, water pipes, drains, sewers, traffic signal systems or other city systems that have been, or may be, installed, maintained, used or authorized by the city. Upon the city's request, provider's facilities will be relocated at provider's expense, unless state law expressly requires</p>
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<p>9-1-5 RELOCATION, JOINT LOCATION (C) PERMITTEE SHALL RELOCATE EXISTING FACILITIES, AT NO COST TO THE CITY, TO ACCOMODATE THE LOCATION OR RELOCATION OF, OR THE CLEARANCE REQUIREMENTS ASSOCIATED WITH, OTHER FACILITIES WHOSE OWNERS HAVE PRIOR RIGHTS IN THE PUBLIC RIGHT-OF-WAY, CITY EASEMENTS OR PUBLIC EASEMENTS.</p>	<p>Fountain Hills CC 13-8(F)(2): All transmission lines and other equipment must be installed and located to minimize interference with the rights and reasonable convenience of public and private property owners. The council reserves the right to issue such reasonable rules and regulations concerning the installation and maintenance of cable systems in the public rights-of-way, as may be consistent with this chapter, state and federal law.</p> <p>Gilbert CC 10-5(d)(14) Relocation of facilities.</p> <p>a. <i>General.</i> The town shall not bear any cost of relocation of existing facilities, irrespective of the function served, where the town facilities or other facilities occupying the rights-of-way or utility easement under authority of a town permit, license, or franchise which must be relocated, are already located in the rights-of-way and the conflict between the permittee's potential facilities and existing facilities can only be resolved expeditiously as determined by the town by the movement of the existing town or other approved facilities.</p> <p>b. <i>Delay.</i> If permittee's relocation effort so delays construction of a public project causing the town to be liable for delay damages, the permittee shall reimburse the town for those damages attributable to the delay created by the permittee.</p> <p>c. <i>Town costs.</i> Except as otherwise provided in a license, franchise, or permit, or by other provision of law, the entire cost of relocation shall be borne by the town if the permittee is required by the town to relocate facilities which are located in private easements obtained by the permittee prior to the dedication of the public street or easement from which the facilities must be relocated. These prior rights of the</p>	<p>Glendale CC 10-69: Relocation costs in general. Subject to section 10-70, the city shall not bear any cost of relocation of existing facilities, regardless of the function served, where any facilities occupying the streets and public ways must be relocated and the conflict between a licensee's potential facilities and existing facilities can only be resolved expeditiously, as determined by the city, by the movement of the existing facilities.</p> <p>Glendale CC 10-70 Private utility easements; relocation costs. If a licensee's cable system is located in a private easement or right-of-way prior to the dedication of such private property to the city as a street or public way, and if the city requires the licensee to relocate its facilities after such dedication of the street or public way, the city shall bear the entire cost of such relocation. The licensee's prior rights in such circumstances shall not be affected by any subsequent relocation required by the city.</p> <p>Litchfield Park CC 7-16-4(G): The permittee shall not install, maintain, or use any of its facilities in such a manner as to damage or interfere with facilities of another located within the public rights-of-way.</p> <p>Litchfield Park CC 7-16-4(N): Relocation of Facilities.</p> <p>1. General. The city shall not bear any cost of relocation of existing facilities, irrespective of the function served, where the city facilities or other facilities occupying the public rights-of-way under authority of a city permit, license, or franchise which must be relocated, are already located in the public rights-of-way and the conflict between the permittee's potential facilities and existing</p>	<p>Phoenix CC 5B-14(a): The City shall not bear any cost of relocating existing facilities, irrespective of the function served, where City facilities or other facilities occupying the rights-of-way under authority of a City permit, license, or franchise which must be relocated, are already located in the rights-of-way and the conflict between the provider's potential facilities and the existing facilities can only be resolved expeditiously as determined by the City by the movement of the existing City or other approved facilities.