

**CITY OF ST. GEORGE**

**BY COUNCIL MEMBER MONACHELLO**

**ORDINANCE NO. 2025-053**

TO AMEND THE ST. GEORGE CODE OF ORDINANCES ADDING  
TITLE 2 STREETS, ALLEYS, SIDEWALKS, AND RIGHT OF WAYS  
AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, the Council for the City of St. George desires to provide for the regulation of construction, maintenance, and use of the City's streets, alleys, sidewalks, and rights-of-way.

NOW THEREFORE, BE IT ORDAINED by the St. George City Council, State of Louisiana, as follows:

**Section 1:** The City of St. George Code of Ordinances is hereby amended adding Title 2, as attached hereto as Exhibit A.

**Section 2: Conflicts.** The specific terms and conditions of this Ordinance shall prevail against other ordinances of the City to the extent that there may be any conflict. Except for the foregoing, the use of the subject property is subject to the terms of all applicable ordinances and regulations of the City of St. George, including any amendment thereto.

**Section 3: Severability.** If any provision of this Ordinance is declared invalid by a court of competent jurisdiction, the other provisions shall remain in full force and effect.

**Section 4: Effective Date.** This ordinance shall be effective upon publication.

This ordinance having been submitted to a vote; the vote thereon was:

For: Cook, Dellucci, Edmonds, Himmel, Monachello, Murrell, Talbot

Against:

Absent / Abstaining / Recused:

Adopted this 25<sup>th</sup> day of November, 2025

Signed this 25<sup>th</sup> day of November, 2025


Delivered to the Mayor on the 25<sup>th</sup> day of November, 2025

  
Lorraine Beaman, City Clerk

Approved:

  
\_\_\_\_\_  
Dustin Yates, Mayor

Received from the Mayor on the 25<sup>th</sup> day of November, 2025

  
\_\_\_\_\_  
Lorraine Beaman, City Clerk

Adopted Ordinance published in The Advocate on the 5<sup>th</sup> day of December, 2025.

## **Title 2 STREETS, ALLEYS, SIDEWALKS, AND RIGHT OF WAYS**

### **CHAPTER 1. GENERAL PROVISIONS**

#### **PART 1. (Reserved)**

#### **PART 2. PENALTIES**

##### **Sec. 2:50. Penalties**

Any person who violates this Title shall be fined not more than \$500 per violation. Each day a violation occurs or continues shall be considered a separate violation. Violations of this Title may be enforced by the City pursuant to the Administrative Procedure Ordinance, Title 4 of the City of St. George Code of Ordinances, or in any court of competent jurisdiction. Nothing in this Title shall be construed as limiting any additional or further remedies available to the City for enforcement of this Title.

### **CHAPTER 2. CONSTRUCTION, PAVING, AND MAINTENANCE OF STREETS AND ROADS**

##### **Sec. 2:100. Roadway Thickness.**

Any roadways constructed with asphaltic pavement within the City shall be not less than three inches in thickness or the thickness required in the Chapter 13 of the Unified Development Code, whichever is greater.

##### **Sec. 2:200**

**(Reserved) (See Title 7: Unified Development Code, Chapter 13)**

### **CHAPTER 3. ENCROACHMENT OF STREETS, ALLEYS, AND SIDEWALKS**

##### **Sec. 2:300. Structures encroaching**

(a) No temporary or permanent structure or building or part thereof, or wall, fence, steps, posts, or other obstruction shall be erected or permitted to remain after being erected, on any street, alley, sidewalk, or other public place, except by permission of the Council.

(b) A property owner wishing to construct a canopy, awning, or other type shelter over a walkway, which covering extends from a building and would be closer to the street than is now permitted by the comprehensive zoning ordinance of the City and will have supports which will project into or within the street right-of-way, may obtain a special permit for the installation of such covered walkway from the Chief Building Official provided:

- (1) The owner has otherwise complied with all applicable building regulations and furnishes to the City his agreement that the covering and the supports thereto will be removed without cost to the City at any time such removal becomes necessary for street, drainage, or other similar public improvement purposes, or is required to improve the safety of traffic or to ensure the safety of pedestrians. The covering and its supports shall be removed within ten days after notice from the City directing the owner to cause such removal. If the covering and its supports are not removed within the ten-day period given, the City shall have the right to cause same to be removed without further notice or demand.
- (2) The covering and its supports shall be constructed in accordance with plans and specifications approved by the Chief Building Official but in no event shall the covering be less than a height of eight feet minimum clearance from the sidewalk, and the covering and its supports shall not be closer than 24 inches from the street curb.
- (3) The owner shall further agree to hold the City harmless from any damage resulting from the construction and maintenance of the covering and its supports and shall provide evidence of liability insurance protecting against bodily injury and property damage in an amount not less than \$50,000 through \$100,000 for bodily injury and \$5,000 property damage.
- (4) No permit authorized under the provisions hereof shall be issued until and unless all requirements have been complied with and evidence of the owner's agreement and of the insurance coverage required hereunder filed with the building official.

