

# City of Rogers Utility Resolution and City Ordinance

## Exhibit 1 to Resolution No. 19-14

While performing a bore, always have the following information: bore permit number, utility maps, and a valid locate number.

Expose water mains and services at every crossing point parallel to the water main. Expose the water line every 100 – 200 feet; if crossing sewer mains, check the depth at the manholes. If you cannot, then expose the sewer at every crossing. Private sewer services are your responsibility. With this bond you were provided with a map of RWU underground utilities. Compare the underground utilities on the map to those located on the ground. If the maps do not match the physical locates, contact the below phone number.

### The City of Rogers & Rogers Water Utilities

Code Enforcement requires all properties where utility work is being done in Rogers, AR to have all rocks and extra dirt removed, and topsoil, seed or sod, and straw before permits are to be released up to injection.

#### Sec. 54-55. - Damage to Water Facilities or Sewer Facilities

Any person negligently breaking or causing damage to any public water lines, public sewer lines, other public water facilities or other public sewer facilities of the Rogers Water Utilities, shall be liable to the Rogers Water Utilities for the cost of repairing the break or damage. Violation of the Arkansas Underground Facilities Damage Prevention Act shall be considered evidence of the person's negligence. In the event the break or damage is caused by the person's reckless, or intentional actions or omissions, the person causing the break or damage shall be liable for three times the cost of repairing the break or damage (treble damages). If the damages prescribed herein are not paid when due, Rogers Water Utilities may bring an action in any court of competent jurisdiction to collect such damages, including, without limitation, an action to collect on any bond posted with the Rogers Water Utilities or any bond (including, without limitation, street cut or curb cut bonds) posted with any other department of the City of Rogers, the Rogers Water Utilities being an intended obligee of such bonds.

#### Sec. 54-56. - Bores Without Permit Unlawful

It shall be unlawful for any person to conduct boring of any type, including, without limitation, directional boring or auger boring, in the city for the purposes of installing service lines or utility lines or for any other purpose except in the case of an emergency, until a permit for such boring has been issued by the Rogers Water Utilities.

#### Sec. 54-57. - Boring Permits; Deposits

Permits to bore. The Rogers Water Utilities shall and is hereby authorized and directed to issue permits, upon proper application, to conduct boring within the city for the purposes of installing utility lines or service lines or for such other purposes as may be approved by the superintendent of the Rogers Water Utilities. Such permits allow boring operations only within the public ways of the city, including public rights-of-way and utility easements, as specified in the permit or otherwise provided in any applicable franchise agreement. Such permit does not allow the permittee to conduct boring on private property without the permission of the owner or owners of the private property.

The Rogers Water Utilities may deny the boring permit application if the applicant is indebted to the Rogers Water Utilities for damages to Rogers Water Utilities' water lines, sewer lines, or other property, and the applicant is in arrears for such debts. Upon denial of any permit application, the Rogers Water Utilities shall communicate the reason for denial to the applicant and shall provide documentation to the applicant supporting its denial.

Persons applying for a permit to bore shall coordinate with the Rogers Water Utilities, including attending a preconstruction meeting with the Rogers Water Utilities prior to the permit being issued and prior to the work commencing in order to prevent damage to Rogers Water Utilities' water lines, sewer lines, and other property, and to prevent damage to privately owned water lines and privately owned sewer lines.

#### Sec. 54-58. - Applications for Boring Permits

A person applying for a permit to bore shall make written application to the superintendent of the Rogers Water Utilities upon a form furnished by the Rogers Water Utilities. The application shall state the exact location of the work, the required information in subsection (b) below, and such other information as the superintendent of the Rogers Water Utilities shall require.

**Required Information. Applications for Permits Must:**

Show the applicant to be 21 years of age or older, or if the applicant is an entity, show the principal of the entity is 21 years of age or older.

Designate the street, alley, or other location of the proposed bore.

Provide a map or drawing of the proposed bore.

Indicate the purpose of the bore.

State the nature of the surface of the street, alley, or other location.

Contain an agreement to comply in all things with the applicable provisions of this article and other applicable provisions of this Code.