</p> <p>Phoenix CC 5B-14(d): Except as otherwise provided in a license, franchise, or permit, or by other provision of law, the entire cost of relocation shall be borne by the City if the provider is required by the City to relocate facilities which are located in private easements obtained by the provider prior to the dedication of the public street or easement from which the facilities must be relocated. These prior rights of the provider would also be unaffected by any subsequent relocation. A prior rights as used in this subsection, means private easement rights obtained by the provider prior to the dedication of the streets or public ways from which the facilities are requested by the City to be relocated. In the case of a facility that serves multiple purposes, the prior rights must extend to all uses for this exception to apply.</p> <p>Surprise CC 42-36: The permittee shall not interfere with any existing facility without the written consent of the director and the owner of the facility. If it becomes necessary to</p>

	<p>permittee would also be unaffected by any subsequent relocation. "Prior rights" as used in this subsection means private easement rights obtained by the permittee prior to the dedication of the streets or public ways from which the facilities are requested by the town to be relocated. In the case of a facility that serves multiple purposes, the prior rights must extend to all uses for this exception to apply.</p>	<p>facilities can only be resolved expeditiously as determined by the city by the movement of the existing city or other approved facilities.</p> <p>Paradise Valley CC 14-3-1(2): Licensee shall construct and maintain a Cable Communications System so as not to unreasonably interfere with other uses of streets. Licensee shall make use of existing facilities available to Licensee. Licensee shall use reasonable efforts to individually notify all property owners affected by proposed construction prior to the commencement of that work.</p> <p>Peoria CC 23-100(a): Each provider is responsible for ensuring that its facilities are installed, constructed and maintained in strict accordance with city's adopted codes, subdivision regulations, guidelines and standards; that all required licenses, franchises, and other permits are applied for and obtained before any work commences; and that the terms and conditions thereof are strictly followed. Where a facility has more than one provider, each provider is fully responsible for ensuring that all requirements are satisfied. Facilities shall be installed, constructed and maintained so that no additional costs are imposed upon the city, and so that the facility does not interfere with other uses or users of the public rights-of-way.</p>	<p>relocate an existing facility, this shall be done by its owner. No facility owned by the city shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. . . .</p> <p>Tempe CC 31A-34(a): The city shall not bear any cost of relocating existing facilities, irrespective of the function served, where city facilities or other facilities occupying the rights-of-way under authority of a city permit, license or franchise which must be relocated, are already located in the rights-of-way and the conflict between the provider's potential facilities and the existing facilities can only be resolved expeditiously as determined by the city by the movement of the existing city or other approved facilities.</p> <p>Tempe CC 31A-34(c): Except as otherwise provided in a license, franchise, or permit, or by other provision of law, the entire cost of relocation shall be borne by the city if the provider is required by the city to relocate facilities which are located in private easements obtained by the provider prior to the dedication of the public street or easement from which the facilities must be relocated. These prior rights of the provider would also be unaffected by any subsequent relocation. A prior rights as used in this subsection, means private easement rights obtained by the provider prior to the dedication of the streets or public ways from which the facilities are requested by the city to be relocated. In the case of a facility that serves multiple purposes, the prior rights must extend to all uses for this exception to apply.</p>
<p>9-1-6: PENALTIESPAVEMENT RESTORATION FEES, PAVEMENT CUT RESTRICTIONS: (A) PAVEMENT RESTORATION FEES. A PERMITTEE SHALL PAY A PAVEMENT RESTORATION FEE IN CONNECTION WITH ANY RIGHT-OF-WAY PERMIT TO CUT INTO, EXCAVATE, OPEN, BORE, TRENCH OR DISTURB STREET PAVEMENT FOR A PERIOD OF FIVE (5) YEARS AFTER THE CITY’S ACCEPTANCE OF STREET CONSTRUCTION THAT INCLUDES NEW PAVEMENT, PAVEMENT RENOVATION OR PAVEMENT RECONSTRUCTION AT THE LOCATION FOR WHICH THE RIGHT-OF-WAY PERMIT IS BEING SOUGHT. THE AMOUNT OF THE PAVEMENT RESTORATION FEE SHALL BE AS ESTABLISHED IN THE CITY’S FEE SCHEDULE. THE PAVEMENT RESTORATION FEE SHALL BE PAID BEFORE A RIGHT-OF-WAY PERMIT IS ISSUED UNLESS THE PERMITTEE HAS A WRITTEN AGREEMENT WITH THE CITY THAT ALLOWS FOR PAYMENT OF THE PAVEMENT RESTORATION FEE AFTER THE PAVEMENT CUT IS MADE. THE PAVEMENT RESTORATION FEE WILL BE IN ADDITION TO, AND WILL NOT BE OFFSET BY, ALL LICENSE AND FRANCHISE FEES, EXPENSES AND TAXES.