

Montgomery City Council
AGENDA REPORT

Meeting Date: February 14, 2023	Budgeted Amount: \$305,000
Department: Admin	Prepared By: Dave McCorquodale

Subject

Update on an ordinance regulating dry utility installation in public rights-of-way.

Recommendation

No formal action needed.

Discussion

As you will recall, the city has discussed regulating dry utility installations within the city limits for several months. Dry utilities include electric, gas, telecommunications, and other similar infrastructure. Dry utilities are most commonly installed after water, sewer, and road infrastructure has been installed. To ensure the protection of city facilities and to know who is installing what within the public right-of-way, city staff and consultants recommend regulating these dry utilities through a permitting process established by ordinance. A draft ordinance was not ready for this meeting, and staff would like to update the council on an outline of the items that will be addressed:

- Establish Permit and Fee
 - Fee covers plan review and field inspections
 - Bond requirement to cover damages if contractor refuses to pay for repairs
 - Determine formula used for fee and bond amounts
- Define Permit Process
 - Submittal of construction plans and criteria for required details
 - City engineer approval required before permit is issued.
 - Establish inspection schedule and requirements to include post-construction evaluation of city-owned facilities
- Establish design criteria for areas in close proximity to city infrastructure
 - City to make repairs to all public infrastructure at contractor's expense
 - Vertical and horizontal clearances between utilities and roads
 - Street cut moratorium on recently constructed or resurfaced streets
- Other considerations
 - Markings – tracer wire or other methods as applicable to ensure the installed utility can be located with common utility locating methods in the future
 - Reminder of temporary water; the city currently offers a temporary utility account via hydrant meters to contractors who use bulk water for underground boring activity. A reminder of this service will help keep water theft in the city from occurring.
 - Establish a penalty for damage not reported or work done without a permit

Staff will continue to work on drafting the ordinance with the engineers and attorneys to bring back to council for action.

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Approved By		
Assistant City Administrator	Dave McCorquodale	Date: 02/10/2023