ORDINANCE NO.: A-286

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR THE USE OF PUBLIC AND PRIVATE UTIILITIES WITHIN THE RIGHTS-OF-WAY

THE TOWN COUNCIL FOR THE TOWN OF GROVE HILL, ALABAMA ORDAINS:

Section 1. Purpose, Definitions, Authority and Scope.

(a) Purpose. This ordinance prescribes the minimum requirements for the accommodation of public and private Utilities within the Town's Rights-of-Way.

(b) Definitions. The following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. **"Codified Ordinances"** means the Codified Ordinances of the Town of Grove Hill, Alabama.

2. **"Construct"** means but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the Rights of Way. Construct shall also include the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the Right of Way.

3. **"Construction"** means but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the Rights of Way. Construction shall also include the act of opening, boring and/or cutting into the surface of any part of the Right of Way.

4. **"Emergency"** means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property.

5. **"Facility"** or **"Facilities"** means any tangible thing, including but not limited to pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any Utility in, on, along, over, or under any part of the Rights of Way within the Town.

6. **"Facilities Representative(s)"** means the specifically identified agent(s)/employee(s) of a Utility who are authorized to direct field activities of that Utility and serve as official notice agent(s) for Facilities related information. Utility shall be required to make sure at least one (1) of its Facilities Representatives is available at all times to receive notice of, and immediately direct response to, Facilities' related Emergencies or situations.

7. **"FCC"** means the Federal Communications Commission or any successor thereto.

8. **"Permit"** means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any Right-of-Way, and which may be subject to conditions specified in a written agreement with the Town or in a related provision of this Ordinance.

9. "**Public Works Director**" means the Public Works Director, or his/her authorized representative (hereinafter referred to as PWD).

10. **"Right(s) of Way"** means the surface and space in, on, above, within, over, below, under or through any real property in which the Town has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the Town, now or hereafter, that consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing Facilities. The term "rights-of-way" shall not include buildings, parks, bridges, rivers, tunnels, viaducts, conduits or other public property or easements that have not been dedicated to compatible uses, except to the extent the use or occupation of such property is specifically granted in a permit or by law. The term "rights-of-way" shall not include private easements or public property, except to the extent the use or occupation of public property is specifically granted in a written approval of registration.

11. **"Service(s)"** means the offering of any service by a Utility for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or alternatively, the provision of any service by a Utility between two or more points for a proprietary purpose to a class of users other than the general public.

12. **"Service Agreement"** means a valid license agreement, service agreement, franchise agreement, or operating agreement issued by the Town or state pursuant to law and accepted by a Utility or entered into by and between the Town and a Utility, which allows such Utility to operate or provide Service within the geographic limits of the Town.

13. **"Street or Streets"** means the surface of, as well as the spaces above and below, any and all the streets, alleys, avenues, roads, bridges, tunnels and public places of the Town within the geographic limits of the Town, as the same now exist or may be hereafter extended or altered, and any location thereon, thereover or hereunder, and any portion thereof

14. **"Town"** means the Town of Grove Hill, Alabama.

15. **"Town Clerk"** means the Town Clerk of the Town of Grove Hill.

16. **"Utility or Utilities"** means all privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, video services, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "Utility" may also be used to refer to the owner, operator, Utility, service, contractor or subcontractor, or any agent thereof, of any above-described Utility or Utility Facility.

(c) Authority. Pursuant to Code of AL 1975 Section 11-49-1, No person, firm, association, or corporation shall be authorized to use the streets, avenues, alleys, and other public places of Cities or Towns for the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of the Town or Town. Further, 47 U.S.C. § 253(c) provides that the Town has authority to manage its public Rights of Way.

(d) Scope. The provisions of this ordinance shall apply to all Utilities and Facilities occupying the Rights of Way as provided herein.

Section 2. Construction Permits Required.

(a) Permit Required. It shall be unlawful for any Utility to excavate or to Construct, install, maintain, renew, remove or relocate Facilities in, on, along, over or under the public roads of the Town without a Utility Permit in accordance with the terms of this Ordinance.

