

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS UNDER CHAPTER 24, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

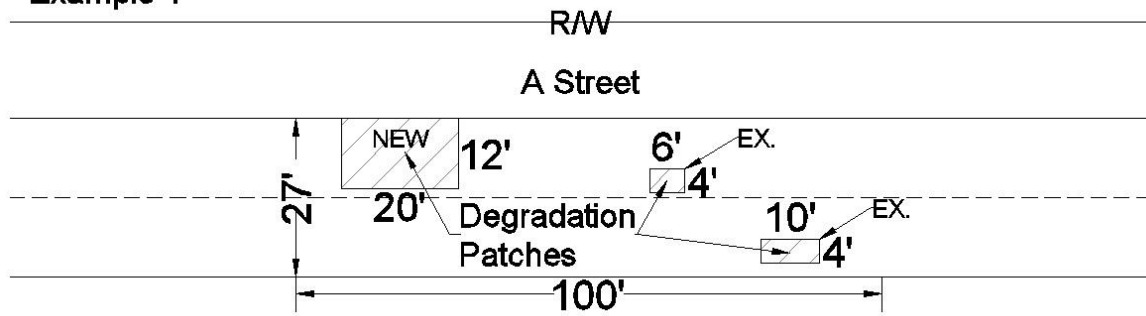
Section 1. Section 24-72(a), Resurfacing Requirements, is amended by deleting the same in its entirety and substituting the following therefor:

Sec. 24-72. Resurfacing Requirements.

- a. *Degradation.* Any street that is degraded 25% or greater between intersections shall be overlaid with a minimum of one (1) inch of asphalt for the entire length of the street between the intersecting streets. Percentage of degradation, including new and existing degradation, will be determined by the city engineer prior to excavation as illustrated in Figure 24-72 below. The resurfacing limits shall be adjusted in the field to meet special conditions including, but not limited to, previous paving and patching limits. A temporary patch flush with the existing asphalt elevation shall be used for at least one (1) year but no longer than eighteen (18) months to allow settlement prior to completion of the final asphalt layer. The asphalt mix to be used shall comply with the City's pavement specifications for the specific use type. Edge milling will be required if determined to be necessary by the city engineer based on existing conditions. No additional permits will be issued for any utility or permittee until it is in compliance with the provisions of this section. No franchise holder, licensee, utility, or permittee will be exempt from this section.

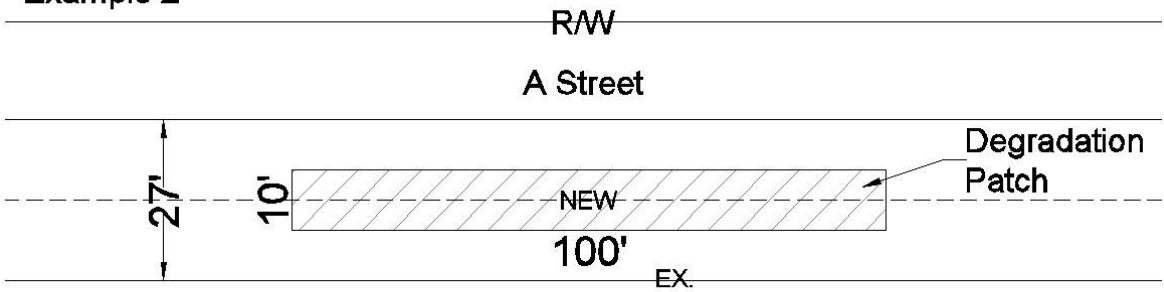
Figure 24-72. Resurfacing requirement – Calculation example

