

ORDINANCE NO. 2020-06

AN ORDINANCE ESTABLISHING THE REQUIREMENT TO OBTAIN A STREET EXCAVATION AND CONSTRUCTION PERMIT WITHIN THE CITY OF PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY.

The City Council of the City of Pioneer Village, Bullitt County, Kentucky, does hereby ordain as follows:

SECTION ONE: PERMIT REQUIRED FOR STREET WORK OR CONNECTION.

- (A) Permit required. No person shall, without first obtaining an encroachment permit from the City of Pioneer Village as provided herein, begin to construct, reconstruct, repair, cut, excavate, alter, connect, or attach onto, any public streets, sidewalks, or right-of-way of the City. A public utility may conduct emergency excavations or cuts without first applying for a permit, but must apply for an encroachment permit within 48 hours of the commencement of said work.
- (B) Form of application. The City shall provide forms containing the information required for application for an encroachment permit and such other information deemed necessary in the administration of this section, providing, however, that a utility company may devise its own form, if the form contains all of the information called for in the City form. The application may be mailed or delivered to the City, or sent by facsimile and shall contain at a minimum:
- (1) Name, address and telephone number of the entity for whose benefit the work is proposed.
 - (2) Name, address and telephone number of the person who is doing the actual work.
 - (3) Description of the proposed work, including construction detail, location, when the work will begin and projected to be completed.
- (C) Standards. The determination as to whether to approve an encroachment permit for a cut or excavation shall be based upon whether the applicant has demonstrated to the satisfaction of the City that it will comply with the construction standards contained in this Ordinance and has posted good and sufficient security for said work. However, if the applicant or application proposes a new vehicular connection to City streets, added scrutiny and findings must be part of the City determination, including, but not limited to, the following considerations:
- (1) Whether the parcel(s) benefitted by the connection has other, reasonable vehicular access through other access points and the extent to which the applicant would be adversely affected by denial of the encroachment permit.

- (2) Whether City services and safety will be adversely affected by the approval of the encroachment permit. This includes the technical engineering and construction details of the physical connection itself. This also includes a review of the burden, impact or benefit on city traffic patterns by the proposed connection. The City may require the applicant to study the traffic implication of the encroachment on the surrounding City intersections and roadways, as part of its encroachment application, and the feasibility of any possible mitigation of such impact. Any such traffic studies shall be at the sole cost of the applicant. The scope of such study shall be established by the City at the time the application is filed.
 - (3) The cost (if any) to the City in allowing the connection and encroachment. This includes the cost of the physical connection and the cost of increased maintenance to City roadways by any increase in traffic related to the connection.
 - (4) The City may waive any of the application and approval standards, if, in the City's sole determination, the vehicular connection constitutes a minor and inconsequential connection to the City's public roadway system.
- (D) Determination. The determination as to whether an encroachment permit for either an encroachment or for a new vehicular connection to City streets shall be made as follows:
- (1) Applicant shall submit its application to the City Clerk, who shall determine whether the application is complete. If it is not complete, the City Clerk shall return the application to the applicant with instructions as to how to resubmit.
 - (2) Any applicant who has been denied an encroachment permit may appeal that denial to the City Council. Such appeal must be in writing and delivered to the City Clerk no later than 30 days from the date of denial. Once received, the applicant will be informed in writing of the date and time of the appeal and the applicant shall be allowed to present evidence to the City Council in support of its appeal. The City Council shall issue a final written ruling on said appeal containing findings of fact.

SECTION TWO: STANDARDS FOR STREET WORK.

- (A) The work must be done according to the standards set out in the General Notes & Specification as adopted by the City Council attached hereto as may be amended and otherwise be in accordance with the quality of work required in the area for public work of like character.
- (B) The work must not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking space, and the means of egress to and from the property affected and adjacent properties.