(b) Permit Procedure. Utility Permits shall be obtained from the Town Clerk or PWD as the Mayor may designate. The written application shall include the following:

1. The name and address of the Utility;

2. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed Facility or operations as described in the Permit application. The plans shall show the size or capacity of Facilities to be installed; their relationship to Street features such as Right-of-Way lines, pavement edge, structures, etc., horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the Street and its operation;

3. The name and address of the person or firm who is to do such work;

4. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more Facilities Representative(s).

5. The projected dates for the work to be started and finished;

6. An indemnity bond or other acceptable security written by a surety company authorized to do business in the state of Alabama unless this requirement is waived by the Town. The purpose of the bond is to ensure completion of the utility construction work, including restoration and clean-up of the ROW. The bond will cover the period from the beginning of construction until one year after the date of the Town's acceptance of the completed project. The amount of the bond is determined by the scope of work and the risk involved ;

7. A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Alabama Public Service Council and/or the FCC and any other similar approvals, Permits, or agreements; and

8. A copy, if requested, of the Service Agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the Right of Way for the purpose described in the application.

(c) Permit Fees. Fees shall be determined by the Town, subject to the approval by resolution of the Town Council. A fee schedule is available in Exhibit A, attached hereto.

(d) Issuance of Permit. If the Town Clerk or PWD determines the applicant has satisfied the following requirements, the Town Clerk or PWD may issue a Permit:

1. Whether issuing of the approval will be consistent with this Ordinance; and

2. Whether applicant has submitted a complete application and has secured all certificates and other authorizations required by law, if applicable, in order to Construct Facilities in the manner proposed by the applicant; and

3. The impact on safety, visual quality of the streets, traffic flow, and other users of the Right of Way and the difficulty and length of time of the project, Construction or maintenance.

(e) Emergency Situations.

1. Each Utility shall, as soon as reasonably practicable, notify the Town of any event regarding its Facilities which it considers to be an Emergency. The Utility may proceed to take whatever actions are necessary in order to respond to

the Emergency. A Utility who engages in an Emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.

2. In the event that the Town becomes aware of an Emergency regarding Utility Facilities, the Town may attempt to contact the affected Utility or Facilities Representative. The Town may take whatever action it deems necessary in order to respond to the Emergency, including cut or move any of the wires, cables, amplifiers, appliances, or other parts of the Facilities. The Town shall not incur any liability to the Utility, for such Emergency actions, and the cost of such shall be paid by each Utility affected by the Emergency.

3. Any person commencing Emergency work in the Rights of Way during any time other than business hours without a permit must immediately notify the Town by calling the Dispatch Office at (251) 275-3153. The person must thereafter submit an application for a permit during the first hour of the first regular business day on which Town offices are open for business after such work is commenced. A permit for such Emergency work may be issued and shall be retroactive to the date when the work was begun, at the discretion of the PWD.

(f) Effective Period of Permit.

1. Each Permit shall have a set commencement and expiration date based on information provided in the applicant's Permit application.

2. The Permit shall remain in place until construction is completed or until its expiration date unless the Utility is in default. The Town Clerk or PWD may give written notice of default to a Utility if it is determined that a Utility has:

(i) Violated any provision or requirement of the issuance or acceptance of a Permit application or any law of the Town, state, or federal government;

(ii) Attempted to evade any provision or requirement of this Ordinance;

(iii) Practiced any fraud or deceit upon the Town; or

(iv) Made a material misrepresentation or omission of fact in its Permit application.

(g) Cancellation for Cause. If a Utility fails to cure a default within twenty (20) working days after such notice is provided to the Utility by the Town, then such default shall be a material breach and Town may exercise any remedies or rights it has at law or in equity to terminate the Permit. If the Town Clerk or PWD decides there is cause or reason to terminate, the following procedure shall be followed:

1. Town shall serve a Utility with a written notice of the reason or cause for proposed termination and shall allow a Utility a minimum of fifteen (15) calendar days to cure its breach.

2. If the Utility fails to cure within fifteen (15) calendar days, the Town may declare the Permit terminated.

(h) Expiration of Permit. If work has not commenced within six (6) months of the date of issuance, the Permit will automatically expire.