#### **Sec. 2:301. Rubbish and excess dirt**

All rubbish and excess dirt arising from the erecting or repairing of any building, cutting of street, or other work, remaining on the streets, alleys, sidewalks, or public places of the City after a reasonable time for the removal thereof shall have elapsed, shall constitute an obstruction.

#### **Sec. 2:302. Procedure for removal and penalties.**

It shall be the duty of the Director of Public Works to notify the owner of any structure or encroachment prohibited in Section 2:300, or the owner or contractor responsible for any obstruction as defined in Section 2:301, to remove same within a reasonable time specified by the Director. It shall be unlawful to fail to comply with such removal order.

#### **Sec. 2:303. Excavations**

It shall be unlawful for any person to build, dig, or in any manner construct or cause to be constructed any obstruction, defacement, or excavation on any street, alley, sidewalk, or other public place in the City without first having obtained a permit pursuant to Sections 2:401—2:405.

#### **Sec. 2:304. Barricading public places**

The Director of Public Works is authorized to bar off or barricade temporarily or cause to bar off or barricade temporarily any street, sidewalk, public square, or public place, as required for its working or repair and until such work or repairing is completed.

**Sec. 2:305. Damaging poles**

Any person who shall cut, mar, or deface posts, or place advertising matter upon or otherwise injure electric light, telephone or utility poles or supports, shall be subject to a penalty in Chapter 1, Section 2:50 of this Title.

**CHAPTER 4. STREET & CURB CUTS**

**Sec. 2:401. Permit required**

No cuts shall be made in any street, sidewalk, curb, or neutral ground of the City by any person without obtaining a permit.

**Sec. 2:402. Fees**

Except as is provided in Section 2:404, no permit shall be issued prior to the payment of the following fees for each cut and the repair thereof:

- (1) A fee of \$15 per square foot of street, sidewalk, curb, or neutral ground to be cut.
- (2) A flat fee for inspection of the repair of \$100.

**Sec. 2:403. Procedure for repairing**

(a) Any cut on any street, sidewalk, curb, or neutral ground made by any person under the provisions of this Section shall be made promptly after the permit is taken out and shall be backfilled without any delay as soon as the work is completed, a maximum period of 90 days being allowed for the performance of such work subsequent to the issuance of the permit. All cuts shall be made in such a manner that the pavement repair will have a neat square or rectangular outline, and wherever possible the street shall be bored instead of cut. All trenches shall be backfilled in accordance with City-Parish of Baton Rouge standard detail 801-01 and thoroughly compacted by tamping. . All liability for any damages occurring from the cut and while the work and refilling is being done, shall be on the responsibility of the person obtaining the permit and doing the work, and as a condition of the issuance of a permit hereunder, the permittee shall agree to hold the City free and harmless of and from any and all claims arising out of any work undertaken pursuant to the permit. In the enforcement of the provisions of this Section, the Director of Public Works is authorized to establish and promulgate such additional regulations as he may deem necessary or appropriate to protect the public interest and safety, including a requirement for the furnishing of public liability insurance as follows:

- (1) Blanket permits:
  - a. For each accident causing bodily injury, \$300,000 for each person so injured and \$500,000 for each accident; and
  - b. \$100,000 for property damage sustained in any one accident.

The policy shall remain in full force and effect so long as the permit holder is doing work in the City servitudes and rights-of-way.

(2) Individual permits:

- a. For each accident causing bodily injury, \$50,000 for each person so injured and \$100,000 for each accident; and
- b. \$10,000 for property damage sustained in any one accident.

(b) From the commencement of any cut made pursuant to the provisions hereof, and at all times during the maintenance of the cut by the permittee, the permittee shall maintain such barricades and warning devices as may be necessary to adequately warn members of the traveling public and to safeguard against accidents. Barricades and warning devices shall be consistent with the Manual on Uniform Traffic Control Devices for Streets and Highways, 11<sup>th</sup> edition.

(c) It shall be the duty of the person obtaining the permit and doing the work to notify the Department of Public Works when ready to begin backfilling so the inspection can be called for, and it shall be the duty of the person to keep and maintain daily the trench and backfill to grade and in good condition and shape in order to afford the least possible obstruction to traffic, or until the cut has been repaved.

**Sec. 2:404. Public services**

Notwithstanding anything to the contrary in this Chapter 4, any entity providing utility services wishing to make a cut in any street, sidewalk, curb, or neutral ground shall comply with Chapter 5 below.

