

CHAPTER 1

RIGHT-OF-WAY PERMITS (298,327,1487,3078,4570)

SECTION:

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9-1-1: DEFINITION OF TERMS:

DEVELOPMENT SERVICES MANAGER: The individual appointed by the City Manager and approved by the City Council as prescribed in Title 3, Chapter 4 of the City Code. Certain practical aspects of the Development Services Manager's authority may be delegated to other Development Services Department employees as deemed appropriate for the efficient and effective operation of the Development Services Department. (3078,3766)

EASEMENT, PUBLIC: An area of land over which the City of Mesa coordinates the locations of public or private improvements, underground or overhead, furnished for the use of the public; including electricity, gas, steam, communication, telecommunications, data transmission, cable TV, water, storm drainage, sewage, sidewalks, landscaping, traffic signals, streetlights, flood control, etc. owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. (3078,3309)

ENGINEERING PLANS: Plans, profiles, cross sections, and other required details for the construction of public or private improvements within the public rights-of-way or public easements, prepared by a person, firm, company, corporation, public entity, or board in compliance with the code and rules of the Arizona State Board of Technical Registration, unless exempted thereunder; and conforming with (i) the public or private improvement standards of design and construction developed by the Development Services Manager; or (ii) standards developed by the person, firm, company, corporation, public entity, or board that the Development Services Manager accepts as substantially equivalent to the Development Services Manager's standards in protecting the public health, safety, and welfare; or (iii) in the case of a political subdivision of the State of Arizona, standards of design and construction developed and approved by such political subdivision and filed with the Development Services Manager. (3309,3766)

MESA PROJECTS: Public improvement projects for which the City of Mesa is the general contracting agency. (3309)

PERMIT CHARGES: Fees assessed at the time of issuance of a right-of-way permit are intended to cover costs incurred by the City for permit processing, plan review services and inspections. Refer to latest schedule of fees and charges. (4570)

PUBLIC OR PRIVATE IMPROVEMENT STANDARDS: A set of regulations setting forth the details, specifications, instructions, and procedures to be followed in the planning, design, installation, and construction of public or private improvements within the public rights-of-way or public easements; formulated by the Development Services Manager, the County Health Department, the Maricopa Association of Governments, and other City departments. (3309,3766)

RIGHT-OF-WAY PERMIT: An official document issued by the Development Services Manager authorizing performance of a specified activity or work within the public rights-of-way and public easements of the City of Mesa by a person, contractor, company, firm, or corporation duly qualified under the statutes and rules of the Arizona Registrar of Contractors, unless exempted thereunder. A Right-of-Way Permit may also authorize specified activity or work involving City utilities or facilities outside the corporate limits when issued in conjunction with the appropriate permit required for specified activity or work within another jurisdiction. (3078,3309,3766)

RIGHT-OF-WAY, PUBLIC: An area of land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved or dedicated to the City for public purposes including, but not limited to, street, highway, alley, public utility pedestrian walkway, bikeway, or drainage. Within public rights-of-way, the City of Mesa coordinates the locations of public or private improvements, underground or overhead; including electricity, gas, steam, communication, telecommunications, data transmission, cable TV, water, storm drainage, sewage, sidewalks, landscaping, traffic signals, streetlights, flood control, pedestrian, roadway purposes, etc. owned and operated by any person, firm, company, corporation, municipal department, or board duly authorized by federal, state, or municipal regulations. (3078,3309,4570)

SPECIAL INSTRUCTIONS: Required instructions involving unique activity or work in the public rights-of-way or public easements where inspection charges cannot be reasonably determined by those methods outlined in Section 9-1-4. (3078,3309)

9-1-2: RIGHT-OF-WAY PERMITS:

- (A) It shall be unlawful for any person, firm, company, corporation, public entity, or board to grade, pave, fill, or level any street or alley within the public rights-of-way or public easements of the City of Mesa or to construct, alter, or repair therein any pavement, sidewalk, crosswalk, curb, driveway, gutters, landscaping, sewers, water mains, or other structures or to make therein any excavation or in any manner disturb or obstruct the same or perform any other activity or work without first obtaining a Right-of-Way Permit to do so from the Development Services Manager. (298,1487,3078,3309,3766)
- (B) Prior to obtaining a Right-of-Way Permit, the person, firm, company, corporation, public entity, or board shall apply for said permit by submitting engineering plans to the Development Services Manager for approval that conform with the requirements of this Chapter. (3309,3766)

9-1-3: NOTIFICATION:

Said Right-of-Way Permit shall require that the person, firm, company, corporation, public entity, or board to whom the same is issued shall give the Development Services Manager twenty-four (24) hours' notice of the commencement of such activity or work authorized by said Right-of-Way Permit, shall carry on such activity or work to the satisfaction and subject to the approval of the Development Services Manager, shall diligently prosecute the same to completion, shall leave the public rights-of-way or public easements in a good and safe condition, and shall at all times keep signal lights, barricades, or other proper warning as may be necessary to prevent injury to persons and property, and such person, firm, company, corporation, public entity, or board shall comply with such additional reasonable provisions and conditions as may be prescribed by the Development Services Manager. (298,3078,3309,3766)

9-1-4: PLAN REVIEW AND INSPECTION CHARGES: (3309,4570)

A Right-of-Way Permit shall not be issued under the provisions of this Chapter until the applicant has paid all applicable fees and charges as established in the most recent City of Mesa Schedule of Fees and Charges. The Development Services Manager is authorized to enter into agreements with the United States, the State of Arizona, political subdivisions of the State of Arizona, and agencies thereof, establishing offsets or credits for fees or charges applied by both agencies. (298,1487,3078,3241,3309, 3766,4570)

9-1-5: RELOCATION, JOINT LOCATION: (3309)

- (A) If a public or private improvement has been installed in a public easement in accordance with the requirements of this Chapter and the City of Mesa subsequently requires relocation of said public or private improvement to accommodate a Mesa project, the City shall reimburse the owner of the public or private improvement for documented relocation costs; unless an existing City license, franchise, or agreement provides otherwise. (298,3078,3309)
- (B) As part of the coordination of public or private improvements and as a condition of obtaining a Right-of-Way Permit for activity or work within the public rights-of-way and easements, the City may require joint location of all underground and overhead public or private improvements when said joint location is not otherwise prohibited by applicable safety or design standards. (3309)

9-1-6: PENALTIES: (4570)

Any person, firm, or corporation violating any provision of this chapter and any amendment to it shall be guilty of a Class 1 Misdemeanor, punishable by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment in the City jail for a period not to exceed six (6) months, or by both such fine and imprisonment; and each day of violation continued shall be a separate offense, punishable as described. (4570)

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