

AN ORDINANCE OF REQUIREMENTS FOR WORKING WITHIN THE PUBLIC RIGHT OF WAY

ORDINANCE 1004-2024

WHEREAS, the City Council of Helena, Alabama desires safe public right of ways and;

WHEREAS, the Helena City Council has determined requirements for companies to operate within the City of Helena, Alabama that are set forth in said Ordinance, and;

THEREFORE, BE IT ORDAINED by the City Council of Helena, Alabama as follows:

Section 1 – General Information and Applicability

- 1.1. These requirements shall apply to Contractors/Permittees permitting and installing, repairing or maintaining utilities, storm drainage infrastructure, sidewalks, driveways, grading or other work within the public right of way (ROW) in the corporate limits of the City of Helena.
- 1.2. All work with Jefferson County, Shelby County or ALDOT maintained highway rights of way shall be permitted through those respective agencies. Copies of those other agency permits shall be submitted with the City of Helena Permit application.
- 1.3. The Contractor/Permittee shall comply with all other applicable State, Federal and Local laws and requirements.

Section 2 – Plans and Permitting

- 2.1. The Contractor/Applicant shall submit plans for proposed work that includes at a minimum:
 - 2.1.1. Project/work location(s). This shall include street names, street widths, curb and gutter/gutter widths, sidewalk locations and widths, right of way widths and any easements. The Applicant shall also show existing utilities as accurately as possible. Topographic surveys are not required for minor projects or broadband installation projects, but the Applicant shall as accurately as possible show all existing features and the location of other underground utilities that could affect or conflict with the proposed utility installation.
 - 2.1.2. Type, size, material, etc. of utility or storm water infrastructure being installed along with all appurtenances (boxes, pedestals, valves, etc.)
 - 2.1.3. Desired location of proposed utility installation or other work within the City right of way
 - 2.1.4. Proposed depth of utility or storm sewer installation
 - 2.1.5. Method of installation. Any areas proposed for open trenching, plowing or micro-trenching shall be clearly shown on the plans.
 - 2.1.6. Traffic control plan – When construction work will impact vehicular or pedestrian traffic, the Contractor shall provide appropriate traffic control to provide for safe passage of vehicular and pedestrian traffic through the work zone. At a minimum, traffic control shall include advance warning signage (Road Work Ahead, Shoulder Work, Utility Work Ahead, etc.) and appropriate

channelizing devices (channelizing drums, cones, tubular markers). When lane closures are necessary, the appropriate lane closure signage and flaggers (as needed) shall be used.

- 2.1.6.1. When there are sidewalks within the work area that need to be temporarily closed, Type 1 or 2 barricades with Sidewalk Closed signs shall be installed at each end of the sidewalk closure and any other points where pedestrians could enter the work zone via a public sidewalk.
- 2.1.7. Erosion and sediment control plans or details – If the proposed work involves excavation, appropriate erosion and sediment control devices shall be installed to prevent erosion of excavated areas and transport of sediment into nearby ditches, streams, storm drain inlets or adjacent properties or right of way.
 - 2.1.7.1. If the total soil disturbance is over 1 acre, the Contractor/Permittee shall obtain a construction stormwater permit from the Alabama Department of Environmental Management (ADEM) and submit a copy of the Notice of Intent (NOI) or permit to the City with the City of Helena Permit application.
 - 2.1.7.2. Details for backfilling of open trenches
 - 2.1.7.3. Asphalt or concrete patching details (see Asphalt Repairs section below)
- 2.2. The Contractor/Permittee shall ensure that there is enough space available for the proposed utility lines within existing right of way or utility easement(s). If not, the applicant is responsible for acquiring any additional easements.
- 2.3. Subsurface Utility Engineering (SUE) may be required for sensitive locations as required by the City Building Official. When required, applicants shall provide subsurface utility engineering, quality-level C, unless otherwise required by the City of Helena Building Department.
- 2.4. An additional right-of-way permit may be required for the potholing procedures if the potholing is performed as a separate operation and by a separate contractor.
- 2.5. A phasing plan must be submitted with the permit application to alleviate confusion for locating existing utilities and repeated utility locates.
- 2.6. A preconstruction meeting shall be held with the City and the Helena Utility Department prior to issuance of any permits.
- 2.7. The Contractor will be required to provide a bond prior to issuance of a City Permit. Bond amount to be determined by the City Building Official upon review of Permit application.
- 2.8. No work shall begin until a Permit has been issued by the City of Helena Building Department. Permit not valid until approved and paid for.

Section 3 – Construction Requirements

3.1. City Notification

- 3.1.1. Upon receipt of a City of Helena permit, the City Inspections Department shall be notified 24 hours prior to any activity within the public ROW. For work on Mondays, the Contractor shall notify the City Inspections Department on the preceding Friday.

3.2. Citizen Communication & Notification

- 3.2.1. Contractor shall provide sample door hangers at City preconstruction meeting which shall be approved by the City prior to distribution and any work occurring. Contractor will be required to install approved door hangers on all residences and businesses within the work area at least 7 days prior to beginning work.
- 3.2.2. Contractor/Permit Applicant shall designate a Point of Contact to answer City or citizen questions and provide contact information for the Point of Contact to the City.
- 3.3. Utility Location
 - 3.3.1. The Contractor shall contact Alabama One Call 811 to locate all existing utilities in the ROW prior to performing any excavation or directional boring work. There will be a 750 LF maximum daily allocation for City of Helena/Helena Utility Department utility locates per day.
 - 3.3.2. All damage to existing underground utilities or drainage structures that is caused by the Contractor shall be repaired in a timely manner, at the Contractor's expense, to the satisfaction of the damaged utility owner or City.
- 3.4. Underground Utility Installation
 - 3.4.1. "Micro-trenching", or the process of installing utility conduits or lines within a narrow trench within the street pavement, is strongly discouraged and will only be allowed when specifically approved by the City. If the Contractor/Applicant feels that micro-trenching is the only viable option, the Contractor/Applicant must include with their plan submittal for permitting justification for using the micro-trenching method of utility installation that includes:
 - 3.4.1.1. Reasons why micro-trenching is the only viable alternative.
 - 3.4.1.2. Locations where micro-trenching will be utilized.
 - 3.4.1.3. Detailed specifications for micro-trenching.
 - 3.4.2. For telecommunication, gas or other smaller diameter, non-slope sensitive lines, directional boring is the preferred method of installation. Any areas proposed for open trenching or plowing shall be clearly shown on the plans.
 - 3.4.3. A minimum horizontal clearance (separation) of 36" must be maintained from water, sewer, stormwater, and other City utility infrastructure.
 - 3.4.4. A minimum depth for all buried telecommunication lines shall be 30".
 - 3.4.5. Conduit shall match the 811 color code for communication, electric, gas, etc. No blue/blue striped conduit is to be used for telecommunications.
 - 3.4.6. For any excavation within right of way near any sanitary sewer lines or laterals, the Contractor will be required to provide video documentation of the integrity of any sanitary sewer line or laterals. Sanitary sewer lines can be videoed prior to work being performed if the proposed utility or storm locations, including depths, have been clearly established by Contractor or design engineer. This requirement does not apply to laterals on private property (Private infrastructure) that are not maintained by the Helena Utility Department. The Contractor will still be responsible for repairing any damage caused by the Contractor to any private infrastructure.
 - 3.4.7. Water and sewer mains/services must be potholed prior to directionally bored/missile crossings.