**CHAPTER 5. RIGHTS OF WAY**

**PART I. IN GENERAL**

**Sec. 2:501. Purpose and Scope**

(a) Purpose. The purpose of this Chapter is to establish policies and procedures for constructing and maintaining utility facilities on rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(b) Facilities Subject to this Chapter. This Chapter applies to all utility facilities on, over, above, along, upon, under, across, or within the public rights-of-way within the jurisdiction of the City. A facility lawfully established prior to the effective date of this Chapter may continue where located but shall be maintained, repaired, and operated by the utility in accordance with this Chapter unless otherwise provided in any applicable franchise, license, or similar agreement. These regulations do not apply to facilities to be placed on City-owned property that is not a right-of-way. Prior to installation of facilities on non-right-of-way City-owned property, a license, lease, or right-of-use agreement with the City is required.

(c) Franchises, Licenses, or Similar Agreements. The City, in its discretion and as limited by law, may require utilities to enter into a franchise, license, or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the City rights-of-way, which terms and conditions may be inconsistent with this Chapter. Utilities not required by law to enter into such an agreement may request the City to enter into such an agreement.

(d) Effect of Franchises, Licenses, or Similar Agreements. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license, or similar agreement between the City and any utility, the provisions of such franchise, license, or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(e) Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto in conflict herewith, to the extent of such conflict.

(f) Conflicts with State and Federal Laws. If applicable federal or State laws or regulations conflict with the requirements of this Chapter, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

(g) Sound Engineering Judgment. The City shall use sound engineering judgment when administering this Chapter and may vary the standards, conditions, and requirements expressed in this Chapter when the City so determines. Nothing herein shall be construed to limit the ability of the City to regulate its rights-of-way for the protection of public health, safety, and welfare.

## **Sec. 2:502. Definitions**

As used in this Chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section.

“AASHTO” - American Association of State Highway and Transportation Officials.

“ANSI” - American National Standards Institute.

“Applicant” - A person applying for a permit under this Chapter.

“ASTM” - American Society for Testing and Materials.

“Backfill” - The methods or materials for replacing excavated material in a trench or pit.

“Bore” or “Boring” - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

“Carrier Pipe” - The pipe enclosing the liquid, gas or slurry to be transported.

“Casing” - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

“City” – City of St. George, Louisiana.

“Clear Zone” - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area.

“Coating” - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

“Code” - The City of St. George Code of Ordinances.

“Conductor” - Wire carrying electrical current.

“Conduit” - A casing or encasement for wires or cables.

“Construction” or “Construct” - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

“Cover” - The depth of earth or backfill over buried utility pipe or conductor.

“Crossing Facility” - A facility that crosses one or more right-of-way lines of a right-of-way.

“Department” - The Department of Public Works for the City.

“Director of Public Works” - The City Director of Public Works or his or her designee.

“Disrupt the Right-of-Way” - Any action obstructing the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such action may include, without limitation, the following: parking of vehicles in an area not specifically designated for parking (except the temporary parking of vehicles on a Residential Street in a manner not materially obstruct the flow of traffic), excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil.

“DOTD” - Louisiana Department of Transportation and Development.

“Emergency” - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

“Encasement” - Provision of a protective casing.

“Engineering Director” - The Engineer or his or her designee.

“Equipment” - Materials, tools, implements, supplies, and/or other items used to facilitate the construction of facilities.

“Excavation” - The making of a hole or cavity by removing material or laying bare by digging.

“Extra Heavy Pipe” - Pipe meeting ASTM standards for this pipe designation.

“Facility” - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter, except those owned by the City.

“Freestanding Facility” - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

“Frontage Road” - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

“Hazardous Materials” - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the City Engineer or Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

“Highway” - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. “Highway” includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

“Jacking” - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

“Jetting” - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

“Joint Use” - The use of pole lines, trenches or other facilities by two or more utilities.

“LPSC” - The Louisiana Public Service Commission.

“Major Intersection” - The intersection of two or more major arterial highways.

“Occupancy” - The presence of facilities on, over or under right-of-way.

“OneCall” - The regional notification center contacted to locate underground utilities and facilities pursuant to the Louisiana Underground Utilities and Facilities Damage Prevention Law (La R.S. 40:1749.11 et seq.)

“Parallel Facility” - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

“Parkway” - Any portion of the right-of-way not improved by street or sidewalk.

“Pavement Cut” - The removal of an area of pavement for access to a facility or for the construction of a facility.

“Permittee” - The entity to which a permit has been issued pursuant to Sections 2:504 and 2:505 of this Chapter.

“Practicable” - Performable, feasible or possible, rather than that which is simply convenient.

“Pressure” - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (PSIG).

