

CHAPTER 23

STREETS AND SIDEWALKS*

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ARTICLE I. IN GENERAL

Sections 23-1. Policy on Gated or Guarded Public Residential Streets.

The City Council will not indiscriminately allow public streets to be closed after business hours or otherwise. It will consider closings in circumstances where the residential street pattern design and/or conditions are conducive to providing increased security for neighborhood residents without unduly burdening the general public or restricting the provision of public services necessary for the protection of public health, safety and welfare. The City Council will, on a case-by-case basis, review requests from citizens to close certain residential streets on a limited basis or consider accepting the dedication of certain private residential streets which will allow them to be closed on a limited basis. Before allowing any closures, the Council shall find that such limited closings will protect and assist the area either by improving security, by reducing crimes, vandalism and nuisances, or by preventing injury to or destruction of or interference with public or private property, or by preserving good order and peace of the municipality, or by otherwise enhancing the public safety, health and general welfare. The City Council may approve this request following a public hearing after the Planning Commission has reviewed it and made a recommendation, and there is a finding that such closing is in the public interest. The other items to be considered by the Council are set forth in Article III, Division 3, Sections 23-48, *et seq.*, *Laurel Code*.

Source: Ordinance No. 1370-2000, 6-20-00

Section 23-2. Limited Closing of Residential Streets.

The following rules, regulations, policies and procedures shall apply to the limited closing of residential public streets or accepting the dedication of residential streets for public use to be closed at certain times. The same shall be applied taking into consideration the policy set forth in Section 23-1.

* **Cross References** --- Responsibilities of Street Commissioner, § 2-23; animals and fowl, Ch. 5; fire prevention and protection, Ch. 9; motor vehicles and traffic, Ch. 13; recreation, Ch. 17; planning and development, Ch. 19; sewers, Ch. 20; railroads, Ch. 21; water, Ch. 25; subdivisions, App. B; moving buildings, § 7-26 *et seq.*; numbers for buildings, § 7-181 *et seq.*; curfew for minors, § 16-2 *et seq.*; sweeping refuse onto streets and sidewalks, § 24-5.

State Law Reference --- Streets and sidewalks generally, Miss. Code 1972, §21-37-3 *et seq.*; special improvements, §21-41-1 *et seq.*; public roads and streets, Miss. Code 1972, §65-7-1 *et seq.*

Section 23-3. Criteria.

1. Any request for limited closure of a residential street (either public or private and to be dedicated to the City) must be made by either the property owner, the developer, the homeowners' association, or any other responsible entity (herein "said Owner") that owns property fronting said residential street.
2. Said Owner must be a legal entity that is capable of satisfying the financial responsibility requirements herein stated.
3. Limited closure/closing of said street may be by mechanical/electronic gates, other mechanical/electronic devices, a guard service, or some other traffic control device (herein "said Gate").
4. All costs associated with the construction, operation and maintenance of said Gate shall be the responsibility of said Owner.
5. Only local residential streets (that is, no connecting or through streets, no collector or major streets or no local streets serving commercial, institutional, or industrial establishments) shall be considered for limited closing or shall be considered for acceptance as public streets with a limited closing.
6. Provision shall be made for unlimited access to said residential street by emergency vehicles, service vehicles, school buses, and other vehicles necessary for the public health, safety and welfare.
7. For residential areas containing space for more than one hundred (100) dwelling units the Inspection Department and/or Planning Commission may require that other conditions be met before any local residential street will be considered for limited closure.
8. Said residential streets shall always remain open to the general public for a minimum of the following hours each day: 6:00 a.m. to 7:00 p.m. (i.e., business hours).
9. Any private street and related infrastructure (including but not limited to curbs, gutters, sidewalks, storm drains, etc.) proposed to be deeded or dedicated to public use must meet the minimum specifications of the City or be brought up to said minimum specifications at the cost of said Owner before the City will consider accepting it. Also, said Owner must propose dedicating it for public use at no cost to the City.
10. Said Owner, for himself and/or his successors in title, shall waive and release the City from any liability caused by the failure of said gates to allow immediate access to the residential area by said emergency or service vehicles.

Section 23-4. Procedure.

