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STATE OF NEVADA
COUNTY OF WASHOE

ss Tana Ciccotti

Being first duly sworn, deposes and says:
That as the legal clerk of the RENO
GAZETTE-JOURNAL, a daily newspaper
published in Reno, Washoe County,
State of Nevada, that the notice:

Ordinance 1159

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

April 19, 26, 2002

Signed

T. Ciccotti

Subscribed and sworn to before me this

APR 26 2002

Susan V. Dumm

Notary Public

PROOF OF PUBLICATION

**NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1159**


NOTICE IS HEREBY GIVEN THAT: Bill No.1335, Ordinance No. 1159 entitled

AN ORDINANCE AMENDING CHAPTER 85 OF THE WASHOE COUNTY CODE (HIGHWAYS, ROADS AND SIDEWALKS) BY REVISING AND ADDING DEFINITIONS, REVISING GENERAL REQUIREMENTS FOR PERMITS INCLUDING ESTABLISHING TIME LIMITS AND AUTHORIZING CONDITIONS FOR PERMITS, REVISING BOND AND INSURANCE REQUIREMENTS, REVISING THE SCHEDULE OF FEES INCLUDING ADDING A PAVEMENT RESTORATION FEE, PROVIDING THAT PERMANENT PATCHES WILL BE INSTALLED BY THE COUNTY, REPLACING TECHNICAL REQUIREMENTS WITH THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, REQUIRING TRAFFIC CONTROL AND OTHER MATTERS PROPERLY RELATING THERETO.

was adopted on April 16, 2002 by Commissioners Bond, Gallo-way, Sferrazza, Shaw and Short. This ordinance shall be in full force and effect from and after April 26, 2002.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners
No.1433 Apr.19,26, 2002



SUSAN V. DUMMAR
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-4006-2 - Expires August 17, 2002

MAY 01 2002

SUMMARY: Amends Washoe County Code by making comprehensive revisions to policies and procedures pertaining to street cuts.

BILL NO. 1335

ORDINANCE NO. 1159

AN ORDINANCE AMENDING CHAPTER 85 OF THE WASHOE COUNTY CODE (HIGHWAYS, ROADS AND SIDEWALKS) BY REVISING AND ADDING DEFINITIONS, REVISING GENERAL REQUIREMENTS FOR PERMITS INCLUDING ESTABLISHING TIME LIMITS AND AUTHORIZING CONDITIONS FOR PERMITS, REVISING BOND AND INSURANCE REQUIREMENTS, REVISING THE SCHEDULE OF FEES INCLUDING ADDING A PAVEMENT RESTORATION FEE, PROVIDING THAT PERMANENT PATCHES WILL BE INSTALLED BY THE COUNTY, REPLACING TECHNICAL REQUIREMENTS WITH THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, REQUIRING TRAFFIC CONTROL AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Sections 85.075, 85.080, 85.085, 85.090, 85.095, 85.100, 85.105, 85.110, 85.115, 85.120, 85.125, 85.130, 85.135, 85.140, 85.145, 85.150, 85.155, 85.160, 85.165, 85.170, 85.175, 85.180, 85.185, 85.190, 85.195, 85.200, 85.205, 85.210, 85.215, 85.220, 85.225, 85.230, 85.235, 85.240, 85.245, 85.250, 85.255, 85.260, 85.265, 85.270, 85.275, 85.280, 85.285, 85.290, 85.295, 85.300, 85.305, 85.310, 85.315 and 85.320 of the Washoe County Code are hereby repealed.

SECTION 2. The Index for Chapter 85 of the Washoe County Code is hereby amended to read as follows:

Street Cut Ordinance

- 85.058 Short title.
- 85.059 Definitions.
- 85.060 Purpose and scope.
- 85.065 General requirements.
- 85.070 Bond, insurance required.
- 85.075 Fees.
- 85.080 Excavation and temporary restoration requirements/specifications.
- 85.085 Permanent restoration.
- 85.090 Term of permit.
- 85.095 Tahoe Basin restrictions.
- 85.100 Revocation.
- 85.105 Transferability and location.
- 85.110 Procedure for waiving requirements; substitutions.
- 85.115 Violations and penalties.

