

ORDINANCE NO. 2022-05

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 2002-3 TO UPDATE PERMIT REQUIREMENTS TO PERFORM WORK WITHIN PUBLIC RIGHTS OF WAY IN THE TOWN OF LOXLEY, ALABAMA.

The Town Council of the Town of Loxley, Alabama, finds as follows:

WHEREAS, the Town Council of the Town of Loxley believes that it is in the best interests of the public health, safety, and welfare that it amends the right of way permitting ordinance to require right of way permitting to be overseen by the Public Works Department instead of the Building Inspector;

WHEREAS, the rapid growth and development of the Town of Loxley necessitates the updating of the right of way permitting process;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXLEY, ALABAMA, AS FOLLOWS:**

**SECTION 1. DEFINITIONS.**

- (a) Construction Bond: A bond posted to ensure proper and complete construction and/or repair of a permitted site pursuant to a permit issued by the Town.
- (b) Construction Standards: Means the compilation of provisions and requirements that provide the technical specifications and details for miscellaneous construction, utility excavation, and right-of-way and pavement restoration.
- (c) Emergency: A condition that poses a clear and immediate danger to life and health, or a clear and immediate danger of a significant loss of property or utility services.
- (d) Excavation: Any work on the surface or subsurface of the public right-of-way including but not limited to opening the right-of-way, installing, servicing, repairing, or repairing/modifying any facilities/sites in or under the surface or subsurface, and restoring the surface and subsurface of the public right-of-way.
- (e) Facilities: Means any tangible thing located in any Rights-of-Way; but shall not include boulevard plantings or gardens planted or maintained in the Rights-of-Way between privately owned property and the street edge of the pavement.
- (f) Franchise: Means the grant of authority from the Town to occupy any portion of the Rights-of-Way for any purpose herein described.
- (g) Town: The Town of Loxley, Alabama, and any other areas in which the Town may have a property interest in a right of way.
- (h) Public Utilities/Works Department: The Public Utilities/Works Department for the Town or any other agent designated by the Public Utilities/Works Department or the Mayor to act on behalf of the Town.
- (i) Permittee: The contractor, firm, corporation or any other person or entity holding a Permit under this ordinance and/or actually performing the work under the Permit.
- (j) Permit Fee: Money charged by the Town to cover the costs as provided in this Ordinance.
- (k) Right-of-way: The surface and space above and below any real property in which the Town has an interest in law or equity, whether held in fee, or other estate or interest including easements, or as a trustee for the public, including but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, detention pond, retention pond, culvert, ditch, storm

water management facility, bridge park, or any other place, area, or real property owned by or under the control of the Town.

- (l) **Right-of- Way Permit, Turn-Out Permit, Construction Permit:** The Permit which must be obtained from the Town before a Person may Construct in, or Obstruct in that part of the Right-of-Way described in such permit, and to hinder free and open passage thereon to the extent and for the duration specified in the permit. The term also includes permits issued by ALDOT or Baldwin County Highway Department authorizing construction or maintenance of facilities located on state or county roadways within the corporate limits of the Town.
- (m) **Trenchless Technology:** The use of directional boring, horizontal drilling, and micro tunneling and other techniques in the construction of underground portions of facilities which result in the least amount of disruption and damage to right-of-way as possible.
- (n) **Underground Facilities:** All lines, cables, conduits, posts, tanks, and any other facilities owned or operated by persons other than the Town which are located wholly or partially underneath right-of-way.
- (o) **Utilities:** Any water, sewer, gas, drainage, irrigation, or culvert pipe and any electric power, telecommunications, signal communications, or cable television conduit, fiber/fiber optic, wire, cable, or operator thereof.
- (p) **Utility Markers:** Above grade marker, pillar, post, sign, or similar facility placed to provide visual reference of, or otherwise mark the location of, underground facilities which do not provide structural support to any underground or overhead facility.
- (q) **Wireless Facilities:** Transmission Equipment used to provide Wireless Communications Services.

## **SECTION 2. RIGHT-OF-WAY PERMITS**

### **(a) Permit requirements.**

1. A Public Right of Way Access Permit (hereinafter referred to as a "Permit") shall be obtained prior to the commencement of any construction or other work within any public right of way, except as provided for emergency work. It shall be unlawful for any person to dig up, open, excavate, construct or alter, or to cause to be altered, dug up, opened, excavated or constructed, any street, alley, sidewalk, drainage ditch or any other public right of way in the Town without first having secured a Permit from the Town.
2. *Right-of-way permit.* A right-of-way permit is a permit which allows the holder to construct, obstruct, or landscape in that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified herein. A permit is valid only for the date(s) and the area(s) of right-of-way specified in the permit. No person may construct in or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:
  - a. Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and
  - b. A new permit or permit extension is granted.