Example 1



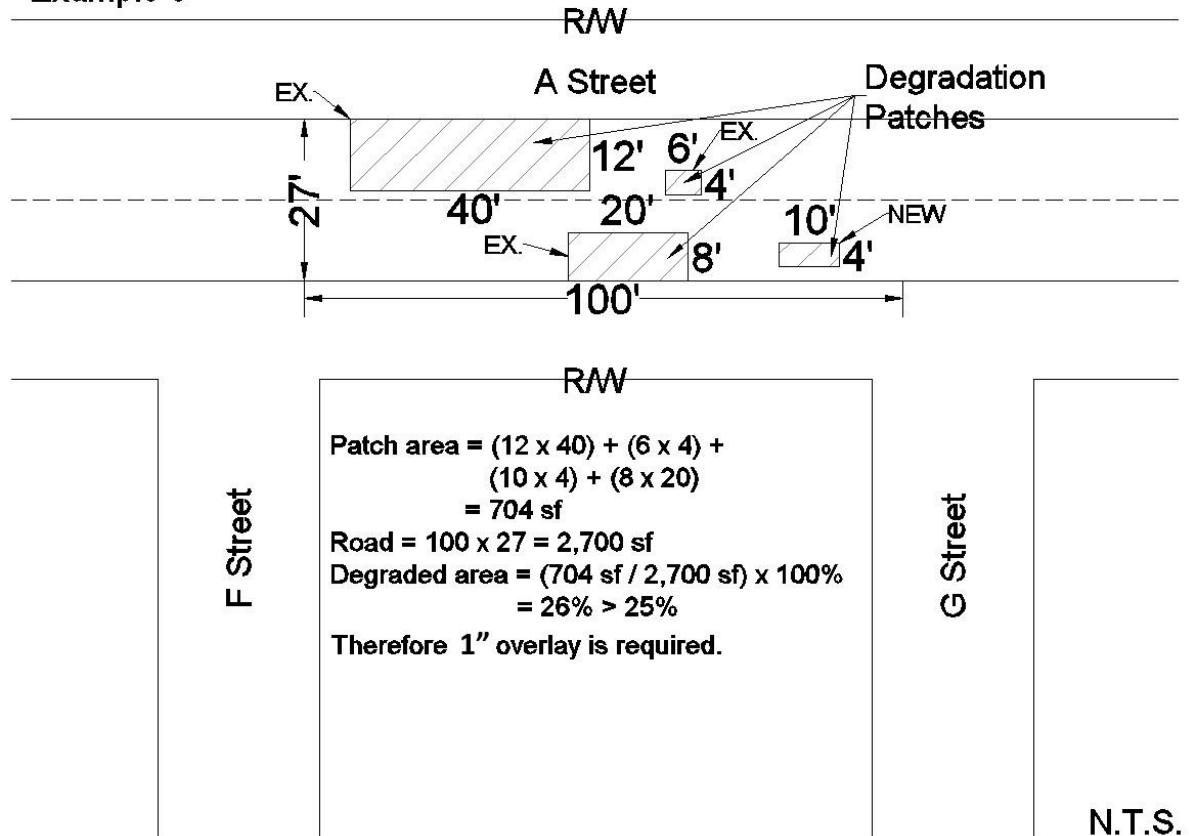
R/W		
F Street	Patch area = $(12 \times 20) + (6 \times 4) + (10 \times 4)$ $= 304 \text{ sf}$ Road = $100 \times 27 = 2,700 \text{ sf}$ Degraded area = $(304 \text{ sf} / 2,700 \text{ sf}) \times 100\%$ $= 11\% < 25\%$ Therefore no overlay is required.	G Street
		N.T.S.

Example 2



R/W		
F Street	Patch area = $100 \times 10 = 1,000$ sf Road = $100 \times 27 = 2,700$ sf Degraded area = $(1,000 \text{ sf} / 2,700 \text{ sf}) \times 100\%$ = $37\% > 25\%$ Therefore 1" overlay is required.	G Street
		N.T.S.

Example 3



Section 2. Section 24-72(d), Resurfacing Requirements, is amended by deleting the same in its entirety and substituting the following therefor:

Sec. 24-72(d). Resurfacing Requirements.

- d. *Payment-in-lieu.* The permittee may elect to pay-in-lieu-of overlay in accordance with the City of Fayetteville's fee schedule. Said fee will be contributed to the City's resurfacing program.

Section 3. A new Section 24-76, Exemptions, is created as follows:

Sec. 24-76. Exemptions.

Exemptions from the requirements of Article II shall be issued for the following:

- a. *Annexation Projects with the Public Works Commission (PWC):* Pursuant to written agreements including but not limited to the standards included in the "Agreement between the City and PWC Establishing a Formal Agreement to Fund the Construction of Water and Sanitary Sewer Systems in the Annexed Areas Referred to as Phase V" (entered into on or about May 12, 2008 (amended June 27, 2016)),

none of the requirements of Article II shall be applicable to PWC except for the following provision: for streets within the Phase V Annexation Areas, PWC may elect to pay-in-lieu of complete overlay in accordance with the resurfacing contract bid prices in which streets are included. All streets will be included in the next available resurfacing contract within twelve (12) to eighteen (18) months after completion of the utility installation project to allow any settlement of the temporary patch to occur.

- b. *Resurfacing Program:* For permittees whose approved work is to occur on a street slated or included in the City's Resurfacing Program, the permittee is only required to restore the area disturbed by the excavation. (Neither the restoration requirements delineated in Section 24-56 nor the degradation requirements in Section 24-72(a) will apply.)

Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Adopted this the _____ day of May, 2018.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk