

# Avon Town Council

## Ordinance 2022 - 12

### Amending Right-of-Way Permit Fees and Annual Bonds

**Whereas**, Article 9, Section 4, of the Town of Avon Code of Ordinances (“Town Code”) details the regulations for obtaining permits for excavating, constructing, or making street curb cuts on public streets in the Town; and

**Whereas**, Section 4-121(E), requires a property owner or contractor performing this work to obtain a permit from the Public Works Department; and

**Whereas**, when a permit is applied for, the Town incurs costs to inspect the proposed project; and

**Whereas**, the Town Council has determined that the permit fees should be increased to reflect the actual cost incurred by the Town to process the permit and inspect the proposed project; and

**Whereas**, Section 4-122(A) requires the property owner or contractor to obtain a bond to assure proper repair of the public streets and right-of-way; and

**Whereas**, the Town recognizes that certain property owners and contractors perform multiple projects within the Town simultaneously; and

**Whereas**, to accommodate these multiple projects by the same owner or entity, and to streamline the permitting process, the Town finds that annual bonds, in lieu of multiple specific bonds, may be authorized when deemed appropriate by Public Works Department; and

**Whereas**, the Town Council finds that it is in the best interest of the Town, and its citizens, to amend Section 4-121(E) to increase the permit fees to reflect the costs incurred by the Town; and

**Whereas**, the Town Council also finds it is in the best interest of the Town, and its citizens, to amend Section 4-122(A) to allow for an annual bond;

**Therefore, it is ordained** that Section 4-121(E) shall be amended as follows:

**“4-121 (E) Fees.** All permits except those for minor repairs, routine maintenance, entities exempted by a written municipal agreement, and initial installation of public improvements within new subdivisions, shall pay a permit fee as authorized by the Town Council by ordinance. A base permit fee **in the amount of \$200** shall be required for any excavation or construction necessary for a single connection, a single driveway and adjoining sidewalk, or a cut for installing facilities, not exceeding 100 linear feet on public streets. The permit fees for excavation and construction of projects exceeding 100 linear feet will consist of the base permit fee plus an additional fee **in the amount of \$0.50** for each linear foot of excavation and construction in excess of 100 linear feet. **Permit fees may be adjusted or waived at the discretion of the Public Works Director.**”

**It is further ordained** that these new permit fees shall be reflected in the official fee schedule of the Town.

**It is further ordained** that Section 4-122(A) shall be repealed in full and replaced as follows:

**“4-122 (A)**

- (i) **Bond Requirement.** Whenever any application for the permit required by this section is approved, the applicant shall give a bond in an amount not less than \$2,000 to assure the proper repair of the public street. Bonds shall be conditioned to hold the city harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity with the requirements of all laws regulating the same. No permit shall be issued until such approved bond has been filed with the Public Works Department. Bonds amounts are per permit unless an annual bond is on file in accordance with section (ii) of this subchapter.
  
- (ii) **Annual Bonds.** An annual bond may be given to encompass multiple active permits by a person or entity. Application for permission to give annual bonds shall be made to the Public Works Director. **If permission is given by the Public Works Director for the applicant to give an annual bond, the applicant shall give a bond in a sum not less than \$5,000 to assure the proper repair of the public street. Bonds shall be conditioned to hold the city harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity with the requirements of all laws regulating the same. No permit shall be issued until such approved bond has been filed with the Public Works Department.”**

**It is further ordained** that this ordinance shall become effective upon adoption and that all other provisions of the Town Code which are not specifically amended by this ordinance shall remain in full force and effect.

[Signature page to follow]

**Ordained** this \_ day of \_\_\_\_\_, 2022.

**Avon Town Council:**

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Robert Pope, President

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Aaron Tevebaugh, Vice President

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Steve Eisenbarth, Member

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Dawn Lowden, Member

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Greg Zusan, Member

**Attest:**

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Julie Loker, Clerk-Treasurer