“Petroleum Products Pipelines” - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

“Prompt” - Done within a period of time specified by the City. If no time period is specified, the period shall be 30 days.

“Public Entity” - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

“Residential Street” - A Highway, or at least three block portion thereof, that provides direct access to only single or two family residential structures.

“Restoration” - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

“Right-of-Way” - Any street, alley, other land or waterway, dedicated or commonly used for utility purposes, including utility servitudes or easements in which the City has the right and authority to authorize, regulate or permit the location of facilities other than those of the City. “Right-of-way” shall not include any real or personal City property not specifically described in the previous two sentences and shall not include City buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.

“Right-of-Way Line” - The borders of the right-of-way.

“Roadway” – The Highway including the pavement and shoulders.

“Security Fund” - The amount of security required by Section 2:510.

“Shoulder” - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of debris removed from the pavement.

“Sound Engineering Judgment” - A decision(s) consistent with generally accepted engineering principles, practices, and experience.

“Trench” - A relatively narrow open excavation for the installation of an underground facility.

“Utility” - The individual or entity owning or operating any facility as defined in this Chapter.

“Vent” - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

“Water Lines” - Pipelines carrying raw or potable water.

“Wet Boring” - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

## **PART II. CONSTRUCTION AND MAINTENANCE OF UTILITY FACILITIES IN THE PUBLIC RIGHTS-OF-WAY**

### **Sec. 2:503. Annual Registration Required**

Every utility that occupies right-of-way within the City shall register by January 10 of each year with the Department; providing the utility's name, address for notices and regular business telephone and facsimile numbers, the name of one or more contact persons authorized to act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way, a 24-hour telephone number for each such person, and evidence of insurance as required in Section 2:508 of this Chapter, in the form of a certificate of insurance.

### **Sec. 2:504. Permit Required; Applications and Fees**

(a) Permit Required. No person shall construct, repair, maintain, place, alter, enlarge, demolish, modify, or abandon in place any facility on, over, above, along, upon, under, across, or within any City right-of-way or otherwise disrupt the right-of-way without obtaining a permit from the City therefor, except as otherwise provided in this Chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way. The installation of any gas or electric meter requires a separate permit from the Building Department.

(b) Permit Application. All applications for permits pursuant to this Chapter shall be filed with the City. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as “proprietary” or “confidential” by clearly marking each page of such materials accordingly.

(c) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name, address, and telephone;
- (2) The applicant's name and address, if different than the utility, its telephone, e-mail address, and its interest in the work;
- (3) The names, addresses, telephone, and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- (4) A general description of the proposed work, the purposes and intent of the facility, and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence the utility placed on file with the City:
  - a. A written traffic control plan in compliance with the Manual on Uniform Traffic Control Devices for Streets and Highways, 11th edition, demonstrating the protective measures and devices to be employed to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
  - b. An emergency contingency plan that shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the City and shall promote the protection of the safety and convenience of the public. Compliance with LPSC and/or DOTD regulations for emergency contingency plans constitutes compliance with this Section unless the City determines additional information or assurances are needed;
- (6) Drawings, plans, and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in Section 2:508;
- (8) Evidence of posting of the security fund as required in Section 2:510;
- (9) Any request for a variance from one or more provisions of Section 2:521; and
- (10) Such additional information and materials as may be approved by the City Council by resolution.

(d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection c) of this Section, the permit application shall include the following items as applicable to the specific utility subject to the permit application:

- (1) In the case of new electric power, telecommunications, or natural gas distribution system installation, evidence the LPSC issued any certificate or authorization required by law;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures; and
- (3) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(e) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the City within 30 days after the change necessitating the amendment.

(f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Chapter shall be accompanied by a fee in the amount of \$1,000.

### **Sec. 2:505. Action on Permit Applications**

City Review of Permit Applications. No application shall be reviewed by the City for permit issuance until a completed application, containing all required documentation, is submitted. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the City shall reject such application in writing, stating the reasons therefor. If the City is satisfied the proposed work conforms to the requirements of this Chapter and all applicable ordinances, codes, laws, rules, and regulations, the City shall issue a permit therefor as soon as practicable. Notwithstanding the above, the City may reject an application based on the size of the right-of-way, facility facilities already located within the right-of-way, and/or plans to widen the roadway pavement, right-of-way or move City owned facilities.

### **Sec. 2:506. Effect of Permit**

(a) Authority Granted; No Property Right or Other Interest Created. A permit from the City authorizes a permittee to undertake only certain activities in accordance with this Chapter on City rights-of-way and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may be legally using the public rights-of-way.

(b) Compliance with All Laws Required. The issuance of a permit by the City does not excuse the permittee from complying with other requirements of the City and all applicable statutes, laws, ordinances, rules, and regulations.