</p>	<p>Buckeye CC 19-2-9(D)(4): The pavement restoration fee shall be paid prior to or at the time a street cut permit is issued. In the event changes or amendments to the street cut permit are required which would result in a change in the amount of the pavement restoration fee, an adjusted fee shall be assessed and paid.</p> <p>Buckeye CC 19-2-9(D)(5): The public works director may authorize or waive payment of the pavement restoration fee by the city upon finding that a street cut was made on an emergency basis to avoid a threat to public health, life or safety, or in an extraordinary circumstance the fee may be paid by the city upon approval of the city council.</p> <p>Chandler CC 46-2.7 Terms of Construction D. Pavement Restoration Fee. 1. Whenever any encroachment permit is required to cut into, open, bore, attach to, or make any break or disturbance to the street pavement of any arterial or collector street within the City, the permittee shall, in addition to the repairs required by this City Code, pay to the City the Pavement Restoration Fee established by Council Resolution in the City Fee Schedule. The Pavement Restoration Fee adopted by Council resolution shall be reviewed annually with the budget for street repair.</p>	<p>Litchfield Park CC 17-16-4(M)(5): Pavement Restoration Fee. a. In addition to the other requirements of this section, a permittee shall pay a pavement restoration fee established by resolution of the council. The pavement restoration fee shall be reviewed annually with the budget for street repair. b. The pavement restoration fee shall be paid prior to or at the time a permit to work in the public right-of-way is issued. In the event the pavement restoration fee is amended after a permit to work in the public right-of-way is issued, an adjusted fee shall be paid as follows: i. If the original permit was for one square yard through twenty square yards, the pavement restoration fee shall be adjusted pursuant to the new fee schedule if the increase/decrease to the pavement excavation is one square yard or larger. ii. If the original permit was for twenty-one square yards through one hundred square yards, the pavement restoration fee shall be adjusted pursuant to the new fee schedule if the increase/decrease to the pavement excavation is more than five percent of the original. iii. If the original permit was for more than one hundred square yards, the pavement restoration fee shall be adjusted pursuant to</p>	<p>Surprise CC 42-41(c): Pavement restoration fee. (1) Whenever any permit is required to cut into, open, bore, attach to, or make any break or disturbance to the street pavement of any City of Surprise maintained roadway, the permittee shall, in addition to the repairs required by this City Code, pay the city the pavement restoration fee established by Surprise City Council resolution in the Development Services Fee Schedule. (2) The pavement restoration fee shall be paid prior to or at the time a street cut permit is issued. In the event changes or amendments to the street cut permit are required which would result in a change in the amount of the pavement restoration fee, an adjusted fee shall be assessed and charged . . . (d) Pavement restoration schedule. (1) The definitions set forth in (a) are applicable to the provisions herein. (2) For up to two years after construction of new streets, renovation or reconstruction of a street: a. Each cut shall have a fee for the following areas: 1. Five square yards or less.</p>

	<p>2. The pavement restoration fee shall be paid to or at the time a street cut permit is issued. In the event changes or amendments to the street cut permit are required which would result in a change in the amount of the Pavement Restoration Fee, an adjusted fee shall be assessed and charged . . .</p> <p>3. The Director of the Transportation and Development Department may authorize payment of the fee by the City upon finding that a street cut was made on an emergency basis to avoid a threat to public health, life or safety, or in an extraordinary circumstance the fee may be paid by the City upon approval of the City Council.</p> <p>El Mirage CC 151009(D): Pavement Restoration Fee</p> <p>(1) Whenever any encroachment permit is required to cut into, open, bore, attach to, or make any break or disturbance to the street pavement of any arterial or collector street within the city, the permittee shall, in addition to the repairs required by this city code, pay to the city the pavement restoration fee established by Council resolution in the City Fee Schedule. The pavement restoration fee adopted by Council resolution shall be reviewed annually with the budget for street repair.