1. An application by said Owner shall be addressed to the City Council and the Planning Commission and filed with the Inspection Department, which application shall request a limited closing of a residential street.
2. A filing fee of One Hundred Dollars (\$100.00) shall be paid to the Inspection Department at the time of filing. Said fee is not refundable. Said fee shall be used by the Inspection Department to defray the cost of review and reporting on the request.
3. Detailed plans of the operation of said Gate that said Owner proposed to use to close said street shall be presented to the Inspection Department (or other designated official) for review and approval. Plans for the control and operation of said Gate shall include provisions for unrestricted access to the residential neighborhood by emergency vehicles, school buses, and other vehicles necessary for protection of public health and safety.
4. Said Owner will furnish evidence of financial responsibility for the cost associated with the operation and maintenance of said gates and other costs associated herewith, such as the indemnity agreement. Evidence of financial responsibility must be in a form acceptable to the Inspection Department, such as a payment bond, continuing guaranty, etc. Said form may authorize the original applicant (who is a single owner or developer) to assign said financial responsibility to home owners association after it is organized, upon written approval of the Inspection Department.
5. Said Owner shall sign an agreement to indemnify and hold harmless the City from any and all costs and expenses associated with defending the policy adopted herein and approving the requested closing, including reasonable attorney's fees. Said indemnity shall include the defense of the policy for said street being closed pursuant to this policy.
6. The Inspection Department shall have all appropriate department heads and City officials review the plans and other documentation submitted and advise the Planning Commission when all criteria have been met.
7. After all criteria have been met to the satisfaction of the Inspection Department, the Planning Commission shall hold a public hearing on the criteria and the policy decisions herein stated. Thereafter, the Planning Commission shall make its recommendation to the City Council.
8. Residential streets will be considered for said limited closing only after a finding by the Planning Commission that such closing will not have a significant adverse effect on travel by the general public or impede ingress or egress to the neighborhood by emergency vehicles, services vehicles, school buses, or other vehicles necessary for the general welfare and the protection of public health and safety. Said Commission shall also make the findings that this request will further the policy specified in Section 23-1.
9. The City Council shall consider the recommendations of the Planning Commission and whether or not to grant the requested limited closing of said residential street or streets or accept a private residential street with limited

closing. The Council shall have the sole authority to make the final decision on whether or not to grant said request regardless of the recommendations of the Planning Commission.

Source: Ordinance No. 1370—2000, §23-49, 6-20-00

Section 23-5. Termination.

The City, upon recommendation of the Inspection Department or the Planning Commission, may terminate the right of limited closing of any local residential public street upon determination that said entranceways, gates, barriers or other devices are not maintained in good repair or are defective in their operation, or in any of the other findings previously made are no longer valid. Upon termination of said right, said Owner shall immediately remove said Gate, barriers, etc. Failure to do so will authorize the City Council to order the same removed at the cost of said Owner.

Source: Ordinance No. 1370-2000, §23-50, 6-20-00

Sections 23-6 --- 23-15. Reserved.

ARTICLE II. SIDEWALKS; DRIVEWAYS; CURBS; GUTTERS**

DIVISION 1. GENERALLY

Section 23-16. Construction or Repair; Protection of Public.

It shall be the duty of each contractor or person who shall construct or repair any sidewalk within the corporate limits of the City, until such work is completed:

- (1) To place safety barriers at each end and on each side of the sidewalk and to maintain the same at all times except during the daylight hours.
- (2) To screen the place where the sidewalk is under construction or being repaired.
- (3) To do any and all other things necessary at all excavations or dangerous places for the protection of pedestrians until said sidewalk is ready for use by the public.

Source: Code 1969, § 88-78

** **Cross Reference** --- Driveways in mobile home parks, § 13-34.

Section 23-17. Weeds and Vegetation Growths.

It is unlawful for owners or occupants of lots in the City abutting on any sidewalk to permit weeds, grass or any kind of vegetation growth to grow over and cover the sidewalk, whether paved or unpaved, on which lots may abut, whether lots or property are occupied or not, and it shall be the duty of every owner of property and occupants thereof to keep all sidewalks on which their property abuts free from weeds, grass or vegetation growth.

Source: Code 1969, § 38-67

Cross Reference --- Property maintenance, Ch. 11

Section 23-18. Sidewalk, Etc., Kept Clean.

It shall be the duty of all persons to keep the sidewalks and gutters in front of and around their premises clean and free from refuse, dirt, slush, slop and any and all obstructions which may prevent the flow of water.

Source: Code 1969, §§ 17-6, 38-66

Section 23-19. Allowing Wastewater to Flow Over Sidewalk.

No person operating a car wash rack shall wash any car or truck in the streets of the City or allow any wastewater, mud, grease or oil from any filling station or wash rack to flow over, on or across any sidewalk of the City.

Source: Code 1969, § 38-65

Section 23-20. Sidewalks; Littering, Unlawful Gatherings.

It shall be unlawful for any person to place or have placed any property for sale, display, advertisement or any other purpose on the sidewalks or to move or stand on the sidewalks carrying banners, placards, signs and the like for any such purpose or to throw debris of any kind on said sidewalks, and to create any form of loud or unusual noises for the purpose of attracting the attention; provided, however, the City Council in its discretion may grant special permit for any person to conduct religious activities on such sidewalks, or other activities described in this Section, where it appears to the City Council that such activities would not be distracting so as to hamper the rightful and proper use of said streets and sidewalks.