### **Sec. 2:507. Revised Permit Drawings**

No facilities shall be installed at locations in material deviation from the approved plans until the permittee has submitted a revised set of drawings or plans to the Department and received approval to proceed. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Chapter, it shall be treated as a request for variance in accordance with Section 2:521 of this Chapter.

### **Sec. 2:508. Insurance**

(a) Required Coverages and Limits. Unless otherwise provided by a franchise, license, or similar agreement approved by the City Council, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability

insurance policies insuring the utility as named insured and naming the City, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as “X,” “C,” and “U” coverages) and products-completed operations coverage with limits not less than:
  - a. \$5,000,000 for bodily injury or death to each person;
  - b. \$5,000,000 for property damage resulting from any one accident; and
  - c. \$5,000,000 for all other types of liability;
- (2) Automobile liability for owned, non-owned, and hired vehicles with a combined single limit of \$1,000,000 for personal injury and property damage for each accident;
- (3) Worker’s compensation with limits of not less than \$1,000,000 when the work is to be performed over water and involves maritime exposures and \$500,000 otherwise; and
- (4) Employer’s liability insurance with limits of not less than \$1,000,000 per employee and per accident.

(b) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(c) Copies Required. The utility shall provide copies of any of the policies required by this Section to the City within 10 days following receipt of a written request therefor from the City.

(d) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

“It is hereby understood and agreed this policy may not be canceled nor the intention not to renew be stated until 45 days after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Mayor of such intent to cancel or not to renew.”

Within 10 days after receipt by the City of said notice, and in no event later than 10 days prior to said cancellation, the utility shall obtain and furnish to the City evidence of replacement insurance policies meeting the requirements of this Section.

(e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection (a) of this Section. A self-insured utility is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection (a), or the requirements of Subsections (b), (c), and (d) of this Section. A utility that elects to self-insure shall provide to the City evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection (a) of this Section and that the utility is a private self-insurer under workers' compensation laws.

(f) Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the City and any person for any of the matters covered by the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(g) Failure of City to Ask for Documentation. Neither the failure of the City to ask for or obtain documentation regarding a utility's insurance or self-insurance coverage nor the granting of any permit or approval to a utility shall be deemed a waiver of any insurance requirement.

### **Sec. 2:509. Indemnification**

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the City and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise, license, or similar agreement; provided, however, the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the gross negligence or willful and wanton misconduct by the City, its officials, officers, employees, agents or representatives.

### **Sec. 2:510. Security**

(a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense as long as the utility has facilities on, over, above, along, upon, under, across, or within any City right-of-way. The Security Fund shall serve as security for:

- (1) The faithful performance by the permittee of all the requirements of this Chapter;
- (2) Any expenditure, damage, or loss incurred by the City occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the City issued pursuant to this Chapter; and
- (3) The payment by the permittee of all liens and all damages, claims, costs, or expenses the City may pay or incur by reason of any action or non-performance by the permittee in violation of this Chapter including, without limitation, any damage to public property or restoration work the permittee is required by this Chapter to perform that the City must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the City from the permittee pursuant to this Chapter or any other applicable law.

(b) **Form.** The permittee shall provide the Security Fund to the City in the form, at the permittee's election, of cash or an unconditional letter of credit in a form acceptable to the City. Any letter of credit provided pursuant to this Subsection shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the City and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the City of any covered claims;
- (3) Shall provide a location convenient to the City and within the Baton Rouge metropolitan area from where it can be drawn; and
- (4) Shall provide that the issuing surety or bank shall give not less than 60 days' notice of the expiration of the bond or letter of credit if said bond or letter of credit is not going to be extended for an additional one-year period.

(c) **Amount.** The dollar amount of the Security Fund shall be set by the Department in its discretion based upon the work to be performed and costs that could be incurred by the City if the permittee fails to perform restoration or otherwise fails to comply with the requirements of this Chapter or other applicable law, but in no event shall it be less than \$1,000. The Security Fund shall be used to restore the rights-of-way to at least as good a condition as that existing prior to any construction and to cover the City's costs caused by the permittee's failure to timely move its facilities or otherwise fail to comply with any provision of this Chapter or other applicable law.

Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the City, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Department may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.

(d) **Withdrawals.** The City, upon 14 days advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the City for such amount within the 14-day notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the City for any damages, claims, costs or expenses which the City has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Chapter that the City determines can be remedied by an expenditure of an amount in the Security Fund.

(e) **Replenishment.** Within 14 days after receipt of written notice from the City that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection (c) of this Section.

(f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund (if it is a cash deposit) be returned to the permittee by the City, upon written request for said withdrawal to the City, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection (c) of this Section.