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SECTION 3. Section 85.058 of the Washoe County Code is hereby amended to read as follows:

85.058 Short title. For purposes of this chapter, sections 85.058 to 85.115, inclusive, shall be known as and may be referred to as the Street-Cut Ordinance.

SECTION 4. Section 85.059 of the Washoe County Code is hereby amended to read as follows:

85.059 Definitions. As used in sections 85.058 to 85.115, inclusive, unless the context otherwise requires:

1. "Contractor" means any person, public utility, private utility, or improvement district created and existing pursuant to the provisions of chapter 309 or 318 of NRS, who performs any street cut.

2. "Department " means the department of public works of Washoe County, Nevada.

3. "Director " means the director of the department of public works of Washoe County, Nevada.

4. "Paving bid contract price" means the price per square foot of paving in the bid of the bidder selected by the county to install permanent pavement patches.

5. "PCI" or "Pavement Condition Index" means the nationally recognized system of evaluating the condition of paved surfaces used by the county for any paved surface which is the subject of a street cut.

6. "Street-cut" means any excavation in any highway, street, alley, road or public right-of-way which is part of Washoe County's maintained road system.

SECTION 5. Section 85.060 of the Washoe County Code is hereby amended to read as follows:

85.060 Purpose and scope.

1. The purpose of the Street-Cut Ordinance is to safeguard the public health, safety and welfare by establishing procedures and requirements for the issuance of street-cut permits and by establishing controls and requirements for cutting, excavating, backfilling, restoring and maintaining public streets and alleys.

2. The provisions of the Street-Cut Ordinance apply only to those highways, streets, alleys, roads and public rights-of-way which are part of Washoe County's maintained road system.

SECTION 6. Section 85.065 of the Washoe County Code is hereby amended to read as follows:

85.065 General requirements.

1. An excavation permit shall be obtained from the department before any person makes any street cut. Permits shall be issued only to contractors who must be licensed by the state under Chapter NRS 624 for the work authorized under a permit. Permits are not required for excavations in new subdivisions under development in which the streets or alleys have not been brought to final grade.

2. An application for a permit for a street cut must be made in writing on the form provided by the department. Permits must be secured at least twenty-four (24) hours prior to the beginning of the excavation and the contractor shall confine work to the standard workweek which shall consist of eight-hour workdays, Monday through Friday. However, if an emergency

arises necessitating an immediate excavation during the hours that the department is not open for business, the contractor shall notify the Sheriff and Fire Department of the County, giving the location of the excavation, the time the same will be made and the extent thereof. A permit shall be secured from the department on the next succeeding business day, whether the emergency work has been completed or not. Failure to notify the proper authorities will result in payment of double the normal fee for performing this work.

3. Every permit issued by the department shall expire and become null and void if the excavation is not commenced within fifteen calendar days from the date of such permit, unless otherwise extended in writing by the director.

4. In granting any permit, the director may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

- (a) Limitation on the hour, the day and the period of the year in which the work may be performed;
- (b) Restrictions as the size and type of excavating equipment;
- (c) Designation of routes upon which materials and waste may be transported;
- (d) The manner of removal of excavated materials;
- (e) Requirements as to the control of dust nuisance, the cleaning of street, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public or any portion thereof;
- (f) Regulations as to the use of streets in the course of the work; and
- (g) Access to essential facilities, businesses, and private driveway shall be provided.

5. The director must be notified by the permittee during the forty-eight (48) hour period preceding beginning of backfilling.

SECTION 7. Section 85.070 of the Washoe County Code is hereby amended to read as follows:

85.070 Bond and insurance requirements.

1. Before commencing work pursuant to a street cut permit the contractor shall provide to the county, a bond to be approved by the director in such sum as shall be designated by the director as necessary for the proper protection of the county. Any bond provided under this section must provide that the obligator of the bond will pay to the county the amount of the bond, should the person obtaining such permit fail, neglect or refuse to complete the excavating or filling in, the sidewalk, curb, gutter, public street, highway, avenue or alley in proper condition to the satisfaction of the director after the work provided for in the permit has been finished. As an alternative to a bond for each particular street cut any person intending to make periodic excavations in sidewalks, curbs, gutters, public streets, alleys or any public property in the county may provide to the county a general bond in the sum of Five Thousand Dollars (\$5,000.00), which general bond shall be conditioned and used for the same purpose as the individual bonds described in this section. The director may require security above the general \$5,000.00 bond if a particular piece of work would subject the county to risks of loss in excess of \$5,000.00 if the work was not satisfactorily performed.

2. No street cut permit may be issued until an applicant, except public utilities under the jurisdiction of the State Public Service Commission, submits to county a certificate of insurance

showing a minimum combined single limit insurance policy of One Million Dollars (\$1,000,000.00), such policy to include but not be limited to collapse and underground damage. The certificate of insurance must meet the following requirements:

(a) It must be issued by an insurance company licensed or permitted to do business in Nevada by the State Division of Insurance.

(b) The coverage must include broad form property damage liability, automobile liability, including non-owned and hired automobiles (with the contractual liability exclusion deleted), contractual liability, products and completed operations liability, personal injury and advertising liability and stop-gap/employer's liability.

(c) Washoe County must be named as an additional insured by endorsement. The endorsement must be filed with the county as soon as practicable but no later than the date work under the permit is to commence.

(d) Washoe County must be notified of the insurance company's intent to cancel the policy not less than ten (10) days in advance of cancellation for non-payment of premium or not less than thirty (30) days in advance of cancellation for any other cause.

3. An applicant must provide and maintain proof of worker's compensation insurance in compliance with State law.

SECTION 8. Section 85.075 of the Washoe County Code is hereby added as follows:

85.075 Fees.

1. Before the issuance of a street cut permit the fees required by this section shall be paid to the county. The total fees are the sum of the application fee and the pavement restoration fee. The application fee is One Hundred Fifty Dollars (\$150.00). The Pavement restoration fee is the paving bid contract price multiplied by a factor of 1.64 (overhead and administrative costs) multiplied by the area of the excavation multiplied by the PCI multiplier. Paving bid contract price x 1.64 x excavation area x PCI = pavement restoration fee.

2. The area of the excavation of paved surfaces will be established by field measurements made by the department at the time of construction. The area shall be computed from the linear measurement of the length and width of the trench, each such measurement increased a minimum of one and three-tenths feet. If excessive sloughing of trench banks or if breakage of pavement occurs, the measurements shall be adjusted to cover the area of street to be restored.

3. The Pavement Condition Index (PCI) multiplier for a paved surface with a PCI of 40 or below is one (1). The PCI multiplier for a paved surface with a greater than 40.0 but less than 70 is two (2). The PCI multiplier for a paved surface with a PCI greater than 70 but less than 90 is three (3). The PCI multiplier for a paved surface with a PCI of 90 or greater is four (4). The total fee for unpaved streets is the application fee of \$150.00. All fees collected will be utilized in pavement restoration and program administration.

4. If the director finds that paving surfaces adjacent to the street cut opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are made in close proximity to one another, or where the equipment used may cause such damage he may require a negotiated reconstruction of the impacted street area in place of patching individual trench openings if the total area of the proposed patch or probably damaged area exceeds twenty-five percent (25%) of the total pavement surfacing in any block. An additional fee for expected loss of pavement life may also be part of the negotiated reconstruction. Such

negotiations shall be completed prior to the issuance of a permit and shall be in lieu of the standard pavement restoration fee.

SECTION 9. Section 85.080 of the Washoe County Code is hereby added as follows:

85.080 Excavation and temporary restoration requirements/specifications.

1. All construction, including pavement cutting, excavating, backfilling, and temporary patching shall be done in accordance with the technical specifications set forth in the current edition of the Standard Specifications for Public Works Construction adopted by Washoe County. It is the responsibility of contractors to maintain the temporary patch for a period not to exceed ninety (90) days. All permanent asphaltic concrete patches shall be constructed by the department. All Portland cement concrete structures, such as curbs, gutters, sidewalks and valley gutters, or other public facilities damaged or removed, shall be replaced to the nearest construction joints on either side of the curb cut by the excavating contractor without cost to the county. The county will provide one compaction test for acceptance as part of the excavating permit. The excavating contractor shall be responsible for any additional inspections and testing expenses incurred by the county. The county reserves the right to deduct these costs from monies owed the contractor.

2. Temporary surfacing must be installed within twenty-four (24) hours after the trench is backfilled. It is the responsibility of the Permittee to maintain the temporary surfacing for a period not to exceed ninety (90) days.