</p> <p>(2) The pavement restoration fee shall be paid prior to or at the time a street cut permit is issued. In the event changes or amendments to the street cut permit are required which would result in a change in the amount of the pavement restoration fee, an adjusted fee shall be assessed. Utilities that possess a franchise or license agreement for service within the city and have demonstrated reliable on time payment may request billing on a monthly basis for pavement restoration fee.</p> <p>(3) The Public Works Director may authorize or waive payment of the fee by the city upon finding that a street cut was made on an emergency basis to avoid a threat to public health, life, or safety, or in an extraordinary circumstance the fee may be paid by the city upon approval of the City Council.</p> <p>Fountain Hills CC 16-1-17 Excavations and Newly Paved Streets</p> <p>C. Any person who causes excavation in violation of subsection A of this Section shall be subject to a base fee per excavation plus a fee per lineal foot of pavement replacement. The base fee per excavation and fee per lineal foot of pavement replacement described in this subsection shall be in such amounts as approved by the Council by resolution or as part of the Town's annual budget.</p>	<p>the new fee schedule if the increase/decrease to the pavement excavation is more than five square yards.</p> <p>iv. Such amended pavement restoration fee shall be applied for and any additional fees shall be paid within one week of the field change or prior to any new permit is issued to permittee.</p> <p>Peoria CC 23-54(b): The city finds and determines that pavement cuts cause early deterioration of streets and imposes the following surcharge fees to cover damages and early deterioration. These surcharge fees are assessed in addition to the regular permit fees and are over and above any special backfill, compaction and pavement replacement stipulations that may be imposed as a condition of permitting. All surcharge fees shall be deposited in the city's street fund.</p> <p>(1) Cuts in new paving less than 12 months old. Openings less than 9 square feet or 9 linear feet of trench--\$1,000.00 surcharge. Trenches over 9 feet long - \$2,500.00 surcharge for every 50 feet or fraction thereof.</p> <p>(2) For pavement 12 to 24 months old, Openings less than 9 square feet or 9 linear feet of trench--\$750.00 surcharge. Trenches over 9 feet long - \$1,875.00 for every 50 feet or fraction thereof.</p> <p>(3) For pavement 24 to 36 months old, Openings less than 9 square feet or 9 linear feet of trench--\$375.00 surcharge. Trenches over 9 feet long - \$935.00 for every 50 feet or fraction thereof.</p> <p>Peoria CC 23-54(c) The pavement cut surcharge fee may be waived by the City Manager or his designee upon a finding by a preponderance of the evidence that all of the following conditions have been met:</p> <p>(1) The pavement cut is not the result of improper planning or a lack of diligence on the part of the applicant.</p> <p>(2) The pavement cut could not have been made prior to the installation of new paving.</p>	<p>2. Six to 100 square yards.</p> <p>3. Larger than 100 square yards.</p> <p>b. For cuts with two years after construction of new streets, renovation or reconstruction of a street, the applicant may, in lieu of paying the above fee, choose to perform a mill and overlay/inlay pursuant to the City of Surprise Engineering Development Standards, current edition, for a minimum of the full width of all lanes impacted by the cut(s) (outside lane includes to the curb) and for parkways and arterial streets extending a minimum length of 50 feet both directions from the area of the cut(s) and for all other streets extending a minimum length of 25 feet both directions from the area of the cut(s), or as more specifically directed by the public works director or designee.</p> <p>(3) The minimum fee shall be based on one square yard. If a pavement cut is so extensive, or the cuts in one area are so numerous that the permittee prefers to perform a renovation of the street in accordance with the public works director or designee's requirements, for the full width of any impacted land and the full length of any cuts plus 50 feet in both directions from the area of the cut on arterial streets and 25 feet in both directions from the area of the cut on collector streets, the permittee may choose to do such renovation in lieu of the pavement restoration fee and such reconstruction shall satisfy the fee requirement.</p> <p>(4) For pavement cuts in pavement more than two years after construction of new streets, renovation or reconstruction of a street, no fee will be charged.</p> <p>(5) For pavement cuts or potholes less than two square feet, no fee will be charged. If a pothole cut is done in advance of construction that will remove that portion of the pavement within a reasonable time as specified by the public works director or designee, no fee will be charged.