However, if no work is initiated within three (3) months or if the project lies dormant for a period of thirty (30) calendar days after being started, the permit shall be invalid.

(b) *Exemptions.* No permits shall be required for the following activities:

1. Installation and repair of facilities by, or for, Town of Loxley Departments: and
2. The replacement, maintenance, and repair of utility markers, independent of any other activity for which a permit is required under Section 3.

(c) *Permit Applications.* Application for permit is made to the Public Utilities/Works Department.

1. All permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the Construction Standards, as appropriate.
2. Each applicant's name, Alabama One-Call registration certificate number, address, and email address, if applicable, and telephone and facsimile numbers.
3. The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times.

(d) *Issuance of Permit; Conditions.*

1. The permit shall be issued if the Public Utilities/Works Department determines that the Applicant has satisfied the requirements of this Ordinance.
2. The Public Utilities/Works Department may impose reasonable conditions upon the issuance of the Permit and the performance of the Applicant thereunder in order to protect the public health, safety and welfare, to ensure the structural integrity of the Rights-of-Way, to protect the property and safety of other users of the Rights-of-Way, and to minimize the disruption and inconvenience to the traveling public, including notification to property owners.

(e) *Permit Fees.*

1. An application fee of \$35.00 shall be paid for a Permit at the time of application for the Permit.
2. The Permit fee is non-refundable regardless of whether or not the Permittee actually undertakes to perform the work.
3. If the Public Utilities/Works Department is required to work, inspect or perform any services on behalf of a Permittee during any hours other than normal working hours, i.e., Monday through Friday, 8:00 A.M. to 5:00 P.M., the Permittee shall be required to pay \$30.00 per hour for the services of the Public Utilities/Works Department.

(f) *Joint Application.* All applicants are encouraged to make joint Application for Permits to Construct or Obstruct the Rights-of-Way at the same place and time. Applicants who apply for Permits for the same or similar Obstruction or Construction for the same Rights-of-Way location may share in the payment of the Permit Fee. Applicants must agree among themselves as to the portion each will pay and indicate the same on their applications.

(g) *Denial of Permit.*

1. Except in the case of an Emergency, no Rights-of-Way Permit will be granted:
  - a. To any Person who has failed to comply with the requirements of this Ordinance.

- b. If, in the discretion of the Public Utilities/Works Department, 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 Public Utilities/Works Department, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the Rights-of-Way, and by considerations relating to the public health, safety and welfare.
- c. The Public Utilities/Works Department 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 Rights-of-Way, or when necessary to protect the Rights-of-Way and its users. The Public Works Director may consider one or more of the following factors:
  - 1. The extent to which Rights-of-Way space where the Permit is sought is available.
  - 2. The competing demands for the particular space in the Rights-of-Way.
  - 3. The availability of other locations in the Rights-of-Way or in other Rights-of-Way for the Facilities of the particular company.
  - 4. The applicability of Ordinances or other regulations of the Rights-of-Way that affect location of Facilities in the Rights-of-Way.
  - 5. The degree of compliance of the Applicant with the terms and conditions of its franchise, this Ordinance, 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 Rights-of-Way.
  - 6. The condition and age of the Rights-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 Rights-of-Way, against the benefits to that part of the public served by the expansion into additional parts of the Rights-of-Way.

(h) *Work done without a permit.*

- 1. *Emergency situations.* Each permittee shall notify the Public Utilities/Works Department (by telephone or in person) of any event regarding its facilities which it considers to be an emergency immediately upon its discovery of same. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within three (3) 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 its Ordinance for the actions it took in response to the emergency.
- 2. In the event that the Public Utilities/Works Department 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 (a) of this section. In any event, the department may take whatever action deemed necessary in order to respond to the emergency.