Source: Code 1969, § 26-18

Sections 23-21 --- 23-30. Reserved.

DIVISION 2. PERMIT

Section 23-31. Required Generally.

It shall be unlawful for any person to construct sidewalks, curbs, gutters or driveways and approaches to any street in the City without first obtaining a written permit signed by the Engineering Department as provided in this division and authorizing the construction.

Source: Code 1969, § 38-37

Section 23-32. Drainage Installations.

It shall be unlawful for any person to install storm sewers, to place drainage pipes under driveways or to enclose or cover any natural drainageways within the City without first obtaining a written permit. To obtain said permit, plans must be submitted to the Engineering Department. Said plans shall include the following:

- (1) All materials and construction shall conform to the State Highway Department specifications (1976 Edition or later editions thereof).
- (2) Said plans shall show the grade that the culverts of storm sewers are to be laid upon and shall show the amount of cover that will be over said storm sewers.
- (3) No utilities, such as water and sewer lines and their connections, shall be disturbed in any manner by said construction.
- (4) Said plans shall show the location and/or site on which work is to be performed.
- (5) Said plans shall show the type of pipe to be used, the size, quantity and method of construction or installation of said pipe shall also be shown.
- (6) Said plans must identify the number of acres that said pipe shall drain. Drainage structures shall be sized utilizing the rational method and shall be designed to carry the ten (10) year flood frequency.
- (7) The minimum driveway drain shall be fifteen (15) inch reinforced concrete or an approved equivalent.
- (8) No untreated corrugated metal pipe will be permitted.
- (9) The minimum size for bituminous coated-metal corrugated pipe shall be twenty-four (24) inches.

Source: Ordinance No. 870-1979, § 1, 9-11-79

- (10) No City funds or labor will be expended to install culverts in any depression or watercourse unless, in the judgment of the Director of Public Works, it is clearly in the City's interest to do so and when not clearly in the City's interest, the matter shall first be brought before the Council for formal action.

Source: Ordinance No. 1339-1999, 5-18-99

Section 23-33. Application.

- (a) The City Engineer shall provide the proper form of application blanks for permits under this article, and all persons in the City desiring to construct permanent sidewalks, curbs and gutters or permanent driveways and approaches to any street may obtain and make proper application for authority to make such improvement.
- (b) Said application shall be referred to the City Engineer and if he shall approve the said permit or if the City Council shall make an order authorizing such construction, then or if the City Council shall make an order authorizing such construction.
- (c) If the City Engineer shall disapprove any application, the same shall be referred to the City Council for its action thereon. If the application shall be denied by the City Council, the order making denial of the applications shall be spread upon the Minutes of the Board.

Source: Code 1969, § 38-98

Sections 23-34 --- 23-45. Reserved.

ARTICLE III. STREETS*

DIVISION 1. UTILITY LINES

Section 23-46. Construction of Utility Lines.

No person shall construct or have constructed a pipeline, communication line or an electric power line on, over or under any street or within any city of Laurel maintained right-of-way before the following requirements have been complied with:

- (1) An application and plan must be signed and executed by the applicant and filed on a form to be furnished or designated by the Engineering Department and/or Inspection Department.
- (2) A copy of such application and plans will be mailed to the applicant as his authority to proceed with the construction. However, written notice shall be given the Engineering Department and/or Inspection Department twenty-four (24) hours in advance of the time actual work is begun.

Source: Code 1969, § 38-21

* **Cross Reference** --- Poles and wires, § 7-141 et seq.

- (3) Application form will be available in the City Inspection Department and shall be completed and submitted to that department with a fee of \$100.00 to defray administrative costs. Said applicant or proxy will also be required to attend a site plan meeting with representatives of the Inspection Department, Public Works, Engineering Department and Water and Sewer Department. A permit fee shall be assessed according to the existing electrical permit schedule.
- (4) All provisions of Chapter 23, Article IV must be met before completion of utility line construction.

Source: Ordinance No. 1589-2012, 4-19-2012, 1741-2022, 11-22-2012

DIVISION 2. IDENTIFICATION AND NUMBERING

Section 23-47. Identification, Numbering---Roads, Highways, Streets and Dwelling Houses.

- (1) A map, or set of maps, designated as “OFFICIAL MUNICIPAL MAP” showing the names of public streets, roads and highways within the boundaries of the City of Laurel is hereby adopted and incorporated in this Ordinance as fully as if set forth herein, said map to be kept on file in the City Engineering Department.
- (2) All additions, or changes to the Official Municipal Map shall be by Ordinance duly adopted and spread upon the Minutes of the governing authority, a certified copy of which shall be transmitted to the State Highway Department.

Source: Ordinance No. 1085-1986, § 1-4, 12-16-96

Section 23-47A. Naming or Renaming---Streets, Buildings, and any other Structures or Facilities.