</p> <p>Tempe CC 31A-33: The provider shall reimburse the city for all costs arising from the reduction in the service life of any public road or pavement damage, to the extent required by any other city chapters, resulting from pavement cuts of the provider. The provider shall pay such costs within thirty (30) days from the date of issuance of an invoice from the city.</p> <p>Appendix A to Tempe CC – Fee Schedule, p. A-35</p> <p>Pavement Resurfacing Fee Inspection and Testing</p> <p>It is the intent of the City’s pavement management program to avoid cutting of new street pavement or newly overlaid pavement. In the event that a street cut in new pavement cannot be avoided, a surcharge fee to cover damages and early deterioration will be assessed for new or resurfaced pavements less than seven years old.</p> <p>a. Surcharge for cutting new or resurfaced pavement less than 3 years old.</p> <p>(i) Opening less than 9 square feet of trench: \$1,162.94</p> <p>(ii) Trench over 9 square feet: \$2,907.25 for every 50 square</p>
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			feet of trench or fraction thereof b. Surcharge for cutting new or resurfaced pavement more than 3 years old but less than 7 years old. (i) Opening less than 9 square feet of trench: \$581.52 (ii) Trench over 9 square feet: \$1,453.70 for every 50 square feet of trench or fraction thereof c. Seal coat: 1.22 sq ft
<p>(B) PAVEMENT CUT RESTRICTIONS. THE CITY ENGINEER SHALL NOT APPROVE A RIGHT-OF-WAY PERMIT TO CUT INTO, EXCAVATE, OPEN, BORE, TRENCH, OR DISTURB STREET PAVEMENT FOR A PERIOD OF TWO (2) YEARS AFTER THE CITY’S ACCEPTANCE OF STREET CONSTRUCTION THAT INCLUDES NEW PAVEMENT, PAVEMENT RENOVATION, PAVEMENT RECONSTRUCTION, OR STREET MAINTENANCE AT THE LOCATION FOR WHICH THE PERMIT IS BEING SOUGHT. THE CITY ENGINEER MAY AUTHORIZE AN EXCEPTION TO THIS PAVEMENT CUT RESTRICTION UNDER ANY ONE OF THE FOLLOWING CONDITIONS:</p> <p>1. A VERIFIABLE EMERGENCY EXISTS THAT ENDANGERS LIFE OR PROPERTY;</p> <p>2. THERE IS AN INTERRUPTION OF ESSENTIAL UTILITY SERVICE;</p> <p>3. UTILITY OR OTHER SERVICE FOR BUILDINGS IS REQUIRED WHERE NO OTHER FEASIBLE MEANS OF PROVIDING SUCH SERVICE EXISTS;</p> <p>4. A PAVEMENT CUT IS REQUIRED BY CITY, COUNTY, STATE OR FEDERAL REGULATION; OR</p> <p>5. IF THE CITY ENGINEER DETERMINES, AFTER REVIEWING EVIDENCE SUBMITTED BY THE PERMITTEE, THAT THE COST TO MILL AND OVERLAY/INLAY AS DESCRIBED IN SUBSECTION (D) BELOW, IS SUBSTANTIALLY LESS THAN THE COST OF ALTERNATE ROUTING FOR PERMITTEE’S FACILITIES. IN THE EVENT THAT THE CITY ENGINEER MAKES SUCH A DETERMINATION, THEN PERMITTEE MAY CHOOSE TO PERFORM A MILL AND OVERLAY/INLAY AS DESCRIBED IN SUBSECTION (D) BELOW.</p> <p>(C) IF PERMISSION IS GRANTED TO CUT INTO, EXCAVATE, OPEN, BORE, TRENCH, OR DISTURB NEW, RECONSTRUCTED, RENOVATED OR MAINTAINED STREET PAVEMENT PURSUANT TO SUBSECTION (B) ABOVE, THE PERMITTEE MUST PAY THE PAVEMENT RESTORATION FEE ESTABLISHED BY THE CITY COUNCIL IN THE CITY’S FEE SCHEDULE.</p> <p>(D) IN ADDITION TO THE PAYMENT OF THE PAVEMENT RESTORATION FEE, A CONDITION OF ANY STREET CUT PERMIT FOR CUTTING THE PAVEMENT OF A STREET WITHIN ONE (1) YEAR OF CONSTRUCTION, RECONSTRUCTION OR RENOVATION, SHALL BE THAT THE PERMITTEE RENOVATE SUCH STREET BY MILL AND OVERLAY/INLAY, FOR A MINIMUM OF THE FULL WIDTH OF ALL LANES IMPACTED BY THE CUT(S) (OUTSIDE LANE INCLUDES TO THE CURB) AND FOR ARTERIAL STREETS EXTENDING A MINIMUM LENGTH OF FIFTY (50) FEET BOTH DIRECTIONS FROM THE AREA OF THE CUT(S) AND FOR COLLECTOR AND RESIDENTIAL STREETS EXTENDING A MINIMUM LENGTH OF TWENTY-FIVE (25) FEET BOTH DIRECTIONS FROM THE AREA OF THE CUT(S), ALL AS MORE SPECIFICALLY DIRECTED BY THE CITY ENGINEER/DESIGNEE.</p>	<p>Buckeye CC 19-2-9 Terms of Construction</p> <p>D. Pavement cuts in new paved streets.</p> <p>1. The public works director or designee shall determine the date of completion for new streets and the date each street was last reconstructed or renovated based on the date the street was opened or reopened for traffic.</p> <p>2. Permission to excavate or cut in streets paved with Portland cement, asphaltic cement concrete or other permanent type of surface shall not be granted for two (2) years after completion of street construction, reconstruction or renovation (major rehabilitation). Applicants for encroachment permits shall determine alternate methods of making necessary repairs to avoid excavating in or cutting new streets. Exceptions to the above are as follows:</p> <p>a. Emergency which endangers life or property.</p> <p>b. Interruption of essential utility service.</p> <p>c. Work that is mandated by city, county, state or federal legislation.</p> <p>d. Service for buildings where no other feasible means of providing service exists.