**SECTION 4. GENERAL COMPLIANCE REQUIREMENTS**

- a. *Compliance with Construction Standards.* All construction or maintenance of facilities shall be in accordance with this ordinance, the construction standards, and such other conditions imposed on the permit by the Public Utilities Works Department as

described in exhibits "A" and "B". The Public Utilities/Works Department may establish regulations, specifications and/or conditions for work performed within a public right of way for the protection of the right of way, public improvements and/or persons and property as may be deemed necessary in the discretion of the Public Utilities/Works Department. It shall be unlawful for any person to perform any work within a public right of way in violation of any applicable laws, rules, standards, or specifications and/or the terms and conditions set forth in the Permit as prescribed by the Public Utilities/Works Department. In addition, the Public Utilities/Works Department may establish a time limit in which the work is required to be completed under the Permit which is either shorter or longer than is required under this Ordinance.

b. *Location of Facilities.*

1. A Permittee shall not place Facilities above or below ground where the same will interfere with any gas, electricity, telephone fixtures, sanitary and storm sewers, water hydrants, traffic control system and loops, or other Facilities or other utility use, and all such poles, conduits, or other fixtures, in or upon any street shall be so placed as to comply with all requirements of the Town and applicable law.
2. A Permittee shall notify all businesses and residents that may be affected by the proposed work prior to commencement of such work, except for work that is not reasonably anticipated to result in disruption or the loss of use of the property
3. All construction and maintenance of Facilities by Permittee or its subcontractors shall be performed in accordance with industry standards and the requirements of this Ordinance. Permittee shall have no vested right in any Facilities location, and such Facilities shall be removed by Permittee at its own cost and expense (except as otherwise may be provided herein or, in regard to cost, where reimbursement is available under state or federal law), whenever the same restricts or obstructs or interferes with the operation or location or any future operation or location of said. Rights-of-Way and places in accordance with this Ordinance or a Use Agreement.

c. *Erection of Poles Prohibited: Above-Ground and Underground Facilities.*

1. Notwithstanding anything to the contrary in this Ordinance, a Permittee shall not erect, for any reason, any pole on or along any Rights-of-Way without the approval of the Town. Nothing herein shall be construed to limit or eliminate any right, requirement, or obligation a Permittee may have to enter into a pole attachment agreement and/ or agreement for conduit use with the Town or a private utility for the use of another's pole or conduit.
2. Notwithstanding anything contained in this Ordinance to the contrary, and except due to technological reasons or due to the size or shape of Facilities that would result in unreasonable expense and therefore be exempted as determined by the Public Utilities/Works Department, or as otherwise described in a Franchise, License, or Use Agreement:
  - a. In those areas within the Town where primarily all Facilities are currently placed underground, all Facilities shall remain or be placed underground.
  - b. In areas where utility facilities are primarily above ground at the time of a Permittee's installation, the Town may allow Permittee, at Permittee's sole cost and expense, to install its Facilities above ground, provided that at such time as the Town adopts an underground plan and primarily all utility facilities or other Facilities are placed underground, Permittee shall

likewise place its Facilities underground without cost to the Town.

- c. In no event shall Permittee be authorized to place above ground any Facilities that have previously been underground without prior approval from the Town.
- d. *Least disruptive technology.* Applicants are encouraged to perform construction and maintenance of facilities in a manner resulting in the least amount of damage and disruption to the right-of-way. Applicants will be required to use trenchless technology for construction projects, within roadway limits, in arterial and other high-volume streets constructed or resurfaced within the last five (5) years, unless otherwise approved by the Town and such approval shall not be unreasonably withheld. The Town may require trenchless technology in other locations, where extreme circumstances prevent or make open cut methods impractical.
- e. *Right-of-way restoration.* The work authorized under the Permit, and the Restoration of the Rights- of Way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the Permittee must restore the general area of the work, including sod in all disturbed areas and reconstruction of all improvements, including the paving and its foundation, per the Construction Standards set forth by the Public Utilities/Works Department.
- f. *Abandonment of construction.* In the event Permittee abandons construction, once commenced, of the Facilities, for more than thirty (30) consecutive days prior to such time Facilities are available for their intended use, the Town may reasonably request Permittee to dismantle such Facilities located within the Rights-of-Way after reasonable notice and opportunity to be heard by the Town Council.
- g. *Inspections.* Except for routine work, when the work under any permit projects hereunder is completed, the permittee shall notify the Public Utilities/Works Department.
  - 1. Permittee shall make the work site available to the Public Utilities/Works Department or its 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.
  - 2. At the time of inspection, Public Utilities/Works Department or 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.
  - 3. The Public Utilities/Works Department or its authorized representative may issue a Stop Work Order to the Permittee for any work which does not conform to this Ordinance. The Stop Work Order shall provide requirements for correction of violation, any applicable penalties for continued violation, and the processes and procedures and rights of Permittee that may be applicable as required.
  - 4. The Public Utilities/Works Department may require the Permittee to provide an as-built survey showing the work signed and sealed by a professional land surveyor or engineer, registered in the State of Alabama.
- h. *Hours of Construction.* The hours of construction shall be restricted to 7:00 A.M. to 3:30 P.M. Monday through Friday. The Public Utilities/Works Department may authorize construction during the other time periods and, if allowed, such approval shall be endorsed on the Rights-of Way Permit.
- i. *Other Obligations.* Obtaining a Rights-of-Way Permit does not relieve Permittee of its duty to obtain all other necessary Permits, Franchises, Licenses, or Use Agreements, and its duty to pay all applicable fees.