Issuance. The superintendent of the Rogers Water Utilities shall approve a permit pursuant to the provisions of this article if the applicant and proposed work comply with all applicable provisions of this article and all other applicable portions of this Code.

**Sec. 54-59. - Deposits**

A person who is required by the provisions of this article to obtain a permit shall pay to the Rogers Water Utilities a \$5,000.00 deposit for each bore. (Example: if there are four bores, the deposit amount shall be \$20,000.00). The superintendent of the Rogers Water Utilities may require a deposit in a greater amount for each bore in the event of an unusually large project or if the project presents an unusually high degree of risk to any public water lines, public sewer lines, other public water facilities, other public sewer facilities, or other critical infrastructure. The deposit must be sufficient for the scope of the work. An applicant cannot receive a permit for work greater than is secured by the deposit amount. The deposit shall be in the form of a cashier's check or bond. The bond shall be executed by a surety company authorized to transact business in the state. This deposit requirement shall not apply to utility companies operating under franchise or under congressional grant in the city. If the work is sublet to a contractor, either the contractor will be required to deposit a cashier's check or bond, or the utility company shall deposit a cashier's check or bond.

In the event the permittee negligently, recklessly, or intentionally breaks or causes damage to any public water lines, public sewer lines, other public water facilities or other public sewer facilities of the Rogers Water Utilities, the deposit shall be forfeited and applied to the damages caused by and assessed against the permittee pursuant to section 54-55 above, including, without limitation, any treble damages. In the event the deposit is insufficient to reimburse the Rogers Water Utilities for such damages, the permittee shall pay the difference to the Rogers Water Utilities in accordance with section 54-55 above.

**Sec. 54-60. - Violations**

In addition to any other criminal penalties that may be prescribed by state law, noncompliance with the provisions of this article shall constitute a violation.

The following acts shall be treated as offenses separate and apart from any other violations of this article:

Conducting boring without a permit therefor.

Falsification of the application for a permit to bore.

Failure to post a cashier's check or bond as required in section 54-59 or posting a fraudulent cashier's check or bond thereunder;

Failure to comply with other specifications and requirements imposed by this Code.

Any person violating any of the provisions in this section shall be liable to the Rogers Water Utilities for any expense, loss, or damage to the Rogers Water Utilities caused by the violation.

**The applicant would go on to our website and fill out the following application for bore permit:**

**RWU Bore Application**

First name: \_\_\_\_\_ Last name: \_\_\_\_\_  
Company name: \_\_\_\_\_  
Company address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Applicant comments:  
Contractor Information  
Company name: \_\_\_\_\_  
Contractor first name: \_\_\_\_\_ Contractor last name: \_\_\_\_\_  
Company address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contractor phone # \_\_\_\_\_ Contact email: \_\_\_\_\_  
RWU Bore Information  
Location of Bores: \_\_\_\_\_  
Number of Bores: \_\_\_\_\_  
Number of Streets crossed: \_\_\_\_\_  
Proposed start date: \_\_\_\_\_  
RWU Bond Information  
Type of Bond: (circle which one applies) Check Surety Bond  
If Surety Bond - Bond Company Name: \_\_\_\_\_  
If Surety Bond - Bond Number: \_\_\_\_\_  
Surety Bond - Bond Expiration Date: \_\_\_\_\_  
If Check - Name on Check: \_\_\_\_\_  
If Check - Check Number: \_\_\_\_\_  
Bore Location Address: \_\_\_\_\_  
Physical maps and bond information provided? (circle which one applies) Yes No