</p> <p>e. The public works director may authorize street excavations or cuts at his or her discretion if unplanned/unknown conditions occur resulting in the city's best interest to authorize a street excavation or cut.</p> <p>3. In addition to payment of the pavement restoration fee, a condition of any street cut permit for cutting the pavement of a street within one (1) year of construction, reconstruction or renovation, shall be that the permittee renovate such street for a minimum of the full width of all lanes directly impacted by the cut(s) (outside lane includes to the curb) for a distance determined by the city public works director or authorized designee, and for arterial streets and for collector streets as specifically directed by the city public works director or authorized designee. Slurry seal, microseal, or other methods of sealing may be required as directed by the public works director or authorized designee.</p> <p>Chandler CC 46-2.7 Terms of Construction</p> <p>C. No pavement cuts in new streets.</p> <p>1. Permission to excavate in new streets shall not be granted for two (2) years after completion of street construction, reconstruction or renovation (major rehabilitation). Utilities shall determine alternate methods of making necessary repairs to avoid excavating in new streets. Exceptions to the above are as follows:</p> <p>(a) Emergency which endangers life or property.</p> <p>(b) Interruption of essential utility service.</p> <p>(c) Work that is mandated by city, county, state or federal legislation.</p> <p>(d) Service for buildings where no other feasible means of providing service exists.</p> <p>For the purposes of the section, a street is considered "new" when it is</p>	<p>Glendale CC 10-63 Restoration of Streets</p> <p>(d) Where consistent with the Cable Act and to the extent required by any pavement cut surcharge ordinance or resolution, a licensee shall reimburse the city for all costs arising from the reduction in the service life of a street or public way resulting from the licensee's pavement cuts. A licensee shall pay such costs no later than thirty (30) days after the city issues its invoice for the same.</p> <p>Litchfield Park CC 7-16-4(M)(3):</p> <p>An application to work in the public right-of-way which includes excavation in a new paved right-of-way shall not be granted until at least two years after completion and acceptance of the construction, reconstruction or renovation of the paved right-of-way unless one of the following applies:</p> <p>a. Emergency which endangers life or property.</p> <p>b. Interruption of essential utility or communications service.</p> <p>c. Work that is mandated by city, county, state or federal legislation.</p> <p>d. Service for buildings where no other feasible means of providing service exists.</p> <p>4. Pavement Restoration.</p> <p>a. If an excavation is permitted pursuant to subsections (M)(3)(a) through (d) of this section, the permittee shall restore the paved right-of-way by mill and overlay/inlay, for a minimum of the full width of all lanes impacted by the excavation(s) (outside lane includes to the curb). For arterial streets this shall require extending the restoration a minimum length of fifty feet both directions from the area of the excavation(s) and for collector streets this shall mean extending the restoration a minimum length of twenty-five feet both directions from the area of the excavation(s), all as more specifically directed by the city engineer/designee. For excavations smaller than two (2) square feet, the requirement to restore by mill and overlay/inlay shall not apply. All renovations shall comply with the city’s standard details and specifications. The permittee may elect to fully reconstruct the paved right-of-way in accordance with specifications provided by the city engineer in lieu of paying the pavement restoration fee.</p> <p>b. For excavation commencing two years or later after the paved right-of-way is new (as defined in subsection (M)(2) of this section) but before seven years after a paved right-of-way is new (as defined in subsection (M)(2) of this section), the permittee may elect to renovate such paved right-of-way by mill and overlay/inlay for a minimum of the full width of all lanes impacted by the excavation(s) (outside lane includes to the curb) and for arterial streets extending a minimum length of fifty feet both directions from the area of the</p>	<p>Phoenix CC 30-38(d):</p> <p>It is the intent of this ordinance to avoid the cutting of new street pavement, or newly overlaid pavement. In the event that a street opening in new pavement cannot be avoided, a surcharge fee to cover damages and early deterioration is assessed as follows:</p> <p>Cuts in new paving less than twelve months old:</p> <p>Openings less than nine square feet, or nine linear feet of trench: One thousand dollars.</p> <p>Trenches over nine feet long: Two thousand five hundred dollars for every fifty feet or fraction thereof.