

Proposed new subsection addressing protection of utility easements

1. Add a new subsection (r) to Code Section 28-23, to read as follows:

(q) Placement of all aboveground facilities in the public right-of-way or public utility easements must be approved in advance by the city. All aboveground facilities must be designed and installed to minimize the visual impact of the facilities on the surrounding property and the possibility of adverse impact to public safety and welfare. In addition, all aboveground facilities must be landscaped, bermed or attractively fenced in such a manner as to screen the facilities from view from adjacent streets and property owners. Landscaping, berms and fencing must be approved in advance by the city. For purposes of this subsection, the term "aboveground facilities" means equipment or structures that protrude above the natural grade or surface of the land, without regard to the existence of equipment or structural components below the natural grade or the surface of the land.

(r) To permit utilities to be efficiently constructed, maintained and restored, utility easements shall be kept clear of all permanent structures, whether above or below ground, unless such structure is otherwise expressly authorized by this Code to be placed within a public utility easement. To prevent interference with clearances necessary for overhead lines and to protect underground utilities from root interference, trees may not be planted within 20 feet of an above-ground power, cable, or telephone line, or within 10 lateral feet of an underground water line or other underground utility, unless of the species listed in Section 107-371(c)(1)(listing tree species allowed within 20 feet of an overhead utility). For any trees planted within 10 lateral feet of an underground water line or sewer line, root barriers must be installed between the tree and the water line or sewer line equipment with a minimum installation of 4 feet deep at five lateral feet from the utility facility.

(s) The permittee, his contractors or subcontractors may not remove locate flags. Locate flags may not be removed from a location while facilities are being constructed.

(t) Construction that requires pumping of water or mud shall be contained in accordance with city ordinances and federal and state law and the directives of the city.

2. Amend the title of Chapter 28, Article II to read as follows: "Construction in City Right of Way and Pubic Utility Easements."