**Bore Agreement Application**

- 1. It shall be unlawful for any person to conduct boring of any type including, without limitation, directional boring or auger boring, in the City for the purposes of installing service lines or utility lines or for any other purpose except in the case of an emergency, until a permit for such boring has been issued by the Rogers Water Utilities (RWU).** (Sec. 54-56) Any boring shall commence only after the application process is completed and approved by the Rogers Water Utilities, located at 601 S. 2nd Street, during normal working hours from 8:00am to 5:00pm, Monday through Friday, Ph. (479) 621-1142.
- 2. Any person negligently breaking or causing damage to any RWU public water lines, public sewer lines, or other public water or public sewer facilities shall be liable for the cost of repairing the break or damage. Treble damages apply if the break or damage is caused by reckless or intentional acts or omissions.** (See Sec. 54-55 (a)). Any person breaking or damaging any cables, pipes or lines of the City shall be liable for the cost of repairing the break. (Sec. 14-512). The Applicant is responsible for utility locates per the Underground Facilities Damage Prevention Act. Call Arkansas One Call: 811 or 1-800-482-8998.
- 3. A person who is required by the provisions of this Article to obtain a permit shall pay to Rogers Water Utilities a \$5,000.00 deposit for each bore. The deposit must be sufficient for the scope of work. The deposit shall be in the form of a cashier's check or bond. The bond shall be executed by a surety company authorized to transact business in the state.** (Sec. 54-59 (a)) The following deposit schedule shall apply:  
a. Bores under or in the vicinity of a 12 inch or less pipe: \$5,000.00 b. Bores under or in the vicinity of a pipe greater than 12 inches: \$20,000.00 (or such greater amount as designated by the RWU Superintendent).

**4. Any person making any cut in any pavement, curbing, or sidewalk or repairing or constructing any pavement, sewers, public utility lines or other works, or making any excavation in, upon, under, or adjoining a street, alley, sidewalk or other public ground, whether paved or unpaved, shall at all times while such work is being done, comply with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), latest edition. (Sec. 14-516)**

**5. Street closure requests for construction work must be submitted for approval to the City of Rogers Department of Community Development by 5:00 p.m. five (5) business days prior to the proposed start of work and must be accompanied by a copy of written plans for the construction project. (Sec. 52-4(c))** Emergency Street closures after normal business hours must immediately notify Police Dispatch at (479) 621-1172.

**6. Prior to digging or construction of any trench deeper than four feet and seven-eighths inches (4' 7/8") within the corporate boundaries of the city, a person or other entity must first obtain a trench permit from the Rogers Fire Department. (Sec. 14-2) Link: [www.rogersar.gov/FormCenter](http://www.rogersar.gov/FormCenter).** Trenches shall comply with OSHA excavation standards. All cuts must be visibly marked and must be saw-cut on all sides to insure a smooth straight vertical edge before any excavation begins. Concrete repair shall extend to the nearest existing joint unless approved by the City. All cuts shall be inspected prior to excavation.

**7. Immediately upon the completion of any job, the backfilling of cuts made into the earth beneath any street, alley, sidewalk, street or alley crossing, or other public ground under permit from the Department of Community Development shall be made up to the original street surface in layers of Class 7 base. (Sec. 14-517(4)a)** Density testing for required compaction may be required. Permanent pavement repair for streets and alleys shall be in accordance with Rogers Water Utilities (RWU) Water Details WD-1: Details 15 and 16, latest revision, matching the existing pavement material. Pavement repairs must be inspected by the City Inspector prior to and after placement of pavement material.

**8. Permanent repair for trails, sidewalks, driveways, and curb and gutter shall be in accordance with the City of Rogers Standard Specifications for Street and Drainage Construction, latest edition and Standard Construction Details, latest revision. (Ch.14, Article VIII)** Repairs must be inspected by the City Inspector prior to and after placement of pavement material.

**9. The applicant agrees and understands that work covered by a permit issued as a result of this application is subject to Federal and State laws and City Ordinances prescribed by the City of Rogers and the provisions herein.** Causing damages prohibited by Section 54-55 or other portions of the Rogers City Code or failure to make prompt repairs, maintain cuts, or remove debris covered by the City's Ordinances, or to comply with the issued permit will result in forfeiture of the check or bond. The permit is valid for the specific bore listed and is good for seven (7) days. The Rogers Water Utilities and any applicable Department of the City must be notified before the work begins and ends, any anticipated delays or extensions, and within 24 hours of any emergency cuts or excavation not authorized by the issued permit. (Sec. 14-518(a)(5))

Print name: \_\_\_\_\_

Signature: \_\_\_\_\_