- 3.4.8. In-ground boxes (telecommunications junction/splice/pull boxes, valve boxes, etc.) shall be installed flush with and at the same slope as the surrounding ground.
- 3.4.8.1. In-ground boxes or valves shall not be allowed to be installed in sidewalks unless specifically approved by the City. The Contractor shall coordinate with the City Inspector to resolve any conflicts with sidewalks.
- 3.4.9. Above ground pedestals shall be placed in a location that does not obstruct the visibility of motorists, will not be damaged by large trucks off-tracking in radii, and to allow vehicles room to exit the roadway in the event of an emergency.
- 3.4.10. In-ground boxes or above-ground pedestals should not be concentrated near other existing boxes, valves, fire hydrants, etc.
- 3.4.11. For utilities installed under City streets, directional boring under the street is preferred. Any proposed open cut utility installation shall be shown on the plans and approved by the City. See Asphalt Street Repairs section below for requirements for repairing open cuts of City streets.
- 3.4.12. Any damage that occurs shall be reported to the City as soon as possible. Damage to any City infrastructure (storm, sewer, water, ditches etc.) shall be the responsibility of the permittee to repair to City standards at no cost to the City.
- 3.4.13. Hydrant meter shall be used when getting water from the City's water supply. Hydrant meters can be obtained from the Helena Utility Department. However, Helena Utility Department is not obligated to allow companies to use water. If you are found getting water from hydrants without a meter, there will be a fine of \$500.00 for the 1st offence and \$1,000.00 for a second offence. Any damage to hydrants during use of the hydrant meter will result in repair or replacement of the hydrant at the expense of the Contractor.
- 3.5. Asphalt Street Repairs
- 3.5.1. Existing asphalt to be removed shall be saw cut. Contractor shall maintain or provide a smooth saw cut edge for the asphalt repair.
- 3.5.2. At the end of the work day, all asphalt street cuts shall be backfilled with crushed stone and compacted or covered with a plate until the permanent patch is installed unless otherwise approved by the City.
- 3.5.3. Backfill of asphalt repair area shall be installed in 6" thick (maximum) lifts and compacted to the satisfaction of the Engineer/Inspector. Beneath roadways, aggregate backfill such as ALDOT #410, ALDOT #410 Modified, Crushed Aggregate Base (ALDOT 825B) or other compactible aggregate blend shall be used.
- 3.5.4. Asphalt Patching
- 3.5.4.1. For typical residential City streets, the asphalt patch shall consist of:
- 3.5.4.1.1. 6" thick crushed aggregate base (ALDOT 825B). Contractor may substitute 3" thick layer of asphalt base (ALDOT 424C, 1" maximum aggregate size mix)
- 3.5.4.1.2. 2" thick asphalt binder layer (ALDOT 424B, ¾" maximum aggregate size mix).

- 3.5.4.1.3. 1.5" thick asphalt wearing surface layer (ALDOT 424A, ½" maximum aggregate size mix)
- 3.5.4.1.4. Trench backfill and all of the above layers shall be compacted to the satisfaction of the City Inspector.
- 3.5.4.2. For higher volume City Streets (streets that serve as the primary access to large subdivisions like Old Cahaba Parkway and Riverwood Parkway) and City-maintained collector roads, such as Hillsboro Pkwy, the asphalt patch shall consist of:
 - 3.5.4.2.1. 8" thick crushed aggregate base (ALDOT 825B). Contractor may substitute 4" thick layer of asphalt base (ALDOT 424C, 1" maximum aggregate size mix)
 - 3.5.4.2.2. 2.5" thick asphalt binder layer (ALDOT 424B, ¾" maximum aggregate size mix)
 - 3.5.4.2.3. 1.5" thick asphalt wearing surface layer (ALDOT 424A, ½" maximum aggregate size mix)
 - 3.5.4.2.4. Trench backfill and all of the above layers shall be compacted to the satisfaction of the Engineer/Inspector.
- 3.5.4.3. Prior to placement of any asphalt patching, any loose rocks, organic material or other loose material shall be removed.
- 3.5.4.4. For any single asphalt patch that is 15 square yards in area or larger, the wearing surface shall be placed with an asphalt spreader unless otherwise approved by the City Inspector.
- 3.5.4.5. For asphalt patches, the asphalt wearing surface patch shall be finished ¼"-½" inch higher than the surrounding asphalt to allow for settlement of the patch.
- 3.5.4.6. Where asphalt overlays are required, the tie-ins at the ends and any side streets shall be milled in to allow the overlay to be tied in smoothly to the existing asphalt.
- 3.6. Driveway Repairs
 - 3.6.1. When residential or commercial driveways must be removed, they shall be saw cut perpendicular across the driveway. Where the proposed saw cut line is close to an existing joint in a concrete driveway, the City may require the Contractor to saw cut to the nearby joint. The Contractor shall maintain the saw cut edge until the driveway repair is completed.
 - 3.6.1.1. For any driveway repairs on private property, the Contractor shall obtain written permission from the property owner for the work on private property.
 - 3.6.2. At the end of the work day, utility trenches across driveways shall be backfilled with crushed stone and compacted or covered with a plate until the permanent patch is installed unless specific permission is granted by the property owner and City to leave the utility cut open.
 - 3.6.3. Utility trenches across driveways shall be backfilled with stone and compacted to the satisfaction of the City Inspector.
 - 3.6.4. For concrete driveways:
 - 3.6.4.1. Where the driveway repair is 10' or more in length, ¾" wide expansion joints shall be provided on both ends of the replacement slab.

