



Summary of City of Goodyear Ordinance No. 2024-1624

PURPOSE

This document summarizes the terms of the proposed ordinance requiring repairs to city streets damaged by development and utilities' activities, including street pavement cuts.

SUMMARY

The ordinance requires persons who damage public streets, including damage from pavement cuts, to repair the streets as close as practicable to the condition that existed prior to the damage. The repair requirements are based on when the streets were constructed, resurfaced or reconstructed, with the most stringent requirements applying to newer streets. The repairs required for pavement cuts are to be completed within 120 calendar days from the date of the permit allowing the pavement cut is approved and issued unless this deadline is extended upon a showing that the permittee has been diligently pursuing the completion of the repairs.

TERMS

GENERAL DUTY TO REPAIR DAMAGES

The ordinance requires persons who damage public streets to repair the street. The damaged street is to be returned as close as practicable to the condition that existed prior to the damage. The ordinance includes specific repairs that are required for damages to streets from pavement cuts.

REPAIR REQUIREMENTS FOR PAVEMENT CUTS TO NEW STREETS

New streets include streets that were constructed, reconstructed or resurfaced within two years of the date of the proposed pavement cut.

The following repairs are required for pavement cuts to new streets, except for a single pavement cut of two square feet or less that was made pursuant to a single permit:

- Crack Fill and Seal between the old pavement areas and the new pavement areas is to be applied
- For pavement cuts to arterial and collector streets, an Asphalt Mill and Overlay/Inlay Pavement Treatment (the “Mill and Overlay”) is to be applied to all lanes within the full half-street in which the pavement cut is made; and for pavement cuts to local streets the Mill and Overlay is to be applied to all lanes of the local street. The Mill and Overlay is to extend a minimum of 25 feet beyond the pavement cut in both directions.
- Temporary striping followed by permanent striping is to be applied to the repaired areas.

The following repairs are required for a single pavement cut to a New Street that is two square feet or less and that was made pursuant to a single permit:

- Crack Fill and Seal between the old pavement areas and the new pavement areas is to be applied.

REPAIR REQUIREMENTS FOR PAVEMENT CUTS TO ALL OTHER STREETS (OLDER STREETS)

The following repairs are required for pavement cuts to public streets other than to New Streets except for repairs to potholes when pothole are the only cuts made to the public street:

- For pavement cuts to arterial and collector streets, a Micro Seal Pavement Treatment (the “Micro Seal”) is to be applied to all lanes within the full half street in which a pavement cut is made. The Micro Seal is to extend a minimum of 25 feet beyond the pavement cut in both directions
- For pavement cuts to local streets, Slurry Seal is to be applied to all lanes of the local street. The Slurry Seal is to extend a minimum of 25 feet beyond the pavement cut in both directions.
- Depending upon the condition of the street following the pavement cut, the City Engineer or his/her designee may also require Crack Fill and Seal be applied before the Micro Seal or Slurry Seal is applied.

The following requirements shall apply to potholes in a city street other than a New Street, when potholes are the only pavement cuts made to the city street:

- Crack Fill and Seal between the old pavement areas and the new pavement areas is to be applied.

EXEMPTION

The foregoing requirements do not apply to pavement cuts made in connection with the modification to an existing driveway for a single-family dwelling provided the pavement cuts are not located more than two feet beyond the curb and gutter of the street. The only repair required is for Crack Fill and Seal to be applied between the old pavement area and new pavement areas.

GENERAL REQUIREMENTS APPLICABLE TO ALL PAVEMENT CUTS

- Permits are required, including permits allowing pavement cuts and permits required for the blockage or closure of public right-of-way
- The pavement cuts and repairs are to be completed within 120 days of the date the permit allowing the pavement cuts is approved and issued. This may be extended by the City Engineer or his/her designee upon a showing that the permittee has been diligently pursuing the completion of such work.
- Compliance with all applicable ordinances, regulations, standards, and policies for work in city right of way is required.
- Financial assurances are to be provided to ensure the completion of the required repairs.
- All repairs to city streets are subject to two-year warranty and a warranty bond is to be provided to ensure the completion of the warranty work.

FAQs:

Question: If I am a single-family resident, wanting to purchase a single water or sewer tap, will I be required to undertake the repairs included in the ordinance for such a small scope of work?

Answer: Yes, the requirements in the ordinance apply to anyone making a pavement cut to city streets. However, public streets fronting single family residence are generally local streets, and the repair requirements for local streets are less onerous than those required to arterial streets and collector streets.

Question: If my project scope has multiple cuts for various civil improvement permits, including multiple water and sewer taps, main extensions, fire hydrants, fire line etc., do I need to purchase a new permit for each individual permit?

Answer: No, only a single permit will be created to cover the entire cut area affected by the project scope with a single bond being required to ensure the completion of the pavement restoration.

Question: Will the ordinance impact the release of a Certificate of Occupancy (C of O)?

Answer: Terms for the final C of O release will need clear and transparent coordination with the assigned civil or building inspector. Whether a C of O release will be delayed pending completion of the repairs required under the ordinance will be dictated by the requirements for the issuance of a C of O. Unless there is a requirement that the pavement cut repair of a street be fully completed prior to the issuance of a C of O, the release of a C of O should not be delayed. Proper communication is essential for the completion of the repairs required under the ordinance and the release the C of O.

Question: Do the requirements in the ordinance apply to private accessways or private drives?

Answer: No, the requirements in the ordinance apply only to public streets, which are streets owned and maintained by the city.

Question: How will I know how old my existing pavement is, which determines the restoration obligations under the ordinance?

Answer: This information will be provided in connection with the processing of the request for a permit allowing pavement cut(s) to city streets.