1. A Permittee shall comply with all requirements of local, state, and federal laws, including a Franchise, License, or Use Agreement or other lawful authorization duly adopted by the City Council, as well as the Alabama One-Call excavation notice system.
  2. 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 Rights-of-Way pursuant to its Permit, regardless of who performs the work.
  3. Except in the case of an Emergency, and with the approval of the Public Utilities/Works Department, no Rights-of-Way Obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.
  4. A Permittee shall not so Obstruct a Right-of-Way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with.
  5. Private vehicles not owned by or under contract to Permittee may not be parked within or adjacent to a permit area.
- j. *Work performed at the request or order of the Town of Loxley, Alabama.* The work of installing range boxes, surveying monuments, adjusting manhole rings and service boxes or any other work undertaken solely for the convenience or benefit of and at the order of the Town of Loxley shall require a Permit, but the Permit shall be issued on a "no fee" basis. This Ordinance shall not apply to any governmental entities, including the Town of Loxley.

#### **SECTION 9. CONSTRUCTION BOND.**

The Public Utilities/Works Department shall require the Permittee to furnish a bond payable to the Town of Loxley conditioned upon the faithful performance and discharge of all duties, obligations and/or work pursuant to a Permit issued under the provisions of this Ordinance. The bond shall be in an amount equal to the cost of the work plus ten percent (10%) or \$500.00, whichever is greater, and the bond shall be issued in the name of the Permittee. Said bond shall assure that the Permittee will comply with the Permit and all applicable laws, rules, standards and specifications and shall assure recovery by the Town of any expenses incurred in connection with the work to be performed under the Permit for a period of two years. A construction bond will not be required for Residential Driveway Permits issued for single family residences.

The Permittee, by accepting the Permit, expressly guarantees and warrants to complete the work in accordance with the Permit and all applicable laws, rules, standards and specifications and agrees to maintain and make any and all necessary repairs, upon demand by the Town of Loxley or the Public Utilities/Works Department, during the warranty period. The warranty period shall continue from the date of acceptance of the Permit by the Permittee until two (2) years after the work performed under the Permit is completed. Failure to perform any obligations or duties imposed upon the Permittee by this Ordinance, the Permit or any other applicable laws, rules standards and specifications shall subject the Permittee to forfeiture of his or her bond and any and all other penalties imposed under this Ordinance or other applicable laws.

At the option of the Permittee, the Permittee may deliver a cashier's check to the Public Utilities/Works Department payable to the Town of Loxley in an amount equal to the cost of the work plus ten percent (10%) or \$500.00, whichever is greater, and the cashier's check shall serve as surety in and to the same extent as a bond under this Ordinance.

#### **SECTION 10. LIABILITY.**

The Permittee shall be liable for any damage caused to the right of way and any other property or improvements owned by the Town of Loxley. In addition, the Permittee expressly agrees to hold harmless the Town of Loxley from any and all liability arising out of the issuance

of a Permit and any work performed thereunder, and the Permittee agrees to reimburse the Town for all costs and monies paid or expended by the Town of Loxley as the result of any litigation, including but not limited to court costs, judgments and attorney's fees.

All Permittees who are subject to this Ordinance are required to have a policy of general liability insurance with coverage amounting to at least \$2,000,000.00 . Prior to performing any work subject to a permit, the Permittees shall give proof to the Public Works Department that the Town of Loxley has been added as an additional insured on the said general liability policy. Any violation of this insurance requirement will result in immediate revocation of the Permit and any and all other penalties imposed under this Ordinance or other applicable laws.

