

Chapter 393

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Common Council of the City of Hayward as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Snow Removal

[Adopted 11-2-1953 by Ord. No. 91; amended in its entirety 4-4-1960 by Ord. No. 113]

§ 393-1. Removal of snow required; costs.

The owners and occupants of abutting lots to the City streets of the City of Hayward and more particularly to those along Iowa Avenue and within two blocks off of Iowa Avenue on First Street proceeding north and two blocks south on Highway No. 63, also known as "First Street," and those streets consisting of one block east and west on Second Street and 1/2

block on Third Street, and 1/2 block on each side of Iowa Avenue on all said streets except Second Street and Fourth and Fifth Streets, be required to remove any snow that is on the sidewalk at 8:00 a.m., such removal to be completed before 10:00 a.m. of the same day so that the Department of Public Works of the City of Hayward can remove the snow that results from any snowfall, from the streets which has been placed thereon by the owner and occupant of abutting lots which snow has been placed on the streets from said sidewalks at the time that said Department of Public Works clears the said Iowa Avenue, First Street, Second Street and Third Street, subject to the provisions set forth above and that in the event said owner or occupant of said lot does not remove the snow within said time and place the same on the streets after such hour limitation, that cost of removing same from said streets shall be assessed and charged to each lot or parcel affected and such amounts and time and costs of such removal shall be given by the Director of Public Works to the City Clerk/Treasurer, entered in the tax roll as a special tax against said lot or parcel of land and the same shall be collected in all respects like other taxes upon real estate.

ARTICLE II

Storage or Display of Merchandise **[Adopted 2-8-1993 by Ord. No. 293]**

§ 393-2. Unlawful storage or display.

It shall be unlawful for any person or entity to store or display or cause to be stored or displayed any goods, wares or merchandise upon any sidewalk, street or alley or upon any land dedicated to public use, except as specifically set forth in the exceptions of this article.

§ 393-3. Exceptions. [Amended 5-14-2001 by Ord. No. 403]

The following exceptions shall be allowed within the City:

- A. Upon an application for, and the issuance of, a special permit by the City Council for days and locations for goods, wares and merchandise when special events are being held within the City, except as follows:
 - (1) Any business owner, on any sidewalk within the City of Hayward, may display, any goods, wares or merchandise on that portion of any sidewalk in the City of Hayward which is within two feet of the front of the building where the business owner is located.
- B. City trash containers, municipal street signs, parking meters, U.S. postal boxes, City planters (if any), and City-approved benches.

§ 393-4. Placement regulations for merchandise on sidewalks.

Goods, wares and/or merchandise authorized by in exception § 393-3B herein shall be placed "in line" with sidewalk benches or other existing width constrictions such as authorized posts.

§ 393-5. Violations and penalties.

Any person or entity violating any provision of this article shall be subject to a forfeiture of \$50, together with the cost of prosecution and court costs. In the default of payment of forfeiture and costs under this article, said person or person in control of any such entity violating any provision of this article shall be imprisoned in the county jail until such forfeiture be paid, not to exceed 10 days.

§ 393-6. Citations.

- A. With respect to this article, issuance of citations under § 66.0113, Wis. Stats., is hereby authorized.
- B. The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set forth below, or as ordered by the Circuit Court for Sawyer County: \$50 plus court costs and court assessments.
- C. In lieu of the filing of a cash bond and/or deposit as set forth under § 66.0113, Wis. Stats., the City shall have the right to detain the alleged violator to assure appearance of said alleged violator before the Circuit Court for Sawyer County.
- D. All of the provisions of § 66.0113, Wis. Stats., are hereby incorporated herein by reference and shall be considered to be part of this article in total.

§ 393-7. Enforcement.

It shall be the duty of the Police Department of the City of Hayward to strictly enforce all of the provisions of this article and all parts thereof, and said Police Department shall take into account the provisions of the American With Disabilities Act, as the same now exists or is hereafter amended.

§ 393-8. Record of violations; reports.

The Police Department shall keep an accurate record of all violations and shall make a yearly report of such violations to the Common Council and shall make a yearly report of all legal actions instituted to ensure such violations to the Common Council or at other intervals, as the Common Council shall designate from time to time.

ARTICLE III**Administration of Use of Rights-of-Way
[Adopted 2-13-2017 by Ord. No. 528]****§ 393-9. Administration.**

The Common Council, or its designee, is responsible for the administration of the rights-of-way, and all permits and ordinances related thereto.

§ 393-10. Right-of-way permit requirements.

