

## ORDINANCE NO. 26-1378

### AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAKE HAVASU CITY, MOHAVE COUNTY, ARIZONA, AMENDING LAKE HAVASU CITY CODE SECTION 11.10.030, LOCATION AND RELOCATION OF FACILITIES IN PUBLIC RIGHTS-OF-WAY, REGARDING DAMAGE TO CITY RIGHTS-OF-WAY AND FACILITIES

IT IS ORDAINED, by the Mayor and City Council of Lake Havasu City, Arizona, as follows:

**Section 1:** That Lake Havasu City Code Section 11.10.030, Location and Relocation of Facilities in Public Rights-of-Way, Subsections (C) and (M) are amended as follows:

#### § 11.10.030 LOCATION AND RELOCATION OF FACILITIES IN PUBLIC RIGHTS-OF-WAY.

C. Permittee may be required to coordinate efforts for the use of joint trenches for the public benefit in accordance with Maricopa Association of Governments (MAG) standards and specifications as approved by the ~~City Engineer~~ Director of Public Works or designee.

M. *Damage to city rights-of-way and facilities.*

1. If the permittee damages or disturbs the surface or subsurface of any public rights-of-way or adjoining public property, or the public improvement located thereon, therein, or thereunder, the permittee shall promptly, at its own expense, and in a manner acceptable to the city, restore the surface or subsurface of the public rights-of-way or public property, or repair or replace the public improvement thereon, therein, or thereunder, in as good a condition as before such damage or disturbance. If such restoration, repair or replacement of the surface, subsurface, or any structure located thereon, therein, or thereunder is not completed within a reasonable time, or such repair or replacement does not meet city standards, the city shall have the right to perform the necessary restoration, repair, or replacement, either through its own forces, or through a hired contractor, and the permittee shall reimburse the city for its expense in so doing within 30 days after receipt of the invoice therefore.

2. As used in this subsection:

a. A paved right-of-way is considered "new" when it is first constructed, when it is reconstructed or when it is renovated.

i. A right-of-way is considered "reconstructed" when all lanes are completely rebuilt by removing all the pavement and aggregate base course material, re-compacting the sub-base and restoring the base material and then completely re-paving ~~for a distance approved by the City Engineer~~.

ii. A right-of-way is considered "renovated" when there is a major rehabilitation, including a mill and overlay or other similar improvement work that physically modifies the surface of the right-of-way prior to applying a new surface or other similar work ~~as determined by the City Engineer~~.

b. The date of construction, reconstruction or renovation shall be the date such work was accepted by the city.

3. An application to work in the public right-of-way which includes excavation in a new ~~ly~~ paved right-of-way shall not be granted until at least five (5) years after completion ~~and acceptance of the construction, reconstruction or renovation of the paved right-of-way~~ unless one of the following applies:

a. A verifiable Emergency which endangers life or property.

b. Interruption of essential utility or communications service.

c. Work that is mandated by city, county, state or federal legislation.

d. Service for buildings where no other feasible means of providing service exists.

~~d-e.~~ The Director of Public Works may authorize street excavations or cuts in the Director of Public Works discretion if unplanned or unknown conditions occur resulting in the city's best interest to authorize a street excavation or cut.

#### 4. Pavement restoration requirements.

a. If ~~an~~ excavation is permitted pursuant to subsections M.3.a through M.3.d. above, the permittee shall restore the paved right-of-way by mill and overlay/inlay and/or remove and replace as determined by the Engineering Division Manager, for a minimum of curbline to centerline impacted by the excavation(s). Pavement restoration shall be a minimum of the full width of all lanes directly impacted by the cut(s) (outside lane includes to the curb) for a distance of twenty-five (25) feet in each direction of travel. All renovations shall comply with ~~the~~ city standards including tacking edges and sealing all seams of patch.

a. ~~b. For excavation commencing five years or later after the paved right-of-way is new (as defined in subsection L.2.), the permittee may elect to renovate such paved right-of-way by mill and overlay/inlay, for a minimum of the curbline to centerline of area(s) impacted by the excavation(s) in compliance with the city standards.~~

b. When any utility installed in the roadway consists of three or more perpendicular trenches within 150 feet, the roadway must be milled and overlaid/inlaid and/or removed and replaced, as determined by the Engineering Division Manager, for a minimum of the full width of all lanes directly impacted by the cut(s) (outside lane includes to the curb) for a distance of twenty-five (25) feet in each direction of travel. If a trench extends beyond the centerline, a full street mill and overlay/inlay and/or remove and replace will be required as determined by the Engineering Division Manager.

c. When any utility is installed in the roadway and is at an oblique angle to the right-of-way centerline, the roadway must be overlaid and/or removed and replaced as determined by the Engineering Division Manager for a minimum of the full width of all lanes directly impacted by the cut(s) (outside lane includes to the curb) for the entire length of the utility extension. If the utility trenching encroaches on both sides of the centerline, a full street mill and overlay/inlay and/or remove and replace as determined by the Engineering Division Manager will be required. Pavement overlays shall be perpendicular to the centerline beginning or ending a minimum of one-half the street pavement width from the edge of the trench.

d. Pavement replacement thickness and type are to be per ~~C~~city standards. Curb and gutter replacement shall be a minimum of one full section. Sidewalk replacement shall be a minimum of one full panel. Tunneling other than directional boring under existing sidewalk will not be allowed in the public right-of-way.

e. In all cases where a street overlay is required, both ends of the overlay area must be cold-planed perpendicular to the roadway for a minimum length of twenty-five (25) 45 feet to provide a flush transition. For half-street or full-street overlays cold planing (grinding) of the entire paving area is required (centerline to gutter or gutter to gutter). When curb and gutter do not exist, the new overlay surface may, at the engineer's~~Engineering Division Manager's~~ discretion, be tapered to meet the elevation of adjacent paved surfaces. All asphalt joints and tapered transitions shall be sealed per ~~C~~city standards.

f. For excavation commencing after five years, the permittee may elect to renovate such paved right-of-way by mill and overlay/inlay and/or remove and replace as determined by the Engineering Division Manager, in compliance with Engineering Standard Detail No. 200 Utility Trench Patch.

g. Compaction and testing are a requirement and shall be per City standards.

#### 5. Pavement Restoration Fees

A permittee shall pay a pavement restoration fee in connection with any right-of-way permit to cut into, excavate, open, bore trench or disturb street pavement within five (5) years after the city's acceptance of street construction that includes new pavement, pavement reconstruction or pavement renovation fee shall be as established in the city's fee schedule. The pavement restoration fee shall be paid before a right-of-way permit is issued unless the permittee has a written agreement with the city that allows for payment of the pavement restoration fee after the

pavement cut is made. The pavement restoration fee will be in addition to, and will not be offset by, all license and franchise fees, expenses and taxes.

6. Inspection and Enforcement

a. All pavement restorations are subject to inspection and enforcement by the Public Works Department.

b. The Public Works Department may issue stop work orders for violations or unsafe conditions.

c. Unauthorized work shall be subject to established pavement restoration fee schedule.

d. Permittee shall submit pre- and post-construction photos and GIS-compatible facility location data.

e. Reinspection fees may be assessed for failed work or inferior materials.

**Section 2:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

**Section 3:** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the City Council of Lake Havasu City, Arizona, on \_\_\_\_\_, 2026.

APPROVED:

\_\_\_\_\_  
Cal Sheehy, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Williams, City Clerk

APPROVED AS TO FORM:

REVIEWED BY:

\_\_\_\_\_  
Kelly Garry, City Attorney

\_\_\_\_\_  
Jess Knudson, City Manager