</p> <p>For pavement less than twenty-four months old:</p> <p>Openings less than nine square feet, or nine linear feet of trench: Six hundred forty dollars.</p> <p>Trenches over nine feet long: One thousand six hundred dollars for every fifty feet or fraction thereof.</p> <p>For pavement less than thirty months old:</p> <p>Openings less than nine square feet, or nine linear feet of trench: Three hundred twenty dollars.</p> <p>Trenches over nine feet long: Eight hundred dollars for every fifty feet or fraction thereof.</p> <p>These surcharge fees are assessed in addition to the regular permit fees and are over and above any special backfill, compaction and pavement replacement stipulations that may be imposed as a condition of permitting.</p> <p><i>Waiver of surcharge fee.</i> The pavement cut surcharge fee may be waived by the Street Transportation Director upon a finding by the Street Transportation Director that the fee imposes an undue economic hardship on the owner of the utility, or the applicant for services, or for an emergency cut necessary to protect the public’s health or safety. Evidence must be presented by the applicant that the following conditions have been fulfilled:</p> <p>(1) The cut is not the result of improper planning or lack of diligence on the part of the applicant.</p> <p>(2) The cut cannot be avoided by routing the line in a different manner or taking any other action.</p> <p>The surcharge fee may also be waived by the City Council in recognition of extraordinary public benefit or as part of the City’s contribution in a joint project.</p> <p>Scottsdale CC 47-79: No excavation shall be permitted in the traveled way of newly paved, resurfaced or sealed public streets for the following period following completion of the paving work on the improvement:</p>

<p>PROVIDED, HOWEVER, FOR POTHOLE SMALLER THAN TWO (2) SQUARE FEET, THE REQUIREMENT TO RENOVATE THE STREET BY MILL AND OVERLAY/INLAY SHALL NOT APPLY.</p> <p>(E) IF THE CITY ISSUES A RIGHT-OF-WAY PERMIT TO CUT INTO, EXCAVATE, OPEN, BORE, TRENCH, OR DISTURB NEW, RECONSTRUCTED, RENOVATED OR MAINTAINED STREET PAVEMENT PURSUANT TO THIS SECTION, THE PERMITTEE IS REQUIRED TO REPAIR THE PAVEMENT, AFTER MAKING THE PERMITTED CUT, TO MEET RIGHT-OF-WAY IMPROVEMENT STANDARDS.</p> <p>(F) THE CITY ENGINEER MAY SPECIFY THE LENGTH AND PLACEMENT OF ANY PAVEMENT CUT MADE PURSUANT TO THIS SECTION.</p>	<p>first constructed, when it is reconstructed or when it is renovated. Renovation shall mean a major rehabilitation which shall include mill and overlay or other similar roadway improvement work that physically modifies the surface of the roadway prior to applying new roadway surface or other similar work as determined by the City Engineer. Reconstruction shall mean completely rebuilding all the lanes of the street by removing all the pavement and aggregate base course material, re-compacting the sub-base and restoring the base material and then completely re-paving for a distance approved by the City Engineer. The Director of the Transportation and Development Department/designee shall determine the date of completion for new streets and the date each street was last reconstructed or renovated, based on the date the street was opened or reopened for traffic.</p> <p>2. In addition to the payment of the Pavement Restoration Fee, a condition of any street cut permit for cutting the pavement of a street within one (1) year of construction, reconstruction or renovation, shall be that the permittee renovate such street by mill and overlay/inlay, for a minimum of the full width of all lanes impacted by the cut(s) (outside lane includes to the curb) and for arterial streets extending a minimum length of fifty (50) feet both directions from the area of the cut(s) and for collector streets extending a minimum length of twenty-five (25) feet both directions from the area of the cut(s), all as more specifically directed by the City Engineer/designee. Provided, however, for pavement cuts smaller than two (2) square feet, the requirement to renovate the street by mill and overlay/inlay shall not apply. All permits which are issued under subsections (a) through (d) above shall be in accordance with the City of Chandler Standard Details and Specifications.</p> <p>El Mirage CC 151.009(C) No pavement cuts in new streets.</p> <p>(1) Permission to excavate in new streets shall not be granted for two years after completion of street construction, reconstruction, or renovation (major rehabilitation). Utilities shall determine alternate methods of making necessary repairs to avoid excavating in new streets. Exceptions to the above are as follows:</p> <p>(a) Emergency which endangers life or property;</p> <p>(b) Interruption of essential utility service;</p> <p>(c) Work that is mandated by city, county, state, or federal legislation;</p> <p>(d) Service for buildings where no other feasible means of providing service exists; and</p> <p>(e) The Public Works Director may authorize street cuts at his or her discretion if unplanned/unknown conditions occur resulting in the city’s best interest to authorize a street cut.