Section 3. Required Minimum Standards.

(a) Utility Manual. The Alabama Department of Transportation ("ALDOT") Utility Manual, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, promulgated by ALDOT, as may be amended from time to time is hereby adopted by reference and incorporated in this Ordinance as if fully set forth herein, subject to the amendments and modification contained in this Ordinance. A copy of the manual shall be maintained at the offices of the Town Clerk or his or her designee and open for public inspection. Any conflicts between the provisions of this Ordinance and the manual shall be resolved in favor of the manual. References to state personnel, agencies, and fees shall be interpreted, where required, as meaning the Town of Grove Hill municipal equivalents.

(b) Protection of Traffic and Roadway. Unless specifically in the Permit, no Utility may occupy the Rights of Way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the Town from reasonably maintaining the Streets, structures, traffic control devices and other appurtenant facilities, and further provided that maintenance and operations of the Facilities do not jeopardize the traffic, Street structure, other users of the Right of Way or the Right of Way itself.

(c) Grading. If the grades or lines of any Street within the Right of Way are changed at any time by the Town during the term of the Permit and this change involves an area in which the Utility's Facilities are located, then the Utility shall, at its own cost and expense and upon the request of the Town upon reasonable notice, protect or promptly alter or relocate the Facilities, or any part thereof, so as to conform with such new grades or lines. In the event the Utility refuses or neglects to so protect, alter, or relocate all or part of the Facilities, the Town shall have the right to break through, remove, alter, or relocated all or any part of the Facilities without any liability to the Utility and the Utility shall pay to the Town the costs incurred in connection with such breaking through, removal, alteration, or relocation.

(d) Installation of Poles and Other Wireholding Structures and Relocation. Unless otherwise provided in a valid Service Agreement, no placement of any pole or wireholding structure of the Utility is to be considered a vested interest in the Right of

Way, and such poles or structures are to be removed, relocated underground, or modified by the Utility at its own expense whenever the Town determines that the public convenience would be enhanced thereby. The Facilities shall be so located and installed as to cause minimum interference with the rights and convenience of property owners.

(e) Notice of Intent to Excavate or Demolish. No Utility shall commence, perform, or engage in blasting or in excavating with mechanized excavating Facilities unless and until the Utility planning the blasting or excavating has contacted the one (1) call excavation notice system., Alabama Statutes @ 1-800-292-8525, or such other number which may be applicable.

Section 4. Restoration and Relocation of Property.

(a) Each Utility shall be responsible for the cost of repairing any Facilities in the Rights of Way and adjoining property or other Facilities which it or its Facilities damage.

(b) A Utility shall be liable, at its own cost and expense, to replace, restore or repair, any Street, Facilities or property or structure thereon, thereunder, thereover or adjacent thereto that may become disturbed or damaged as a result of the construction or installation, operation, upgrade, repair or removal of Facilities to a condition as good as or better than its condition before the work performed by the Utility that caused such disturbance or damage. If the Utility does not commence such replacement or repair after twenty (20) working days following written notice from the Town, the Town or the owner of the affected structure or property may make such replacement or repair and the Utility shall pay the reasonable and actual cost of the same.

(c) Any relocation of utilities shall be accomplished in accordance with applicable franchise agreements, ordinances, or license agreements with the Town, or if no franchise ordinance or license agreement applies to such relocation, then as directed by the PWD. If such facilities are not so moved, then the Town may in its discretion do so by its own forces, or by contract, the cost of which shall be promptly reimbursed by the owner of such facilities. Town of Grove Hill Utilities are exempted from permit requirements of this ordinance.

(d) Work shall not proceed until the schedule is approved by the PWD. The Public Works Director or his/her representative may issue a Stop-work Order to a Utility , or the PWD may revoke the Utility 's permit, or take other action if the Utility fails to follow the schedule. In the event that the construction schedule or resurfacing time limit is exceeded, or if the Work site is hazardous to citizens, or impedes traffic, the Town may take the necessary steps to make the Work site safe and impose penalties as outlined in the fee schedule. In addition, the Town may charge the Utility the actual cost to the Town to correct the condition.