(g) Return of Security Fund. Upon completion of the work authorized under a specific permit, the permittee shall be entitled to the return of the portion of the Security Fund no longer deemed necessary by the City. In the event of any revocation of the specific permit, the Security Fund, and any accrued interest therein, shall become the property of the City to the extent necessary to cover any reasonable costs, loss, or damage incurred by the City as a result of said revocation, provided any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(h) Rights Not Limited. The rights reserved to the City with respect to the Security Fund are in addition to all other rights of the City, whether reserved by this Chapter or otherwise authorized by law, and no action, proceeding, or exercise of right with respect to said Security Fund shall affect any other right the City may have. Notwithstanding the foregoing, the City shall not be entitled to a double monetary recovery with respect to any of its rights that may be infringed or otherwise violated.

#### **Sec. 2:511. Permit Suspension and Revocation**

(a) City Right to Revoke Permit. The City may revoke or suspend a permit issued pursuant to this Chapter for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Non-compliance with this Chapter;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the public rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(b) Notice of Revocation or Suspension. The City shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 2:511.

(c) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the City, the permittee shall have the following options:

- (1) Immediately provide the City with evidence that no cause exists for the revocation or suspension;

- (2) Immediately correct, to the satisfaction of the City, the deficiencies stated in the written notice, providing written proof of such correction to the City within five working days after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the public rights-of-way and restore the rights-of-way to the satisfaction of the City providing written proof of such removal to the City within ten 10 days after receipt of the written notice of revocation.
- (4) The City may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

(d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the City may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection (a) of this Section.

(e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection c) of this Section, the City or its designee may, at the option of the City:

- (1) correct the deficiencies;
- (2) upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than 30-days' notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the City. The permittee shall be liable in all events to the City for all costs of removal.

**Sec. 2:512. Change of Ownership or Owner's Identity or Legal Status**

(a) Notification of Change. A utility shall notify the City no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Chapter, with respect to the work and facilities in the right-of-way.

(b) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the City's right-of-way.

(c) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

**Sec. 2:513. General Construction Standards**

(a) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules, and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment, and, where applicable, the

principles and standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways, 11<sup>th</sup> edition, and the DOTD's Standard Manual for Accommodating Utilities, Driveways and Other Facilities in the Highway Rights of Way. (LA Admin. Code Title 70, Part II, Chapter 5)

**Sec. 2:514. Traffic Control**

- (a) Minimum Requirements. The City's minimum requirements for traffic protection are contained in this Title 2 of the Code.
- (b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.
- (c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- (d) Notice When Access is Blocked. At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, in cases involving emergency repairs pursuant to Section 2:520, the utility shall provide such notice as is practicable under the circumstances.
- (e) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements brought to the utility's attention by the City.

**Sec. 2:515. Location of Facilities**

- (a) **Parallel Facilities Located Within Highways.**
  - (1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
    - a. Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
    - b. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
    - c. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
    - d. No pole is located in the ditch line of a highway; and
    - e. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

- (2) Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way lines of a highway only if:
- a. The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;
  - b. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment or if a new cable may be installed in existing conduit without disrupting the pavement; and
  - c. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(b) Facilities Crossing Highways.

- (1) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of City highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.
- (4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:
  - a. It has a minimum vertical line clearance as required by LPSC rules;
  - b. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
  - c. Overhead crossings at major intersections are avoided.
- (5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
  - a. The design materials and construction methods will provide maximum maintenance-free service life; and
  - b. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) Markers. The City may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707).

(c) Facilities to be Located Within Particular Rights-of-Way. The City may require facilities to be located within particular rights-of-way that are not highways, rather than within particular highways.

(d) Freestanding Facilities.

- (1) The City may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The City may require any freestanding facility located within a right-of-way to be screened from view.

(e) Appearance Standards.

- (1) The City may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.

(f) Above Ground Installation. Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.

(g) Facility Attachments to Bridges or Roadway Structures.

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports, and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk, and such installations are not permitted.
- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - a. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - b. The type, length, value, and relative importance of the highway structure in the transportation system;
  - c. The alternative routings available to the utility and their comparative practicability;

- d. The proposed method of attachment;
- e. The ability of the structure to bear the increased load of the proposed facility;
- f. The degree of interference with bridge maintenance and painting;
- g. The effect on the visual quality of the structure; and
- h. The public benefit expected from the utility service as compared to the risk involved.

(h) Fire alarm system. On all telephone, telegraph, electric light or other poles or supports for wires hereafter to be erected within the City limits, the City reserves the right to place one cross arm to support the wires of the fire alarm system. Refusal to comply with the provisions of this section by the owners or manager of telephone, telegraph, electric light or other company shall be deemed a violation of the franchise granted such company and shall be sufficient ground for abrogating the same and taking from such company its right-of-way through the streets of the City.