- 3.6.4.2. Replacement concrete shall be 4" thick or thickness matching the existing driveway, whichever is greater, 4,000 psi concrete finished to match the grades, slopes and surface finish of the existing driveway. Concrete shall be poured from a concrete truck. No bagged concrete mixes will be allowed.
- 3.6.5. For asphalt driveways:
 - 3.6.5.1. For residential driveways, the driveway buildup shall be 6" of crushed aggregate base (ALDOT 825B) or other aggregate base material approved by the City and 2" thick minimum asphalt wearing surface (1/2" maximum aggregate size mix).
 - 3.6.5.2. For commercial driveways, the driveway buildup shall match the buildup of the removed driveway.
- 3.7. Concrete Gutter, Curb & Gutter, and Sidewalk Repairs
 - 3.7.1. Where existing concrete gutters, curb and gutter or sidewalks are removed, they shall be saw cut perpendicular across the gutter or sidewalk. Where the proposed saw cut line is close to an existing joint, the City may require the Contractor to saw cut to the nearby joint. The Contractor shall maintain the saw cut edge until the concrete repair is completed.
 - 3.7.2. The subgrade beneath gutter or sidewalk shall be inspected by and compacted to the satisfaction of the City Inspector prior to replacing the concrete.
 - 3.7.3. Replacement concrete shall be 4,000 psi concrete and shall be poured via a concrete truck. No bagged concrete mixes will be allowed for repouring gutters or sidewalks.
 - 3.7.4. Concrete thickness:
 - 3.7.4.1. Concrete for gutters or curb and gutters shall be a minimum of 6" thick at the thinnest point of the gutter.
 - 3.7.4.2. Concrete for sidewalks shall be a minimum of 4" thick.
 - 3.7.5. Finish – Replacement concrete sidewalks shall be finished to match the grades, slopes surface finish, and jointing/scoring pattern of the existing sidewalks.
 - 3.7.6. Where the gutter or sidewalk repair is 20' or more in length, 3/4" wide expansion joints shall be provided on both ends of the replacement area.
 - 3.7.7. Contraction joints shall be sawed or otherwise cut 2" deep and 1/8" wide every 20'.
 - 3.7.8. For replacement gutters or curb and gutters, the shape of the gutter or curb and gutter shall match the shape of the adjacent gutters or curb and gutters, and they shall be constructed to match the longitudinal slope of the adjacent roadway.
 - 3.7.9. For replacement sidewalks, the contractor shall ensure that the cross slope is less than or equal to 2.0% wherever practical. Where existing sidewalks have a cross-slope steeper than 2.0%, the Contractor shall transition the cross slope from the 2.0% or less slope to the existing slope smoothly.
 - 3.7.10. Where the Contractor must reconstruct ADA curb ramps, ramps shall meet current Americans With Disabilities Act (ADA) requirements, which include:
 - 3.7.10.1. Cross slope of the ramp less than or equal to 2.0%.