(e) Laboratory testing for materials, compliance, densities, and strength are the responsibility of the Utility. Testing must be in accordance with Standard Specifications.

The PWD may require additional inspection or material testing as needed. All materials shall be tested for conformity to the Standard Specifications for any trench equal to or longer than 50 linear feet. The Town may, in its discretion, choose to require testing to assess compliance with the Standard Specifications, and the Town shall charge the Utility the cost of such additional testing performed should the testing reveal noncompliance with Town Specifications. The charge shall include the cost of employee time and equipment to conduct the testing and the cost of hiring contractors or consultants. The PWD shall not charge Utility for the testing if the testing confirms that the Utility has complied with the Standard Specifications unless the Utility failed or refused to share test results with the PWD when requested.

Section 5. Resurfacing

(a) Where the excavation is in the direction of traffic, the Utility shall resurface the entire length of the excavation area plus the excavation influence area on each end, and the entire width of the public right-of-way from curb line to curb line, or where a raised median is present the owner shall resurface from the curb line to the median. Where there has been a 50 percent or greater surface area impacted, the Utility will be required to resurface the entire lane within the construction area.

(b) Where the excavation is perpendicular to the direction of traffic, the Utility shall resurface the length of the excavation from curb line to curb line or the length of the excavation plus the excavation influence area extending on each end of the excavation, whichever is less. This resurface shall also include the excavation area plus the excavation influence area on each side of the excavation.

(c) Where a raised median is present and the excavation is perpendicular to the direction of traffic, the Utility shall resurface either from the raised median to the curb line, or for the length of the excavation, plus the excavation influence area extending on each end of the excavation, whichever is less. This resurface shall also include the excavation plus the excavation influence area on each side of the excavation.

Section 6. Repair of sunken pavement or sidewalk over excavation.

If the subsurface material or pavement over or within the trench influence area associated with an area of construction or work in a permit becomes depressed or broken at any time within two years after the excavation has been completed and accepted and before resurfacing of the Town street or repairing the sidewalk or at any time prior to such time as the street surface is completely resurfaced, the bond shall be used to cover the costs of the repair and the person or persons who excavated the area as well as those who were responsible for the excavation, including, but not limited to, the Utility, shall be liable for any and all remaining costs arising out of such repair.

Section 7. Inspection.

(a) The Utility shall make the construction site available to the Town Clerk or PWD and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the construction.

(b) At any time, including the time of inspection, the Town Clerk or PWD may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the Permit and/or this Ordinance or issue an order to correct work which does not conform to the Permit and/or applicable standards, conditions or codes.

(c) When the construction under any Permit is completed, the Utility shall notify the Town Clerk or PWD.

Section 8. Other Approvals, Permits and Agreements.

(a) Additional Permits Required. The Utility shall obtain all Construction, building or other Permits or approvals as according to Town ordinance, state or federal law. In addition, a Utility shall comply with applicable laws, shall complete work in a way as to not cause any unnecessary or unauthorized obstructions of sidewalks, Streets, waterways or railways, and is responsible for all work done in the Rights of Way regardless of who performs the work. No Rights of Way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an Emergency as outlined in Section 2 (e).

(b) Emergency Situations. Each Utility shall notify the Town (by telephone or in person) of any event regarding its facilities which it considers to be an emergency by the next business day. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within two (2) business days after the occurrence of the emergency, the applicant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this article for the actions it took in response to the emergency.

(c) Franchise agreement for Broadband. If broadband internet service is offered by any fiber optic utility at any date in the future, the broadband shall initiate the requirement to enter into a franchise agreement for the right and privilege to use the Town right-of- way or utility easements for such additional service. The franchise fee shall be a fair and reasonable rate acceptable to the Mayor and Town Council at that time.

Section 9. Penalties.

(a) A Utility holding a permit issued pursuant to this Ordinance (permittee) shall serve as a privilege and not as a right.