3. Excavation protection and traffic control:

(a) Excavations in the county rights-of-way shall be properly protected by barricade methods as provided for in the current edition of the Manual of Uniform Traffic Control Devices (MUTCD) and as determined by the director to be necessary for the protection of the public. All flaggers shall be certified and flaggers are required on all thoroughfares and main intersections, and any other place deemed necessary by the director. Access shall be maintained to businesses and residences.

(b) Any person maintaining improper barricades within the street right-of-way which require the placing of additional barricades, warning lights or signs by the county in the interest of public safety shall be charged time and materials (two hour minimum) for each occasion in which the county finds it necessary to place such barricades, warning lights or signs.

SECTION 10. Section 85.085 of the Washoe County Code is hereby added as follows:

85.085 Permanent restoration. Permanent restoration of street cuts shall be performed by the department except that the director may allow a contractor for a large pipeline project, or a contractor doing trenching work on a major street to make the permanent patch in accordance with the latest specifications approved by Washoe County.

SECTION 11. Section 85.090 of the Washoe County Code is hereby added as follows:

85.090 Term of permit. A street cut permit expires and is null and void if the excavation is not commenced within fifteen (15) calendar days from the date of issuance, unless otherwise extended in writing by the director.

SECTION 12. Section 85.095 of the Washoe County Code is hereby added as follows:

85.095 Tahoe Basin Restrictions. A street cut permit for work to be performed in the Lake Tahoe basin between October 15 and May 1 shall not be issued by the department unless:

1. There exists an emergency situation or unforeseeable event necessitating immediate repairs; and
2. The permit requires the work to be done in compliance with all ordinances of the Tahoe Regional Planning Agency (TRPA) pertaining to grading and disturbances of the soil.

SECTION 13. Section 85.100 of the Washoe County Code is hereby added as follows:

85.100 Revocation. The director may revoke a permit for violation of any provision of the permit, or provision of any other applicable ordinance relating to the work.

SECTION 14. Section 85.105 of the Washoe County Code is hereby added as follows:

85.105 Transferability and location. Street cut permits are not transferable from one person to another and the work shall not be made in any place other than the location specified in the permit.

SECTION 15. Section 85.110 of the Washoe County Code is hereby added as follows:

85.110 Procedure for waiving requirements; substitutions. The director may approve the substitution of materials, specifications and methods of construction defined in the Street Cut Ordinance, if such substitutions are deemed to be equal or better. No substitution may be made until the director has approved the substitution in writing.

SECTION 16. Section 85.115 of the Washoe County Code is hereby added as follows:

85.115 Violations and penalties.

1. It is unlawful for any person, public utility, private utility, or any improvement district created and existing pursuant to the provisions of Chapter 309 and 318 of NRS, to excavate, tunnel under or fill in any sidewalk, curb, gutter, public street, road, highway, alley or public right-of-way within the unincorporated area of Washoe County, or cause the same to be done, contrary to any provision of the Street Cut Ordinance.
2. An person, public utility, private utility, or any improvement district described in Subsection 1 who violates any provision of the Street Cut Ordinance is guilty of a misdemeanor. That person, utility or improvement district is guilty of a separate offense for each day or portion thereof during which any violation of the Street Cut Ordinance is committed, continued or permitted.

3. Upon conviction of a violation of the Street Cut Ordinance the person, utility or improvement district shall be punished by a fine of not more than \$1,000.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 19th day of March, 2002.

Proposed by Commissioners Bond.

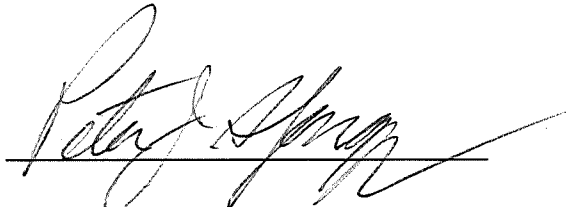
Passed on the 16th day of April, 2002.

Vote:

Ayes: Commissioners: Bond - Shaw - Sferrazza - Short - Galloway

Nays: Commissioners: none

Absent: Commissioners none



Chairman
Washoe County Board of County Commissioners

ATTEST:

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 26th day of April, 2002.

HA