- (C) The public health, welfare and safety of the public will not be unreasonably impaired.
- (D) Any and all installation and repairs of concrete and asphalt repair and patching must be in accordance with the following specifications:
- (1) General. All materials and methods of construction shall conform to Kentucky Transportation Cabinet, Department of Highways Specifications: Current Edition with subsequent revisions.
 - (2) Concrete construction. Concrete shall be 3500 PSI (28 day), "ready mixed" conforming to ASTM Specifications C-94. Air entraining admixture for concrete shall conform to ASTM Specifications C-260-77. Reinforcing steel shall be deformed steel bars conforming to ASTM Specification A615, Grade 60. Welded wire fabric shall conform to ASTM Specification A185.
 - (a) Expansion joint filler shall be ½" remolded asphaltic impregnated material conforming to ASTM D1751, latest revision, unless otherwise noted on the plans.
 - (b) All concrete to be used in construction of headwalls, wingwalls, culverts, catch basins or for any other structural purposes shown on the plans shall be Class "A", 3,500 pounds per square inch and delivered only in quantities for immediate use. Concrete which has set prior to placement shall be discarded.
 - (c) Forms shall be constructed in accordance with ACI 347. Form ties shall be removed to a point ½" inside the wall and the resulting holes filled with a rich cement grout.
 - (d) Bending, placing, fastening and supporting of reinforcement shall be in accordance with ACI (318-95).
 - (e) Mechanical, insertion type, internal vibrators shall be used to compact the concrete.
 - (f) Concrete work shall be protected against frost and rapid drying and kept moist at least three days after placing. Concrete may not be placed when the temperature is below 35° F., unless sufficient framework and canvas or other housing is maintained at 50° F. by the contractor.
 - (3) Concrete curb. All curbs or curb and gutters are to be constructed of Class "A" Concrete, 3500 pounds per square inch test, and are to be uniform in height, width and alignment, true to grade and satisfactory in finish and appearance. All materials and methods of construction, including curing, to be in accordance with Section 506 of the Kentucky Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.

- (a) All concrete curbs shall have expansion joints constructed at intervals of not less than six feet nor more than 30 feet, and ½" pre-molded expansion joint material, cut to conform to the curb or to the curb and gutter section, shall be used in each expansion joint.
 - (b) When curbs and gutters and/or island curbs are removed and replaced the area behind curbs shall be tamped and brought up to grade. This area shall be filled with suitable earthen materials, seeded and strawed, if necessary. All disturbed areas shall be seeded and strawed. All curbs shall be replaced in kind with the color of concrete that gives the appearance of being as aged as the existing curb.
 - (c) Caution shall be exercised when removing a median curb so as not to damage any sprinkler piping or watering heads. If any of the sprinkler system is damaged it will be repaired by the contractor at no additional cost.
- (4) Dense graded aggregate base. The base shall be of the course or courses identified as existing in the pavement section excavated and, as specified, dense graded aggregate with water, placed and compacted according to Section 303 of Kentucky Transportation Department Specifications and conforming to line and grade.

- (a) The aggregate shall be crushed limestone as required by Section 805.04.03 of Kentucky Department of Transportation Specifications, graded so as to produce a final mixture in place, meeting the following:

1 inch square sieve	100
¾ inch square sieve	70-100
⅜ inch square sieve	50-80
No. 4 square sieve	35-65
No. 30 square sieve	10-40
No. 200 square sieve	2-10

- (b) The water shall be from approved supply, added to the extent that a thin slurry forms on top of the base when compacted. The compacted depth of each layer shall be no less than four inches (4").
 - (c) All work done under this item shall conform to Section 303 of the Kentucky Department of Transportation Specifications.
- (5) Backfilling trench. Trenches shall be backfilled in six-inch layers and each layer thoroughly tamped to pavement sub-grade for pipe laid under the proposed paving. Pipe laid outside the limits of the paving or curb and gutter shall be tamped in six-inch layers to the top of the pipe where no paving or entrance drives are encountered. Where entrance drives or cross streets are encountered, tamping shall be as described in six-inch layers to the pavement sub-grade. Where tamping is only required to the top of the pipe, the remainder of the ditch shall be backfilled