(b) If the Town Clerk or PWD determines that the permittee has violated a material term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the

Town Clerk or PWD shall issue a notice of violation to the permittee to remedy such violation. The demand shall state that continued violations may be cause for the issuance of a stop work order and issuance of a municipal offense ticket. Further, a substantial breach, as stated above, will allow the Town Clerk of PWD, at his or her discretion, to place additional or revised conditions on the permit.

A material violation by permittee shall include, but shall not be limited to, the following:

1. The violation of any material provision of the permit;

2. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the town or its citizens;

3. Any material misrepresentation of fact in the application for a permit;

4. The failure to maintain the required bonds and/or insurance;

5. The failure to complete the work in a timely manner; or

(c) Within forty-eight (48) hours of receiving a notice of violation, permittee shall contact the Town Clerk with a plan, acceptable to the PWD, for its correction. Permittee's failure to so contact the PWD, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate issuance of a stop work order and issuance of a municipal offense ticket.

(d) From time to time, PWD may establish a list of conditions of the permit that will automatically warrant the issuance of a municipal offense ticket to the permittee.

Section 10. Aesthetic Standards.

(a) The Town finds it is in the best interest of the Town and its residents and businesses to establish aesthetic requirements and other specifications and reasonable conditions regarding placement of facilities in the Rights of Way. These requirements, specifications and conditions are adopted in order to protect the public health, safety and welfare of the residents and businesses of the Town and to reasonably manage and protect the Rights of Way and its uses in the Town.

(b) The objective of this section is to ensure use of the Rights of Way: (i) is consistent with the design, appearance and other features of nearby land uses; (ii) protects the integrity of historic, cultural and scenic resources; and (iii) does not harm residents' quality of life.

(c) This section applies to all requests to locate Facilities in the Rights of Way and ongoing use of the Rights of Way for such Facilities.

(d) Placement or modification of Facilities in the Right of Way shall comply with this section at the time the Permit for installation or modification is approved and as amended from time to time. Utilities are required to comply with Town Code and applicable law and regulations.

(e) Facilities Standards.

1. Facilities must be compatible in size, mass, and color to similar Facilities in the same zoning area, with a goal of minimizing the physical and visual impact on the area.

2. Facilities in the residential/historical/architecturally significant areas[1] shall be visually and architecturally integrated with the residential/ historical/ architecturally significant areas[2] and shall not interfere with prominent vistas or significant public view corridors.

3. Facilities must be located in alignment with existing trees and/or facilities.

4. Facilities must maintain the integrity and character of the neighborhoods and corridors in which the facilities are located.

(f) Undergrounding. Facilities shall be installed underground in INSERT AREA / ZONE / DISTRICT] so long as placement underground will not materially impact the provision of service. Any individual requesting to locate Facilities above ground in [INSERT AREA / ZONE / DISTRICT] has the burden to demonstrate by clear and convincing evidence that undergrounding will effectively prohibit the provision of the service in question.

(g) Historic District. Facilities installed in the historic district of the Town shall conform to the provisions of the [insert name for plan or other document].

(h) Camouflaging. Facilities must be designed using camouflaging techniques that make them as unobtrusive as possible if:

1. It is not possible or desirable to match the design and color of Facilities with the similar facilities in the same zoning area, as required under Section 8 (a) 1; or

2. Existing facilities in the area are out of character with a streetscape plan or other aesthetic plan that has been adopted by the Town.

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[1] If this requirement is only to apply to specific areas within the Town, then enter the appropriate zoning or other designations.

[2] If this requirement is only to apply to specific areas within the Town, then enter the appropriate zoning or other designations.

(i) Concealment. Facilities shall incorporate specific concealment elements to minimize visual impacts.

(j) Installation and Modification Standards. Installation of new Facilities in, on, along, over, or under the Rights of Way or modification of existing facilities in, on, along, over, or under the Rights of Way shall:

1. Minimize risks to public safety;

2. Ensure that placement of facilities on existing structures is within the tolerance of those structures;

3. Ensure that installations and modifications are subject to periodic review to minimize the intrusion on the Right of Way;

4. Ensure that the Town bears no risk or liability as a result of the installations or modifications; and

5. Ensure that use of the Rights of Way does not inconvenience the public, interfere with the primary uses of the Rights of Way, or hinder the ability of the Town or other government entities to improve, modify, relocate, abandon, or vacate the Right of Way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of Facilities in the Right of Way.

