

TOWN OF CAREFREE, ARIZONA

ORDINANCE NO. 2003-03

AN ORDINANCE OF THE TOWN OF CAREFREE, ARIZONA,
ADDING SECTION 11-4-1 "STREET EXCAVATION AND CONSTRUCTION IN
PRIVATE STREETS AND PUBLIC UTILITY EASEMENTS" OF THE TOWN CODE OF
THE TOWN OF CAREFREE, ARIZONA, AND DIRECTING THE CLERK OF THE
TOWN OF CAREFREE, ARIZONA TO INCORPORATE THE AMENDMENT INTO
THE TOWN CODE OF THE TOWN OF CAREFREE, ARIZONA

Section 11-4-1. Street Excavation and Construction in Private Streets and Public Utility Easements

A. All street excavation and construction in private streets and public utility easements including construction, reconstruction, installation, removal, repair, maintenance or alteration of any pavement, curbs, gutters, drainage or flood control devices, water, gas, sewer or other pipelines, irrigation and waste water facilities, electric, television, telephone, power and communication lines, shall be done in accordance with the most recently approved Uniform Standard Specifications for Public Works Construction with revisions sponsored and distributed by the Maricopa Association of Governments and with all other ordinances, rules and regulations of the Town applicable to such work.

B. It shall be the duty of every person, corporation, firm, utility company, contractor, association or political subdivision working in private streets and public utility easements to restore and repair the same in such manner that it is returned as nearly as practicable to its original condition and to maintain such restoration and repair for a period of not less than one year after its completion. Except in cases of emergency and for single customer connections, prior to performing any street excavation and construction in private streets and public utility easements, the person or entity responsible for the work shall notify the owner of the property in writing at least sixty (60) days in advance of any work providing a reasonable description of the work to be accomplished, the estimated period of time to complete such work, and the name, address and telephone number of the person, corporation, firm or political subdivision performing the work.

C. Prior to commencing any such work, the person or entity responsible for performing the work will procure and maintain a certificate of insurance covering liability and property damage issued by an insurance company authorized to transact business in the State of Arizona, as shall protect the person or entity responsible for performing the work from claims for damages for personal injury, including death, as well as from claims for property damages which may arise from or be related to the work or by anyone directly or indirectly employed by any of the foregoing. Such

insurance shall contain coverage for explosions, collapse and underground operations. Such insurance shall be primary and shall provide coverage for all liability under this section. The policy limits of such liability and property damage insurance shall contain not less than the following limits of coverage: (1) \$1 million for death or bodily injury or loss sustained by anyone person per occurrence; (2) \$2 million for death or bodily injury or loss sustained by more than one person per occurrence; (3) \$1 million for loss sustained for damage to property occasioned per occurrence. Such insurance shall be maintained in full force and effect until all work is complete.

D. Any violation of any provision of Section 11-4-1 shall constitute a civil offense, and any person or entity who is served with a citation charging such violation and who admits or is convicted of such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed Two Hundred Fifty and 00/100 Dollars (\$250.00). Each day that a violation continues shall be a separate violation subject to a civil sanction in an amount not to exceed Two Hundred Fifty and 00/100 Dollars (\$250.00).

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

FOR THE TOWN OF CAREFREE

Edward C. Morgan, Mayor
Date: _____

Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:

Thomas K. Chenal