#### **SECTION 11. PENALITIES.**

Failure of the Permittee to comply with any of the terms and conditions of the Permit or any other applicable laws, rules standards and specifications shall be sufficient cause for cancellation of the Permit by the Public Utilities/Works Department and said failure to comply shall be taken into consideration in determining whether to grant future Permits. The Permit, and the privileges, duties, and obligations thereunder, shall be binding upon any and all successors, assigns and contractors of the Permittee.

Any person, firm, corporation, or other entity commencing any work without first obtaining a valid Permit or found to be in violation of the provisions of this Ordinance, shall be fined upon conviction in the amount of not less than \$50.00 and not more than \$100.00 for each offense, including costs of court and each day shall constitute a separate offense. No further Permit shall be issued to a party convicted of violating this ordinance until all prior fines are paid.

#### **SECTION 12. CIVIL REMEDIES.**

In addition to the penalties established above for violation of this Ordinance, the Town of Loxley expressly reserves the right to proceed against any surety or bond, and the Town reserves the right to take any appropriate legal action and/or seek equitable relief, including but not limited to, correcting any defective work as the result of defective materials or workmanship and filing suit to collect the costs of said repairs from the Permittee.

Any work, or the negligent or improper performance of any work, in any right of way in the Town (with or without a permit as required under this Ordinance) which constitutes or creates an emergency or imminent danger of physical harm to persons or property is hereby declared to be abated as provided in any applicable laws or ordinances, or by appropriate legal or equitable action.

#### **SECTION 14. NOT IN LIEU OF FRANCHISE.**

Compliance with the permitting requirements of this Ordinance shall not excuse any person, entity, or governmental agency from complying with all other requirements of law, including without limitation, holding a valid franchise of the Town of Loxley.

#### **SECTION 15. REPEALER CLAUSE.**

Any ordinance heretofore adopted by the Town Council of the Town of Loxley, Alabama, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.


#### **SECTION 16. SEVERABILITY CLAUSE.**

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

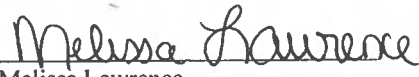
This Ordinance shall become effective upon its adoption.



ADOPTED AND APPROVED this the 11<sup>th</sup> day of April, 2022.


  
\_\_\_\_\_  
Richard Teal  
Mayor

ATTEST:

  
\_\_\_\_\_  
Melissa Lawrence  
Town Clerk/Treasurer

**CERTIFICATION OF POSTING**

I, Melissa Lawrence, Town Clerk of the Town of Loxley, Alabama hereby certify that no newspaper is published in the Town of Loxley and that the above-noted ordinance was published by posting copies thereof in the Loxley Post Office, Loxley Town Hall, Loxley Police Department, and Loxley Public Library April 12, 2022 and became of force and effect five (5) days thereafter.

  
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Melissa Lawrence  
Town Clerk/Treasurer



**TOWN OF LOXLEY CONSTRUCTION STANDARDS FOR MISCELLANEOUS  
CONSTRUCTION, UTILITY EXCAVATION, AND RIGHT-OF-WAY AND  
PAVEMENT RESTORATION**

**SECTION 1. RIGHT-OF-WAY PERMIT REQUIREMENTS**

- A. *Permit fee.* All applicants shall pay a permit fee in the amount of \$35.00.
- B. *Construction plan submittal.* Applicants for rights- of way permits shall submit a set of construction plans and specifications, including the following information for review and approval:
- A vicinity map identifying the location of work, road bore detail (if applicable), plans showing distance from the centerline, edge of pavement, and right-of-way, tie-in to nearest street intersection, components and type material used, and dimensions, depth, and existing utilities of the proposed installation.
  - An erosion control plan (BMP).
  - The ROW should be verified by the applicant prior to submittal of permit request to insure appropriate placement of utility. All plans are to be no larger than 11x17 drawings, on a scale of 1"=50', font size should be legible, and plans should read from west to east or south to north and should include only utility installation within the Town right-of-way.
  - A traffic control plan complying with the all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Public Utilities/Works Department, if any impact on traffic movement is involved.
- C. *Construction Bond.* A certified check or Construction Bond shall be required in the amount equal to the cost of the work plus ten percent (10%) or \$500.00, whichever is greater, and the bond shall be issued in the name of the Permittee.
- D. *Insurance.* A copy of the general liability insurance certificate naming the Town of Loxley as additionally insured shall be required for any private entity performing work within the Town's right-of-way.