(k) Plans for Use. No Facilities shall be placed in, on, along, over, or under the public Rights of Way unless: (i) there are immediate plans to use the proposed Facility; or (ii) there is a contract with another party that has immediate plans to use the proposed Facility.

(l) Contact Information. Every Facility placed in the Rights of Way shall at all times display signage that accurately identifies the Facility owner and provides the Facility owner's unique site number, and also provides a local or toll-free telephone number to contact the Facility owner's operations center.

Section 11. Trees; shrubs.

Utility shall be legally liable for any damage incurred to trees, shrubs, or landscaping that occurs during construction. In the course of any work in the right-of-way or utility easements, the Utility shall not remove or damage or cause to be removed or damaged any trees or shrubs which exist in or along a street, alley, utility easement or right-of-way area without first obtaining the approval of the public works director or designee. All work shall be done in accordance with the Town of Grove Hill Zoning Ordinance, including planting, pruning, treating. and excavating under trees on municipal property.

In addition, protective fencing shall be installed around municipal trees adjacent to construction sites.

Section 12. Other Provisions.

(a) Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(b) Reservation of Regulatory and Police Powers. The Town by issuing a Permit under this Ordinance, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or may be hereafter vested in the Town under the Constitution and Laws of the United States, State of Alabama and the Town Charter, and under the provisions of the Town's Codified Ordinances to regulate the use of the Rights of Way. The Utility by applying for and being issued a written Permit, is deemed to acknowledge that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the Town, shall be in full force and effect and subject to the exercise thereof by the Town at any time. Utility is deemed to acknowledge that its interests are subject to the regulatory and police powers of the Town to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws enacted by the Town pursuant to such powers. All Utilities shall comply with Town zoning and other land use requirements pertaining to the placement and specifications of Facilities.

(c) Compliance. No person shall be relieved of its obligation to comply with any of the provisions of this Ordinance by reason of any failure of Town to enforce compliance.

(d) Appeal of Administrative Decisions. All appeals provided for by this Ordinance and any notification to the Town required by this Ordinance shall be in writing and sent via certified mail to the Town Clerk or PWD as specified in this Ordinance.

(e) Ordinance Headings. Ordinance headings are for convenience only and shall not be used to interpret any portion of this Ordinance

(f) Repealer. Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

(g) Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and Town Council.

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ADOPTED AND APPROVED THIS 2nd DAY OF NOVEMBER 2026.

Ross Wood, Mayor

ATTEST:

Michelle Green, Town Clerk

CERTIFICATION OF TOWN CLERK

The undersigned, as Town Clerk of the Town of Grove Hill, Alabama, hereby certifies that the foregoing is a true, correct and complete copy of **Ordinance No. A-286** which was adopted by the Grove Hill Town Council on this 2nd day of November 2026.

WITNESS MY SIGNATURE, as Town Clerk of the Town of Grove Hill, Alabama, under the seal thereof, this 2nd day of November 2026.

SEAL

Michelle Green,
Town Clerk of the Town of Grove Hill, Alabama

Posted at the following public places:

Grove Hill Town Hall
Kossie Powell Municipal Complex
www.townofgrovehillalabama.com

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EXHIBIT A
RIGHT-OF-WAY AND EXCAVATION PERMIT FEES

Right-of-Way Permit Fee	$	200.00
Traffic Control Review	$	200.00
Inspection Fee	$	65.00
Boring In Public Right of Way	$	1.00 / linear ft.
Pothole Core Charge	$	150.00 / Pothole
Working Without Locates	$	500.00
Installation of Handhole/Pull Box in ROW	$	75.00 / each
Emergency ROW Permit	$	300.00
Sidewalk Closure ONLY Permit	$	195.00
Landscaping Right-of-Way Permit	$	195.00

ROW Permit Fee Review fees will be administered once permit is approved. These fees must be paid before permit will be issued.