3.7.10.2. Longitudinal slope of the ramp of 8.33% (1:12) unless conditions will not allow.

3.7.10.3. Detectable warning strip if the removed ramp contained detectable warning. Inlaid red brick pavers are the preferred method of detectable warning. The Contractor shall submit the type of detectable warning to be used to the City for approval.

3.8. Horticulture

3.8.1. In-ground telecommunication junction/splice/pull boxes shall not be located within the driplines of trees within City right of way without explicit written permission from the City.

3.8.2. Any proposed open trenching or plowing shall not be within the dripline of trees. If trenching or plowing is required within tree dripline, consult the City of Helena Inspector before proceeding with trenching.

3.8.3. Trees shall not be damaged by underground utility installation. The Contractor shall replace any trees that are damaged with a similar tree as approved by the City.

3.8.4. The Contractor shall consult with the City to determine if the required depth of bores must be increased so that no tree roots are impacted by the work.

3.8.5. Any work done within the critical root zone shall be done to meet or exceed International Society of Arboriculture (ISA) standards.

3.8.6. Any roots removed shall be severed cleanly at the perimeter of the protected radius.

3.8.7. Protective barriers shall be used for all trees; barricades shall be erected a minimum of 20' from the trunk.

3.9. Erosion and Sediment Control

3.9.1. All disturbed areas shall be re-vegetated within ten (10) days of completion of the project. Existing sodded areas shall be re-sodded using sod matching the surrounding area. All yards in residential subdivisions that are disturbed shall be re-sodded unless alternate grassing is approved by the City. Other disturbed areas that are not sodded prior to construction shall be seeded and mulched. Topsoil or topsoil/sand mixture as needed, and fertilizer shall be added to facilitate the growth of the replacement sod or seed. Sod shall be watered by Contractor as needed to ensure survival.

3.9.2. Any excess soil or other excess materials shall be removed and disposed of properly by the Contractor. Dumping on private property without approval will not be tolerated.

3.9.3. Seeding and mulch shall only be acceptable as temporary cover unless approved as permanent vegetation by the City.

3.9.4. Appropriate Best Management Practices (BMPs) such as wattles, gravel bags, inlet protection devices, etc. shall be placed at all storm inlets that could receive sediment laden runoff from the work.

3.9.5. The Contractor shall install appropriate BMPs at boring sites and trench locations.

3.9.6. For larger grading areas, the Contractor shall use silt fences, hay bales, wattles or other appropriate Best Management Practices.

3.9.7. If the work area is within 100' of a critical area (wetland, creek/stream, etc.), red soil/clay shall not be allowed as fill material.

- 3.9.8. Ground conditions in the ROW and on private property shall be returned to original preconstruction condition or better.
- 3.10. Fees for Emergency & Non-Emergency Call Out.
 - 3.10.1. When City of Helena or Helena Utility Department staff are called out due to damage caused by the Contractor to City or other utility infrastructure, the following fees will be assessed to the Contractor/Permittee:
 - 3.10.1.1. Building Official or Building Inspector
 - 3.10.1.1.1. \$75.00 call out fee per visit
 - 3.10.1.2. Utility Department:
 - 3.10.1.2.1. \$100.00 per person for the first 2 hours
 - 3.10.1.2.2. \$50.00 per person for each hour after
 - 3.10.1.2.3. \$100.00 per truck per day
 - 3.10.1.2.4. \$100.00 per hour per mini excavator
 - 3.10.1.2.5. \$75.00 per hour per vac trailer
 - 3.10.1.2.6. \$200.00 for each emergency street repair plus material costs.
See Asphalt Street Repair section above for permanent street repair requirements.
 - 3.10.1.2.7. \$500.00 for first offence tampering with a fire hydrant without a hydrant meter
 - 3.10.1.2.8. \$1,000.00 for second offence tampering with a fire hydrant without a hydrant meter
 - 3.10.1.2.9. Material costs will be based on prices at the time of damage.
 - 3.10.1.3. City Engineer:
 - 3.10.1.3.1. \$125 call out fee per visit
 - 3.10.2. There will be a \$50.00 administrative fee per invoice.
 - 3.10.3. Balance owed to the City of Helena and Helena Utility Board for damages or call outs must be paid before the Permit is closed and bonds released by Helena Building Official.