- (1) All considerations and/or proposals for naming or renaming of streets, buildings and any other structures or facilities within the City of Laurel, must be submitted to the office of the City Clerk on the application request form, along with the necessary fee. The Clerk will route the application to the Laurel Planning Commission for their review, study and recommendation.
- (2) A non-refundable administrative fee in the amount of \$100.00 (one hundred dollars) will be charged on each application request, to process the review, to notify all city utility companies and government offices, and to conduct public hearings.
- (3) Except in unusual circumstances or for compelling reasons names to be considered shall be those of persons who are deceased.
- (4) Each application request form for renaming of a street, will require a petition with the printed name, address and signature of every resident and/or business on the street, showing approval or disapproval of the naming or renaming of the street. The person

presenting the petition to the City Clerk shall also present an affidavit attesting to the authenticity of the signatures and that the individuals understood what was being signed. The City Clerk shall validate all signatures and addresses. A minimum of 75% (seventy-five percent) of the residents and businesses combined along said street shall give an affirmative response in order for the proposal to be considered.

- (5) The naming or renaming of a building or facility for a donor to the City of Laurel may be considered when the donor's gift(s) are at least 25% (twenty-five percent) of the total building/facility cost.
- (6) Any new name for a street cannot duplicate (either exact in spelling or phonetically similar) another street name within the City of Laurel.
- (7) The Laurel Planning Commission will review and study the application request, will conduct a public hearing and will make a recommendation to the Mayor and City Council for approval. The deadline for a recommendation to the Council shall be no later than 60 (sixty) days after introduction of application request.
- (8) Any request approved by the Laurel Planning Commission shall be brought before the City Council for final approval at the next scheduled meeting of the Council, if there is sufficient time to be placed on the agenda prior to the deadline; otherwise, it must be presented at the next schedule meeting of the Council.
- (9) An appeal to the Laurel City Council may be taken within 30 (thirty) days after an order becomes effective, by any person or persons aggrieved or by any officer, department or board of the city of Laurel affected by the decision.
- (10) If the City Council approves the proposal, the official action on such matters outlined in the approved ordinance will go into effect after 30 (thirty) days and all city utility companies and government agencies will be officially notified of the change.

Source: Ordinance No.1347-1999, 8-3-99

DIVISION 3. LIMITED CLOSING OF RESIDENTIAL STREETS

Section 23-48. Criteria.

- (1) Any request for limited closure of a residential street (either public or private and to be dedicated to the City) must be made by either the property owner, the developer, the homeowners' association, or any other responsible entity (herein "said Owner") that owns property fronting said residential street.
- (2) Said Owner must be a legal entity that is capable of satisfying the financial responsibility requirements herein stated.

- (3) Limited closure/closing of said street may be by mechanical/electronic gates, other mechanical/electronic devices, a guard service, or some other traffic control device (herein "said Gate").
- (4) All costs associated with the construction, operation and maintenance of said Gate shall be the responsibility of said Owner.
- (5) Only local residential streets (that is, no connecting or through streets, no collector or major streets or no local streets serving commercial, institutional, or industrial establishments) shall be considered for limited closing or shall be considered for acceptance as public streets with a limited closing.
- (6) Provision shall be made for unlimited access to said residential street by emergency vehicles, service vehicles, school buses, and other vehicles necessary for the public health, safety and welfare.
- (7) For residential areas containing space for more than 100 dwelling units the Inspection Department and/or Planning Commission may require that other conditions be met before any local residential street will be considered for limited closure.
- (8) Said residential streets shall always remain open to the general public for a minimum of the following hours each day: 6:00 A.M. to 7:00 P.M. (*i.e.*, business hours).
- (9) Any private street and related infrastructure (including but not limited to curbs, gutters, sidewalks, storm drains, etc.) proposed to be deeded or dedicated to public use must meet the minimum specifications of the City or be brought up to said minimum specifications at the cost of said Owner before the City will consider accepting it. Also, said Owner must propose dedicating it for public use at no cost to the City.
- (10) Said Owner, for himself and/or his successors in title, shall waive and release the City from any liability caused by the failure of said gates to allow immediate access to the residential area by said emergency or service vehicles.
- (11) Said Owner, for and on behalf of his successors and assigns, by its application hereunder accepts the responsibility for the operation and maintenance of said gates at all times. Said Owner will also provide a means for all City safety and service personnel to have immediate and unlimited access to the public property located behind said gates.

Source: Ordinance No. 1370-2000, Art.I., § 23-1, 6-20-00; Ordinance No. 1404-2002, 6-4-02

Section 23-49. Procedure.

- (1) An application by said Owner shall be addressed to the City Council and the

Planning Commission and filed with the Inspection Department, which application shall request a limited closing of a residential street.