</p> <p>(2) For the purposes of this section, a street is considered “new” when it is first constructed, when it is reconstructed, or when it is renovated. Renovation shall mean a major rehabilitation which may include mill and overlay or other similar roadway improvement work that physically modifies the surface of the roadway prior to applying new roadway surface or other similar work as determined by the City Public Works Director/designee. Reconstruction shall mean completely rebuilding all the lanes of the street by removing all the pavement and aggregate base course material, re-compacting the sub-base, and restoring the base material and then completely re-paving for a distance approved by the</p>	<p>excavation(s) and for collector streets extending a minimum length of twenty-five feet both directions from the area of the excavation(s), all as more specifically directed by the city engineer, in lieu of payment of the pavement restoration fee.</p>	<p>(1) Construction or reconstruction of a structural section, four (4) years.</p> <p>(2) Surfacing, resurfacing or sealing of an existing structural section, two (2) years.</p> <p>In the event of emergency, the above periods may be waived by the city.</p> <p>Surprise CC 42-41(b):</p> <p>(1) Permission to excavate in new streets shall not be granted for two years after completion of street construction, reconstruction or renovation. Any party wishing to engage in such excavation, including but not limited to utilities, shall determine alternate methods of making necessary repairs to avoid excavating in new streets.</p> <p>(2) Exceptions to the above are at the discretion of the public works director or designee and may be granted under the following circumstances, or other circumstances in the discretion of the public works director or designee:</p> <p>a. Emergency which endangers life or property.</p> <p>b. Interruption of essential utility service.</p> <p>c. Work that is mandated by city, county, state or federal legislation.</p> <p>d. Service for buildings where no other feasible means of providing service exists.</p> <p>(3) All permits which are issued shall be in accordance with the City of Surprise Municipal Code and Engineering Development Standards, current edition.</p> <p>(4) A condition of a street cut permit for cutting the pavement of a street shall be that the permittee renovate such pavement surface and street cross section in kind and in accordance with the City of Surprise Engineering Development Standards, current edition.</p>
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	<p>City Public Works Director. The Public Works Director/designee shall determine the date of completion for new streets and the date each street was last reconstructed or renovated, based on the date the street was opened or reopened for traffic.</p> <p>(3) In addition to the payment of the pavement restoration fee (as defined herein), a condition of any street cut permit for cutting the pavement of a street within one year of construction, reconstruction, or renovation, shall be that the permittee renovate such street for a minimum of the full width of all lanes directly impacted by the cut(s) (outside lane includes to the curb) and for arterial streets and for collector streets as more specifically directed by the City Public Works Director/designee. Slurry seal, micro seal, or other methods of sealing may be required as directed by the Public Works Director/designee. All permits which are issued under divisions (A) through (C) above shall be in accordance with the city approved Standard Details and Specifications.</p> <p>Fountain Hills CC 16-1-17 Excavations and Newly Paved Streets</p> <p>A. No excavation shall be permitted in a newly paved, resurfaced or sealed public street for the following period following completion of such paving, resurfacing or sealing:</p> <ol style="list-style-type: none">1. Construction or reconstruction of a structural section, four years.2. Surfacing, resurfacing or sealing of an existing structural section, two years. <p>B. In the event of an emergency, the above periods may be waived by the Town Engineer.</p> <p>Gilbert CC 10-5(d)(13)(b): The permittee shall reimburse the town for all costs arising from the reduction in the service life of any public road or pavement damage, to the extent required by any other town ordinances, resulting from pavement cuts of permittee. Permittee agrees to pay such costs within 30 days from the date of issuance of an invoice from town.</p>		
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