

City of Talent

8-7. Prohibition on Excavation of New Streets

General Ordinances, Title 8, Chapter 7

Adopted by Ord. No. 608 on 9/18/1996. Amended by Ord. No. 842 on 6/18/2008.

8-7.110 PROHIBITION

There shall be no excavation in newly paved or resurfaced streets by anyone, including the departments of the City of Talent, for a period of five (5) years from the date of such paving.

8-7.120 NOTIFICATION OF UTILITIES & CITY DEPARTMENTS

At least ninety (90) days before any streets are paved or resurfaced, the Director of Public Works shall give notice of such plans to any utility company or department of the city that has requested of him to be so notified.

8-7.130 NOTIFICATION OF PROPERTY OWNERS; ACCOMMODATION FOR ANTICIPATED DEVELOPMENT

- A. At least 90 days before any streets are paved or resurfaced, the Public Works Director and the City Planner will give notice to affected property owners to determine if they plan to develop or redevelop in a manner that would require street excavation within the five-year period. The Planner will advise on whether or not the anticipated development is feasible.
- B. As such cases are found—and at the discretion of City staff—the locations of utility stub-outs and curb cuts will be determined as best as possible and included in the paving or resurfacing project.
- C. The cost of these accommodations will be payable by the benefiting property owner either immediately or by the attachment of a lien on the property.

8-7.140 WAIVER

The City Council may permit excavation within the five (5) year period if in its judgment the reason for the excavation was not reasonably foreseeable to the utility or department of the City involved at the time the street was newly paved or resurfaced. In the event a waiver is granted, the restoration of the excavated portion will be done in accordance with current City Standard Details and be approved by the Public Works director. Where an emergency involving the public health or safety require immediate excavation, the Director of Public Works may permit such excavation, and fully report to the City Council at its next Council meeting.

8-7.150 DISTRIBUTION TO DEPARTMENTS

The City Recorder is hereby directed to furnish a copy of this Chapter to each department head of the City of Talent and to each public utility or similar agency that does business in the City of Talent.

8-7.160 PENALTY

Any person, firm or corporation found guilty of violating the provisions of this ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed sixty (60) days, or both such fine and imprisonment.