- (2) A filing fee of \$100.00 shall be paid to the Inspection Department at the time of filing. Said fee is not refundable. Said fee shall be used by the Inspection Department to defray the cost of review and reporting on the request.
- (3) Detailed plans of the operation of said Gate that said Owner proposed to use to close said street shall be presented to the Inspection Department (or other designated official) for review and approval. Plans for the control and operation of said Gate shall include provisions for unrestricted access to the residential neighborhood by emergency vehicles, school buses, and other vehicles necessary for protection of public health and safety.
- (4) Said Owner will furnish evidence of financial responsibility for cost associated with the operation and maintenance of said gates and the other costs associated herewith, such as the indemnity agreements. Evidence of financial responsibility must be in a form acceptable to the Inspection Department, such as a payment bond, continuing guaranty, etc. Said form may authorize the original applicant (who is a single owner or developer) to assign said financial responsibility to homeowners association after it is organized, upon written approval of the Inspection Department.
- (5) Said Owner shall furnish the City with a general liability insurance policy from a reputable company authorized to do business in the State of Mississippi with minimum limits of \$1,000,000. per occurrence, insuring Owner and City. Said Policy shall also waive the right of subrogation for the City's benefit.
- (6) The Inspection Department shall have all appropriate department heads and city officials review the plans and other documentation submitted and advise the Planning Commission when all criteria have been met.
- (7) After all criteria have been met to the satisfaction of the Inspection Department, the Planning Commission shall hold a public hearing on the criteria and the policy decisions herein stated. Thereafter, the Planning Commission shall make its recommendations to the City Council.
- (8) Residential streets will be considered for said limited closing only after a finding by the Planning Commission that such closing will not have a significant adverse effect on travel by the general public or impede ingress or egress to the neighborhood by emergency vehicles, service vehicles, school buses, or other vehicles necessary for the general welfare and the protection of public health and safety. Said Commission shall also make the findings that his request will further the policy specified in Section 23-1.
- (9) The City Council shall consider the recommendations of the Planning Commission and whether or not to grant the requested limited closing of said

residential street or streets or accept a private residential street with limited closing. The Council shall have the sole authority to make the final decision on whether or not to grant said request regardless of the recommendations of the Planning Commission.

- (10) Each application hereunder will be considered on a case by case basis. The fact that one Owner has been granted approval to operate gates that will provide limited closing of public streets in one subdivision will have no bearing on whether another Owner's application hereunder for another subdivision will be approved.

Source: Ordinance No.1370-2000, Art. III.,§ 23-48, 6-20-00; Ordinance No. 1404-2002, 6-4-02

Section 23-50. Termination.

The City, upon **90 days written notice to said Owner and upon** recommendation of the Inspection Department or the Planning Commission, may terminate the right of limited closing of any local residential public street upon determination that said entrance ways, gates, barriers or other devices are not maintained in good repair or are defective in their operation, or if any of the other findings previously made are no longer valid **or if it is determined that this right is not in the best interest of the City as a whole.** Upon termination of said right, said Owner shall immediately remove said Gate, barriers, etc. Failure to do so will authorize the City Council to order the same removed at the cost of said Owner.

Source: Ordinance No. 1370-2000, Art. III.,§ 23-50, 6-20-00; Ordinance No. 1404-2002, 6-4-02

Sections 23-51 --- 23-60. Reserved.

Article IV. Permitted Work within City Right-of-Way

Section 23-61 Permit – Required

It shall be unlawful to dig into, break up, injure or destroy any street, alley, sidewalk, public ground, public right-of-way or pavement within the City of Laurel without a permit for the purpose of laying new utility pipe or making repairs or improvements to existing infrastructure.

Before excavating, boring, trenching or performing any work for the purpose of laying new utility pipe or making repairs or improvements to existing infrastructure within any city of Laurel right-of-way, an application shall be made to the Inspection Department stating the purpose for the same.

The Right-of-Way Permit Application shall include the following:

- specific location of proposed project

- all City-owned utilities, sidewalks and other structures
- all other utilities
- right-of-way lines
- centerline of roadway and edge of pavement
- scale and drawing legend

Said applicant or proxy will also be required to attend a site plan meeting with representatives of the Inspection Department, Public Works, Engineering Department and Water and Sewer Department.

SECTION 23-62 Definitions.