Section 4 – Project Completion, As-Builts and Close-Out

- 4.1. At the completion of the work, the Contractor/Permittee shall notify the City Inspections Department and request a walk-through inspection of the project. Any corrective items shall be completed by the Contractor within 15 days. All corrective items shall be completed before the Permit will be closed and bonds released by the City.
- 4.2. At the completion of the work, the Contractor/Permittee shall provide the City with as-built drawings showing the locations and depths of the installed utility lines or storm sewer infrastructure in the right of way. The as-built drawings shall show the elevation and GPS coordinates of all utilities at pothole locations.
 - 4.2.1. Upon satisfactory review and approval of the as-builts by the City Inspector, the City Inspector will transmit the as-builts to the City GIS technician for inclusion in City GIS utility maps.
- 4.3. The Building Official and the City Engineer shall have the authority to make minor revisions.

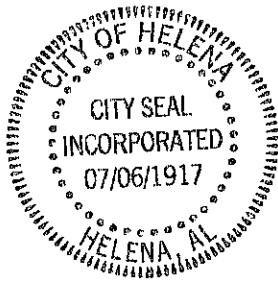
Section 5 – Severability

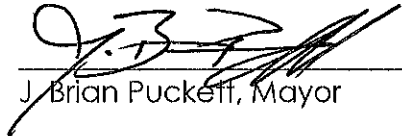
Should any portion or provision of this Ordinance, or its application to any person or

circumstance, be declared unconstitutional or otherwise declared void, or invalid for any reason, or should any portion be pre-empted by State or Federal law or regulation, such portion or provision shall be deemed severed, and any such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this Ordinance or its application to other persons or circumstances.

APPROVED AND ADOPTED THIS 9TH DAY OF DECEMBER, 2024.

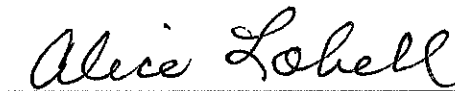
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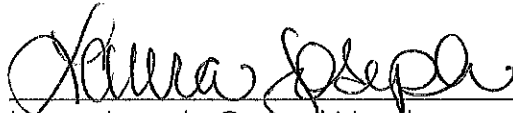



J. Brian Puckett, Mayor

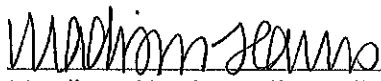

Chris Willis, Council Member

VACANT
VACANT SEAT, Council Member


Alice Lobell, Council President


Laura Joseph, Council Member

ATTEST:


Madison Harris, Acting City Clerk

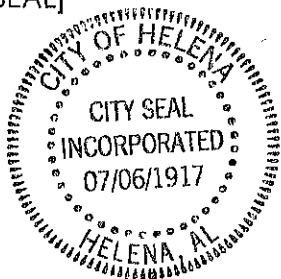
absent
Harold Woodman, Council Member

**STATE OF ALABAMA
SHELBY COUNTY**

I, Madison Harris, Clerk of the City of Helena, do hereby certify that the above is a true correct copy of Ordinance Number 1004-2024 duly adopted by the Council of the City of Helena at its meeting held 9th day of December 2024, and as same appears of record in the ordinance records of said City, and approved by the Mayor and City Council on 9th day of December 2024.

Given under my hand and corporate seal of the City of Helena, this the 9th day of December 2024.

[SEAL]



Madison Harris
Madison Harris, Acting City Clerk

CERTIFICATION

I, Madison Harris, the Clerk of the City of Helena, Alabama, do hereby certify that the within Ordinance Number 1004-2024 is a true copy as recited in the said City Clerk's Minute Book and posted by me as provided by law in three public places in said City, being on the bulletin board of the City Hall, on our website www.cityofhelena.org, and in the Helena Public Library in said City, that said Ordinance shall become a duly lawful Ordinance of said City on the 9th day of December 2024, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 9th day of December 2024.

[SEAL]



Madison Harris, Acting City Clerk