**SECTION 2. CONSTRUCTION GUIDELINES**

- A. *Paved Roads.*
- The applicant is responsible for verifying the ROW and providing their utility corridor.
  - Utilities should not be placed within 7 feet of the edge of the pavement, unless otherwise approved by the Town.
  - The minimum clear depth for open cut installation, and jacking, boring, and pushing operations shall be thirty (36) inches, unless otherwise or directed by the Public Utilities/Works Department.

- Paved roads should not be cut for utility installation, unless otherwise approved by the Town.

B. *Roadway Signs.* Signs removed for utility installation should be placed in accordance with the most recent version of the Manual on Uniform Traffic Control Devices (MUTCD).

C. *Driveways.*

- Concrete or asphalt driveways should not be cut for utility installation, unless otherwise approved by the Town.
- Driveway culverts broken beyond repair should be replaced with a culvert at least 24 feet in length, and in addition, they must have 3 to 1 sloped ends, (which are not included in the 24 feet of culvert length). Culverts less than 30 inches in diameter must be concrete or high- density corrugated polyethylene pipe. All polyethylene pipe uses requires no less than one foot of coverage. In the event more than 50 feet of driving surface is desired a clean out box is required for maintenance.

D. *Dirt Roads.*

- Utility is responsible for verifying the ROW.
- Utilities should not be placed within the roadbed.
- If ROW is prescriptive, utilities should be placed in the ditch line.
- In some cases, as determined by the Town, additional ROW may be required. The Utility will be responsible for obtaining ROW.

E. *Bridges.*

- Utilities should be placed on the back of the ROW to avoid future utility conflicts when replacing bridges.
- No utilities shall be attached to a bridge structure, unless otherwise approved by the Public Utilities/Works Department.

F. *Sewer.*

- A high-density polyethylene (HDPE) pipe may be used as a carrier and also a casing under paved roads.
- Sewer lift stations are not allowed on the Town ROW.
- Sewer installations crossing navigable water ways shall require:
  - Stamped Professional Engineered (P.E.) drawings.
  - Drawings should include a High-Density Polyethylene (HDPE) pipe as approved by the P.E.; installed a minimum depth of 10 feet below the mud line of waterway with valves installed on each side of the waterway.
  - If a casing is used, the above requirements are not necessary, but the casing must extend beyond the water banks with valves installed at each end of the casing.

G. *Water.*

- Encase water lines under paved roads.
- A casing must be used on lines over 2" in diameter (K copper up to 2") The encasement can be steel, ductile iron or high-density polyethylene pipe.

H. *Right-of-Way Restoration.*

The Permittee must restore the general area of the work, including sod in all disturbed areas and reconstruction of all improvements, including the paving and its foundation, per the Construction Standards set forth by the Public Utilities/Works Department.

I. *Inspection.*

The Public Utilities/ Works Department personnel will conduct periodic inspections of utility construction, right-of-way and pavement restoration. The contractor will schedule a final inspection for projects when construction is complete.

**TOWN OF LOXLEY  
CONDITIONS OF CONSTRUCTION  
FOR DRIVEWAYS**

The applicant hereby requests permission from the Town of Loxley to construct a driveway and agrees that permission to construct, maintain and/or use the driveway shall be subject to all terms and conditions as applicable, and that such permission may be revoked or denied by the Town at any time the applicant fails to comply with any terms or conditions herein stated:

1. At a minimum, the turnout shall be constructed in accordance with Chapter 4 of the State of Alabama Highway Department Maintenance Manual and the Alabama Department of Transportation's current highway design standards. The Town of Loxley may require that more stringent design criteria and construction methods be utilized if necessary for safety reasons or to promote proper traffic flow within the Town.
2. All commercial, industrial and residential subdivisions that are proposing to construct a Turnout, Driveway, Acceleration lane, and/or Median turn lane in the Town's Right-Of-Way must submit all applicable engineering plans required by the subdivision regulations of the Town of Loxley. All construction must be done by a contractor licensed to perform the proposed work. A surety bond, accompanied by a Power-of-Attorney, shall be provided binding the Contractor to the City of Loxley prior to commencing work. The bond shall be in the amount equal to the cost of work plus ten (10%) or \$500.00, whichever is greater. A construction bond will not be required for Residential Driveway Permits issued for single family residences.
3. A traffic study for all commercial, industrial and residential developments shall be required and shall be conducted by a Professional Engineer Licensed in the State of Alabama for the following developments:
  - Any residential complex (apartments, town homes, condominiums, etc.) with 10 or more residential units (all phases shall be included in the total number).
  - High volume Commercial and Industrial sites.
  - Service Stations/Convenience Stores
4. The driveway must be constructed in such a manner that no damage will be occasioned to the Town's street and no hazard to the travelling public will be created. Any damage to Town property caused by the installation of a driveway shall be repaired to the satisfaction of the Town at the applicant's expense.
5. The applicant must maintain, at the expense of the applicant, any drainage structure(s) necessary in connection with the turnout and keep the same free of obstructions at all times.
6. The applicant is not granted any right, claim or control over any part of the Right-of-Way.

7. If it becomes necessary for the City to remove and/or reconstruct the access turnout, the Town or its contractors have the right to remove and/or reconstruct said turnout without any payment to the applicant.
8. The applicant shall not make any additions to or otherwise modify the access turnout after completion without obtaining a permit.
9. During construction of the driveway, traffic control devices shall be used in accordance with the Manual on Uniform Traffic Control Devices. Drainage flow within the right-of-way shall not be obstructed during construction.
10. The applicant shall indemnify and hold harmless the Town, its officers, agents and employees from any legal action resulting from, or caused by the construction of the driveway.
11. Where the permit is a requirement of a building permit, the driveway shall be completed and inspected prior to issuance of a Certificate of Occupancy. Where a driveway is not in association with a project requiring a Building Permit, the work must be completed within sixty (60) days of the date shown on this permit; otherwise, this permit becomes null and void.

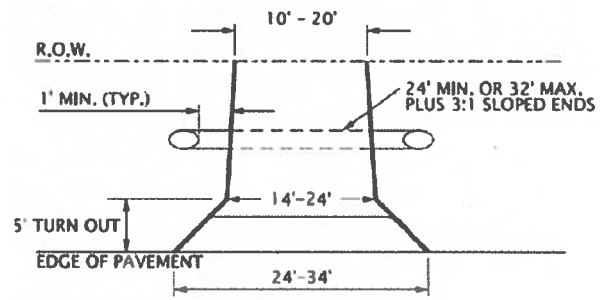
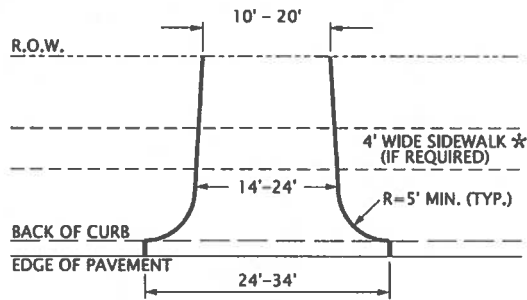
### **SPECIFICATIONS**

**The following specifications shall be required if the proposed driveway or turnout does not fall under the jurisdiction of the subdivision regulations of the City of Loxley**

1. Contractor shall notify and maintain a current utility locate (Alabama 811) for the work site throughout construction.
2. Culverts shall be placed on proper slopes and the inverts shall match existing or corrected ditch grade.
3. Culverts shall be a minimum of 24' or 32' maximum in length and 3:1 sloped paved headwalls must be constructed at the culvert ends.
4. Culverts shall be a minimum of 15" diameter, and shall be concrete or high-density corrugated polyethylene and must have a minimum of one-foot of cover over the top of the culvert.
5. Proposed driveways shall slope ½" per foot down and away from edge of pavement to ensure that no storm water is directed onto the Town Road surface.
6. Proposed driveways shall be constructed in a location that provides a minimum 5' separation between the bottom of the sloped paved headwall and any adjacent culverts, drainage structures or property lines.
7. All designs shall preserve a minimum shoulder width of 4' with a slope no greater than 6%.

8. At a minimum, the driveway apron material build-up shall match that of the connecting a Town Road.

### Typical Residential Turnout Drawing



\* SIDEWALK TO BE CONTINUOUS, CONSTRUCTED SEPERATE FROM DRIVEWAY, AND SHALL CONFORM TO CURRENT ADA REQUIREMENTS

### Paved Headwall Drawing