The following words and phrases, whenever used in Article IV, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. "Applicant" means any owner, contractor, developer, or builder who has submitted an application for a permit to excavate or perform work or construction on, within, or under any street, alley, or public right-of-way.
- B. "City" shall mean the City of Laurel, Mississippi.
- C. "City Engineer" means the person designated by the Mayor.
- D. "Director of Public Works" means the Director of the Public Works Department, or other person designated by the Mayor or the Director of Public Works.
- E. "Emergency" shall mean the repair of a utility which must be made to restore service, to avoid property damage, or to eliminate danger to the public. An application shall be made for a permit for all emergency cuts, digging, or excavations within 2 business days after the cuts, digging, or excavations have been made. However, a prospective applicant shall give verbal notice immediately to the Public Works Director or his or her designee upon determination that "emergency" work or construction is needed and prior to commencing this work. All other provisions of this Ordinance shall apply to "emergency" cuts, digging, or excavations.
- F. "Excavation" shall mean any opening in the paved or improved surface or subsurface of the public right-of-way.
- G. "Excavation Influence Area" means the mandatory minimum areas for resurfacing an excavation.
- H. "Installations" means any legally authorized type of structure, plant, equipment, or other property installed in the public rights-of-way.
- I. "Notice" means a written notification which is deemed to have been received on the date on which it was faxed or three days after the date on which it was mailed via First Class United States Mail, postage pre-paid.
- J. "Owner" means the company or business authorized to construct, repair, or adjust a utility or to perform the work or construction referred to in the application or permit.
- K. "Pavement" means the fully improved roadway surface of the Public Rights-of-Way, designed and constructed to support the movement of vehicular traffic. Pavement

typically consists of asphaltic concrete or cement concrete and it includes any sub-grade installations.

- L. "Person" means any natural person, corporation, partnership, or any governmental agency, department, or subdivision of the City, County, or the State of Mississippi, or United States of America.
- M. "Permit" means a permit to perform an excavation, trenching, boring or cutting across a street or within a right-of-way as it has been approved or may be amended or renewed by the Public Works Director or City Engineer or his or her designee.
- N. "Permit Application" means the prescribed "Permit Application for the Construction, Repair, or Adjustment of a Utility or for Work Within, On, or Under City Rights-of-Way" or such other application as approved by the Public Works Director or City Engineer.
- O. "Pothole" means a limited excavation used to determine the actual vertical and horizontal location of underground installations.
- P. "Public Rights-of-Way" or "rights-of-way" means the paved area across, along, beneath, in, on, over, under, upon, and within the City streets, as they now exist or hereafter will exist and which are or will be under the permitting jurisdiction of the Department of Urban Development and Department of Engineering.
- Q. "Resurface" or "Resurfacing" means any or all of the following as directed by the Director of Public Works or City Engineer or their authorized representative(s):
 - 1) Any removal and replacement necessary for sub-base repairs using either cement concrete, or full depth base asphaltic concrete.
 - 2) Cold planning/milling the gutter-line, and making horizontal header cuts to a minimum depth of one-inch, for a minimum of six (6) feet in width, or if required by the City Engineer, cold planning/milling of the entire street width.
 - 3) Replacement of any damaged traffic signal detection loops.
 - 4) Placement of Pavement reinforcing fabrics, if required by the City Engineer.
 - 5) The placement of hot mix asphaltic concrete upon the existing roadbed, in varying thicknesses as directed by the City Engineer.
 - 6) The adjustment of any affected City manholes and gate valve covers.
 - 7) The permanent layout and installation of pavement markings.
- R. "Street" shall mean any public highway, road, street, avenue, alley, lane, drive way, easement, place, court, or trail, which has been accepted, or is hereafter accepted, by the City of Laurel, Mississippi into the City road system or in which the City has easement or ownership interests.
- S. "Trenchless Technology" means methods, material, equipment and techniques that can be used to install, replace, renew or repair underground infrastructure with minimal surface disturbance. Trenchless Technology includes drilling, auguring, boring and tunneling.
- T. "Unimproved Rights-of-Way" means City rights-of-way that do not have pavement and do not have a sidewalk, curb or gutters.

SECTION 23-63 Fees

Permit Fee

A Permit Fee of \$100 shall be paid to the Inspection Department at the time of the application.

Work within a recently paved roadway

When an applicant desires to conduct permitted activity within any roadway that has been constructed, reconstructed, resurfaced, or overlaid within the three (3) years immediately preceding the issuance of a right-of-way permit, then the applicant shall pay, in addition to all other permit fees, an additional fee as follows:

1. The additional fee for work within any such roadway within the first year after resurfacing or construction shall be two thousand five hundred dollars (\$2,500.00).
2. The additional fee for work within any such roadway in the second year after resurfacing or construction shall be one thousand dollars (\$1,000.00).
3. The additional fee for work within any such roadway in the third year after resurfacing or construction shall be five hundred dollars (\$500.00).

The additional fees set in this paragraph shall be in addition to, and not in lieu of, any other fees or licenses required.

SECTION 23-64 Installation Requirements

Applicant is responsible for installation, maintenance, operation and ownership of permitted facilities. No trees or shrubs on the City's right-of-way will be cut, trimmed or damaged during the construction or maintenance of this work or facility, except as expressly shown on approved plans or unless approved by the Public Works Director in unforeseen circumstances.