**Sec. 2:516. Construction Methods and Materials**

(a) Standards and Requirements for Particular Types of Construction Methods.

(1) Boring or Jacking.

- a. Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Department from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- b. Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
- c. Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
- d. Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- e. Tree Preservation. Any facility located within the drip line of any tree designated by the City to be preserved shall be bored under or around the root system.

(2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of DOTD’s “2026 Louisiana Standard Specifications for Roads and Bridges”, and East Baton Rouge City-Parish standard detail 801-01.

- a. Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Department.

- b. Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
- c. The utility shall not trench within the drip line of any tree designated by the City to be preserved.

(3) Backfilling.

- a. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with DOTD's standard specifications for road construction. When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- b. For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Department, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Department.

(4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph 4) is permitted under Section 2:521, the following requirements shall apply:

- a. Any excavation under pavements shall be backfilled as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Department.
- b. Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the City.
- c. All saw cuts shall be full depth.
- d. For all rights-of-way which have been reconstructed with a concrete surface/base in the last 7 years, or resurfaced in the last 3 years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a OneCall locate.

(5) Encasement.

- a. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the City.
- b. The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

- c. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or City approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the City. Bell and spigot type pipe shall be encased regardless of installation method.
  - d. In the case of gas pipelines of 60 PSIG or less, encasement may be eliminated.
  - e. In the case of gas pipelines or petroleum products pipelines with installations of more than 60 PSIG, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
  - f. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

<b>TYPE OF FACILITY</b>	<b>MINIMUM COVER</b>
<b>Power or Communication Line (In General)</b>	<b>30 Inches (0.8 m)</b>
<b>Communication Line Installed by the Plowed Method</b>	<b>24 Inches (0.6 m)</b>
<b>Gas or Petroleum Products</b>	<b>30 Inches (0.8 m)</b>
<b>Water Line</b>	<b>Sufficient Cover to Provide Freeze Protection</b>
<b>Sanitary Sewer, Storm Sewer, or Drainage Line</b>	<b>Sufficient Cover to Provide Freeze Protection</b>

(b) Standards and Requirements for Particular Types of Facilities.

- (1) Electric Power or Communication Lines.
  - a. Code Compliance. Electric power or communications facilities within City rights-of-way shall be constructed, operated, and maintained in conformity with LPSC rules and regulations and the National Electrical Safety Code.
  - b. Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
  - c. Underground Facilities. (1) Cable may be installed by trenching or plowing, provided special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed

by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of “moles,” “whip augers,” or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.

- (2) **Underground Facilities Other than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
  - a. the use of “moles,” “whip augers,” or other approved methods which compress the earth to move the opening for the pipe;
  - b. jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
  - c. open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
  - d. tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR 192) and all other applicable laws, rules, and regulations.
- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- (5) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Department. With the approval of the Department, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(c) Materials.

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of DOTD’s standards and specifications for road construction, the requirements of the LPSC or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** All pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance

or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the City.

- (3) Hazardous Materials. The plans submitted by the utility to the City shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(d) Operational Restrictions.

- (1) Construction operations on rights-of-way may, at the discretion of the City, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
  - (2) These restrictions may be waived by the Engineer when emergency work is required to restore vital utility services.
  - (3) Unless otherwise specifically permitted by the City, the hours of construction are between the hours of 7:00 a.m. and sunset on weekdays and Saturdays.
- (a) Location of Existing Facilities. Any utility proposing to construct facilities in the City shall contact OneCall and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The City will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the City or by OneCall a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Louisiana Underground Utilities and Facilities Damage Prevention Law (La. R.S. 40:1749.11 et seq.)

**Sec. 2:517. Vegetation Control**

- (a) Tree Trimming Permit Required. Tree trimming shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Chapter.

- (1) Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring the work will be expeditiously accomplished.
- (2) Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The City shall require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The City may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(b) Specimen Trees or Trees of Special Significance. The City may require special measures to be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire, or other means.

(c) Chemical Use. Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Department that such spraying is the only practicable method of vegetation control.

**Sec. 2:518. Removal, Relocation, or Modifications of Utility Facilities**

(a) Notice. Within 90 days following written notice from the City, a utility shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the City has determined such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

(b) Removal of Unauthorized Facilities. Within 30 days following written notice from the City, any utility owning, controlling, or maintaining any unauthorized facility or related appurtenances within the public rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Chapter; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(c) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any facilities located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(d) Abandonment of Facilities. Upon abandonment of a facility within the public rights-of-way of the City, the utility shall notify the City within 90 days. Following receipt of such notice the City may direct the utility to remove all or any portion of the facility if the Department determines such removal will be in the best interest of the public health, safety and welfare. In the event the City does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

## **Sec. 2:519. Cleanup and Restoration**

Upon completion of all construction or maintenance of facilities, the utility shall remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Department. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project.

