

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. 40-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOVATO ADOPTING THE REQUIREMENTS FOR TRENCH RESTORATION ON RIGHTS OF WAY SUBJECT TO PROHIBITION OF EXCAVATION PURSUANT TO NOVATO MUNICIPAL CODE SECTION 15-2.54

WHEREAS, the Section 15-2.54 of the Novato Municipal Code provides that upon the adoption of a resolution of the City Council of the City of Novato designating applicable rights of way, excavation and/or pavement cutting in the rights of way described in the resolution shall be prohibited for a period of five (5) years; and

WHEREAS, Section 15-2.54 (a)(2) provides for certain exceptions to said prohibition upon the approval of the City Engineer; and

WHEREAS, Section 15-2.54 (a)(3) provides that the City Council shall, by resolution, adopt requirements for trench restoration in the event of an exception approved by the City Engineer; and

WHEREAS, The City Engineer has established appropriate trench restoration standards as set forth in Exhibit "A" attached hereto; and

WHEREAS, the City Council held a duly noticed public hearing regarding the adoption of this Resolution on June 4, 2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Novato hereby adopts the Requirements for Trench Restoration on Rights of Way Subject to Prohibition of Excavation as set forth in *Exhibit A*, attached hereto and incorporated herein by reference.

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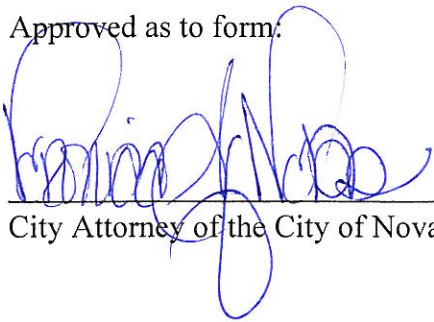
I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 4th day of June, 2013, by the following vote, to wit:

AYES:	Councilmembers	Athas, Lucan, MacLeamy, Eklund
NOES:	Councilmembers	None
ABSTAIN:	Councilmembers	None
ABSENT:	Councilmembers	Kellner



Sheri Hartz, City Clerk

Approved as to form:



City Attorney of the City of Novato

Exhibit "A"

REQUIREMENTS FOR TRENCH RESTORATION ON A MORATORIUM STREET

If excavation or cutting of the public right-of-way is allowed as an emergency or an exception as set forth in Novato Municipal Code Section 15-2.54 (s) (2), as condition of approval of said exception by the City Engineer, the permittee, shall restore the surface of the public right-of-way after cutting or trenching by one of the following methods, subject to the approval of the City Engineer:

Applying type II micro-surface using a licensed road slurry contractor over the surface, curb to curb, from each side of the transverse street cut; or

Restoring the lane width up to forty (40) feet beyond each side of a longitudinal trench, at the discretion of the Public Works Director or City Engineer.

In the event that the excavation or pavement cutting is minor, as determined by the City Engineer, the applicant may pay an in-lieu fee with a minimum fee of \$500 for a single lateral cut or pothole increasing proportionately to the scope of the excavation project with a final cost determined at the discretion of the Public Works Director or City Engineer.

If cutting into a moratorium street with a glasgrid reinforcing mesh one of the following remedies shall apply at the discretion of the Public Works Director or the City Engineer:

1. The street must be saw cut. Jack hammering of a moratorium street with glasgrid reinforcing mesh is prohibited.
2. No T-section is required for trench restoration.
3. Place mesh over the trench, overlap with existing mesh on all sides.

If cutting into a moratorium street without glasgrid the following shall apply:

1. If there is fabric, it must be replaced.
2. A T-section will be required for trench restoration. Saw cut 1 ft. from trench edges to the ½ the asphalt/concrete depth.

The extent or amount of reconstruction, resurfacing or slurry seal application required shall be that which, in the determination of the Director of Public Works or City Engineer, is required to return the public right -of-way to as good as condition as existed before the excavation or cutting work.

Any damage done directly or indirectly to any public rights-of-way or other public property or improvement, by any person subject to the chapter, shall be promptly repaired, at the person or entity's sole cost and expense, to the complete satisfaction of the City Engineer. Alternatively, the city may, in its sole discretion, choose to perform the repair work itself, in which case the responsible person shall reimburse the city for the full costs of the repair work within thirty days after receiving an invoice from the city.