The applicant must maintain 3-foot minimum cover over all piping. All handheld boxes shall be set level and flush with surrounding surface or ground so as not to create a tripping hazard, create ponding or inhibit water runoff.

The applicant is responsible for any conflicts with city-owned utilities and must maintain a minimum 10-foot horizontal and 18-inch vertical separation buffer from all sanitary sewer and storm drainage structures. Applicant must maintain a minimum 5-foot horizontal and 18-inch vertical separation buffer from all city-owned water lines and appurtenances, fiber optic, power lines or any other city owned infrastructure. The issuance of this permit in no way constitutes a confirmation from the City of Laurel that utilities and said rights-of-way indicated on documents submitted with this application are true, complete and correct.

The applicant is responsible for any conflicts with other utilities on the city right-of-way and is to secure permission from said utilities for conflicts and/or necessary alterations.

The applicant is responsible for complete repair of any damage that occurs to the city owned infrastructure as a result of the permitted work.

The applicant accepts the responsibility of the safety of the traveling public and his/her workers and agrees to furnish, place and maintain traffic control devices, if required, in accordance with Part 6 of the Manual On Uniform Traffic Control Devices for Highways and

Streets (MUTCD), Current Edition at a minimum. The applicant shall submit a special traffic control plan if special traffic control details or detours are warranted.

Applicant shall comply with all state, local, Mississippi Department of Health and Mississippi Department of Environmental Quality regulations including but not limited to the Field Manual for Erosion and Sediment Control. The applicant is responsible for all notifications to Mississippi One Call.

SECTION 23-65 Inspection.

Inspection during construction

Permittee shall make the work site available to the City Engineer/ Public Works Director or his authorized representative and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work. At the time of inspection, the City Engineer/ Public Works Director or his authorized representative may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public. The City Engineer/ Public Works Director or his authorized representative may issue a notice of violation to the permittee for any work which does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for issuance of a municipal offense ticket and/or stop work order. Within the time frame indicated on the notice after issuance of the order, the applicant shall present proof to the city engineer that the violation has been corrected. If such proof has not been presented within the required time, the City Engineer/ Public Works Director may issue a stop work order and/or issue municipal offense tickets.

A permittee shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work. Except in the case of an emergency, and with the approval of the City Engineer or Public Works Director or his or her designee, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.

Final Inspection

When the work under any permit hereunder is completed, the permittee shall notify the City Engineer/ Public Works Director. A final inspection shall be held to determine if all City rights-of-way have been restored in accordance with applicable City of Laurel ordinances and the Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction (2017 Edition) and Mississippi Department of Transportation Standard Drawings.

Failure to restore the permitted area may result in the inability to apply for subsequent permits.

SECTION 23-66. Enforcement of Permit Obligation.

Denial of permit

1. *Mandatory denial.* Except in the case of an emergency, no right-of-way permit will be granted:
 - a. To any person who has failed to comply with the requirements of this article;
 - b. To any person who is delinquent in paying a debt owed to the city; and
 - c. If, in the discretion of the City Engineer/ Public Works Director, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The city engineer, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.
2. *Permissive denial.* The City Engineer/ Public Works Director may deny a permit in order to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the right-of-way and its users. The City Engineer/ Public Works Director may consider one (1) or more of the following factors:
 - a. The extent to which right-of-way space where the permit is sought is available;
 - b. The competing demands for the particular space in the right-of-way;
 - c. The availability of other locations in the right-of-way or in other right-of-way for the facilities of the particular company;
 - d. The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
 - e. The degree of compliance of the applicant with the terms and conditions of its franchise, this article, and other applicable ordinances and regulations; the degree of disruption to surrounding neighborhoods and businesses that will result from the use of that part of the right-of-way; and
 - f. The condition and age of the right-of-way, and whether and when it is scheduled for total or partial construction; and the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.
 - g. Planned future construction/expansion projects that directly conflict with the requested permit.

Work done without a permit

1. *Emergency situations.* Each permittee shall immediately notify the City Engineer/ Public Works Director (by telephone or in person) of any event regarding its facilities which it considers to be an emergency. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within two (2) business days after the occurrence of the emergency, the applicant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this article for the actions it took in response to the emergency.
2. In the event that the City Engineer/ Public Works Director becomes aware of an emergency regarding an applicant's facilities, the department shall attempt to contact the local representative of each applicant affected, if known, or potentially affected, by the emergency, who must comply with subsection (b)(1) of this section. In any event, the department may take whatever action deemed necessary in order to respond to the emergency.
3. *Non-emergency situations.* Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must:
 - a. Subsequently obtain a permit,
 - b. Pay three (3) times the normal fee for said permit,
 - c. Pay three times all the other fees required by the Code,
 - d. Deposit with the department any amount necessary to correct any damage to the right-of-way,
 - e. Comply with all of the requirements of this article. In addition thereto, any such person shall also be subject to the issuance of a notice of violation and/or a municipal offense ticket.