## **Sec. 2:520. Maintenance and Emergency Maintenance**

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the City and at the utility's expense.

(b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades, or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Department or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for the protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the City police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(c) Emergency Repairs. The utility must file with the City a written description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

## **Sec. 2:521. Variances**

(a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Chapter shall submit the request to the Engineering Director as a part of the permit application. The request shall identify each provision of this Chapter from which a variance is requested and the reasons why a variance should be granted.

(b) Authority to Grant Variances. The Department shall decide whether a variance is authorized for each provision of this Chapter identified in the variance request on an individual basis.

(c) Conditions for Granting of Variance. The Department may authorize a variance only if the utility requesting the variance has demonstrated:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship making enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Department may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Chapter but which carry out the purposes of this Chapter.

**Sec. 2:522. Penalties**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Part shall be subject to a fine as set forth in Chapter 1, Section 2:50 of this Title. In addition, there may be times when the City will incur delay or other costs, including third-party claims, because the utility will not or cannot perform its duties under its permit and this Chapter. Unless the utility shows another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the City's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility the subject of the permit.

**PART III. USE OF STREET RIGHT-OF-WAYS BY PRIVATE PERSONS**

**Sec. 2:550. Prohibition**

No private person shall use any street right-of-way within the City for any private purpose and particularly for the purpose of storing or abandoning thereon any equipment or other material without the express permission of the City evidenced by a written permit to so do issued by the Director of Public Works.

**Sec. 2:551. No change other street regulations**

This Part is not intended to and shall not abridge or extend to any other provisions of the Code relating to the public streets but is supplemental to such provisions.

**Sec. 2:552. Exceptions**

The Director of Public Works is hereby authorized to make exceptions to this Part in instances where he feels such action necessary in the public interest. The director shall issue a written permit in evidence thereof.

**CHAPTER 6. SIDEWALKS**

**PART I. OBSTRUCTING SIDEWALKS**

**Sec. 2:600. Riding on sidewalks**

It shall be unlawful for any person to ride or drive horses, carts, carriages, or any vehicle whatsoever, except baby carriages and children's tricycles, on any sidewalks of the City.

**Sec. 2:601. Dangerous trees**

It shall be the duty of the Code Enforcement Department to give ten days' notice to all owners of property having trees on the sidewalks abutting their property which shall have been condemned as a nuisance or as being dangerous to cut down and remove same.

**Sec. 2:602. Displaying wares**

(a) It shall be permissible for any person licensed as a retail merchant in the City to display his goods, merchandise or wares on the sidewalks in front of his store for a distance not greater than two feet from the building line. Nothing in this subsection shall be construed as permitting the erection of any obstruction prohibited by Section 2:300.

(b) Show windows may extend not more than 14 inches on the sidewalks from the property line.

**PART II. REPAIRING, MAINTAINING AND CONSTRUCTING SIDEWALKS**

**Sec. 2:650. Grade or level to be furnished by the Department of Public Works**

All sidewalks, which may be constructed or repaired, shall be constructed and repaired in accordance with the uniform grade or level to be furnished by the Engineering Director.

**Sec. 2:651. Duty of owners**

It shall be the duty of all owners of lots fronting on streets having paved sidewalks to:

- (1) Pave, repair and keep in repair, the sidewalks in front of their said lots by removing all uneven and broken sections and replacing them with such materials as will level the surface and make it uniform;

- (2) Provide sufficient drainage over or under the sidewalks to prevent the accumulation or standing of water on or near the sidewalks;
- (3) Prevent the growth or accumulation of weeds, grass, dirt, or other nuisance on the sidewalks, or the neutral grounds adjacent thereto.

**Sec. 2:653. Notice of violation**

For the purpose of aiding in the enforcement of this part, the Director of Public Works is hereby authorized to notify any person, either directly, or through their authorized agent, of any violation of the provisions of this part, which notice shall set forth the repairs or maintenance necessary on or to the sidewalk or pavement on or abutting their property or properties. This notice may be given either in writing or by publication in the official journal and the placing of such notice in the U.S. mail, postage prepaid, addressed to the last record owner of the abutting property or properties, shall be sufficient. If notice is given by publication in the official journal, such notice shall set forth the names of the various persons found to be in violation of the provisions hereof, and shall generally outline the repair or maintenance work required to be done. The failure to make such repairs or to perform such maintenance within ten days of the first publication of such notice in the official journal, or within ten days after the above-described notice is placed in the U.S. mail, shall constitute a separate violation hereunder, and the sending or publishing of such notice shall not excuse the violation committed to continue or in any way relieve the property owner from the obligations and responsibilities placed upon such owner by the provisions of this part.