Enforcement

1. Permittees hold permits issued pursuant to this article as a privilege and not as a right.
2. If the City Engineer/ Public Work Director determines that the permittee has violated a material term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the Public Works Director or his designee shall issue a notice of violation to the permittee to remedy such violation. The demand shall state that continued violations may be cause for the issuance of a stop work order and issuance of a municipal offense ticket. Further, a substantial breach, as stated above, will allow the City Engineer/ Public Works Director, at his or her discretion, to place additional or revised conditions on the permit. Failure to comply with all provisions of this ordinance may result in the inability to apply for subsequent permits.

SECTION 23-67 Resurfacing and Restoration.

Resurfacing

Resurfacing shall include, but is not limited to:

- A. The length of the pavement restoration shall be measured perpendicular to traffic and shall be not less than 20 feet. The width of the restoration shall be equal to the influence area but not less than one full travel lane width measured from the edge of asphalt or curb-line. Should the influence area extend into multiple lanes of traffic, the entire widths of the roadway shall be restored from edge of pavement to edge of pavement.
- B. The thickness of asphalt pavement shall match the thickness of the existing asphalt pavement. Installation shall be performed in accordance with the MDOT Standard Specification for Road and Bridge Construction.
- C. Asphalt Mix Design shall be an approved MDOT mix design.
- D. Any pavement striping that is disturbed shall be replaced with like-kind materials, color and markings.
- E. Any traffic signal wiring or appurtenances disturbed shall be replaced.
- F. Infrared systems can be used under these circumstances only:

1. heating the asphalt to a working temperature of 300 degrees, penetrating the asphalt to a depth of 2" to 4". After removing deteriorated asphalt and raking in new asphalt to a height of 1/8 to 1/4", the area is compacted with a vibratory roller, or compactor.

Restoration

In addition to any required resurfacing, any areas affected by work or construction shall be restored within three (3) days of completion of work or construction on the property or areas affected thereby so that each such property or area shall, to the best extent possible, be placed in the same or better condition it was in prior to the commencement of work or construction. Such restoration shall include, but not be limited to, the replacement of all markings and/or striping per the current Manual on Uniform Traffic Control Devices and City construction standards and the re-sodding of like or higher quality turf or replacement of similar vegetation that was adversely affected or damaged by the work as well as the replacement or restoration of any and all sidewalks, driveways, shoulders, curbs, curb cuts, manholes, and any other improvements. Replacement of improvements necessitated by work authorized by a permit shall be made in accordance with prevailing and governing industry standards, codes, regulations, and laws at the time of the replacement. If a sidewalk, curb, and/or gutter were damaged by the permittee, the permittee shall be responsible for all costs associated with its replacement.

Sidewalks, curb, and gutter shall be saw cut three inches (3") prior to replacement to provide a clean edge. Restoration of grassy areas that were, in the opinion of the City Public Works Director or Engineer, not generally maintained prior to commencement of work authorized under a permit, may include re-seeding of grass in lieu of re-sodding of turf. All such restoration efforts shall be inspected by the City Public Work Director or Engineer or his or her designee. By restoring the rights-of-way and areas affected by construction or work permitted hereunder, the permittee guarantees its work for twenty-four (24) months following its completion and acceptance by the City Public Works Director or Engineer or his or her designee. During this twenty-four (24) month period, the permittee shall, upon notification from the City Engineer or his or her designee, correct all restoration work to the extent necessary using the method required by the City of Laurel and such work shall be completed within the time specified by the City Public Works Director or his or her designee.

SECTION 23-68 As-Builts

Within 30 days of final inspection, permittee shall provide to the City Engineer/Public Works Director a CAD (DXF, DWG or DGN) or GIS (SHP or SHX) file of the AS-BUILT plans showing all work performed with respect to the centerline of the roadway, edge of pavement, right-of-way, components of work and materials used, and locations, dimensions and depths of existing, encountered and conflicting utilities.

SECTION 23-69 Posting of Permits

At all times while work or construction is in progress, the permittee shall keep and publicly post the original permit or a copy thereof at or near the work or construction site and shall, on demand, exhibit the permit to the Public Works Director or his designee.

SECTION 23-70 Violations and Penalties

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed or permitted. Upon conviction of any such violation, such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each violation.

No person who has violated any provision of this Article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the outstanding violation is corrected or a plan for correction is approved by the Director of Public Works and the City Engineer, or their authorized representative(s), which approval shall not be unreasonably withheld. The foregoing requirement or penalty is in addition to any penalty or remedy for violation that may be imposed or sought by the City at law or equity.

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