- A. Permit required. Except as otherwise provided in this article or other chapters of the City Code, no person shall excavate any right-of-way, or construct, install, place, repair, lease, remove, operate, relocate or maintain facilities or equipment in a right-of-way, or any part thereof, without first having obtained a permit to construct, operate, and maintain utilities within right-of-way ("right-of-way permit") from the City's Director of Public Works as set forth in this Article III.
- B. Applications. Application for a right-of-way permit shall be made to the Department. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:
- (1) Submission of a completed right-of-way permit application form, including all required attachments, and scaled drawings showing the location of the area of the proposed project and the location of all existing and proposed facilities; and
 - (2) Payment to the City of all required right-of-way permit fees and other costs as specified herein.
- C. Restrictions; supplementary applications. No Person shall: (1) excavate the right-of-way beyond the date or area specified in the right-of-way permit; or (2) place, operate or maintain facilities or equipment in the right-of-way beyond the area specified in the right-of-way permit, unless such person makes a supplementary application for a renewal of the right-of-way before the expiration of the initial right-of-way permit. A supplementary application may also be required for the addition of any type of equipment, materials or other item(s) to any existing pole or structure located in or under a right-of-way or on City-owned real estate, after the issuance of an initial right-of-way permit.
- D. Timing. No right-of-way permit shall be issued that requires excavation or installation of a facility between the traditionally unseasonable period of November 15 and May 1, except where it is determined by the Director of Public Works to be appropriate.
- E. Display of right-of-way permit. A copy of any right-of-way permit issued under this article shall be made available at all times by the permittee at the indicated work site and shall be available for inspection by the Department.
- F. Contact person. Each person who occupies, uses, or seeks to occupy or use, the right-of-way or any facility, equipment, or structure in the right-of-way, including by lease, sublease, or assignment, or who has, or seeks to have, facilities or equipment located in any right-of-way shall provide the name and contact information of a designated point of contact with the Department and keep and maintain the accuracy of such registration until the use of the right-of-way ceases.

§ 393-11. Permit fee.

- A. Fee. The fee for each right-of-way permit shall be established from time to time by the City's Common Council in an amount sufficient to recover the costs incurred by the City. This fee shall recover costs incurred by the City for each of the following categories as provided herein:

- (1) Administrative;
 - (2) Repair;
 - (3) Degradation.
- B. Applicability to City. Notwithstanding Subsection A of this section, the City and its contractors shall not pay degradation fees.
- C. Payment as condition. No right-of-way permit shall be issued without payment of the applicable fee, as calculated and set forth in Subsection A of this section.
- D. Fees nonrefundable. All right-of-way permit fees paid under this article are nonrefundable.

§ 393-12. Right-of-way repair.

- A. Timing of repairs. All work to be done under the right-of-way permit, and the repair of the right-of-way as required herein, must be completed within the dates specified in the right-of-way permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable as set forth in § 393-10.
- B. Requirements; inspections. The permittee, as a condition to receiving the right-of-way permit, must: (1) timely repair its own work; and (2) repair the general area of the work and the surrounding areas, including the paving and its foundations, all to the specifications and standards set forth by the Department and/or in the conditions specified in the right-of-way permit. The Department shall inspect the area of the work and accept the work when it determines that proper repair has been made, per the specifications of the Department. The Department shall have the authority to prescribe the manner and extent of the repair, and may do so in written procedures of general application or on a case-by-case basis. All repairs shall be coordinated with the Department so as to not unreasonably close or impede the public's use of any street or right-of-way.
- C. Failure to repair. If the permittee fails to repair the right-of-way in the manner and to the condition required by the Department, or fails to satisfactorily and timely complete all repair required by the Department, the Department may, at its option, complete such work. In that event the permittee shall pay to the City, within 30 days of billing, the cost of repairing the right-of-way. If the permittee fails to pay as required, the City may exercise its rights under the bond pursuant to § 393-23.

§ 393-13. Restoration in lieu of repair and degradation.

The permittee may elect to restore the excavation and surrounding pavement in lieu of the repair and degradation fee normally included in the fee for the right-of-way permit. If restoration is elected, the Department shall specify the area to be restored and the methods and materials to be used for the restoration.

§ 393-14. Inspection.

- A. Notification. The permittee shall notify the Department upon commencement and completion of all work under any right-of-way permit.
- B. Inspection. Permittee shall make the work site available to the Department and to all others as authorized by law for inspection at all reasonable times during the execution, and upon completion, of the work.
- C. Authority of Department. At the time of inspection(s), the City may order the immediate cessation or correction of any work which poses a threat to the life, health, safety or well-being of the public. The City may issue an order to the permittee for any work that does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct violation(s) will be cause for revocation of the right-of-way permit. Within 10 days after issuance of the order, the permittee shall present proof to the Department that the violation has been corrected. If such proof has not been presented within the required time, the Department may revoke the permit pursuant to § 393-18.
- D. Time period. All work and/or restoration required shall be completed within 30 days of the commencement of the work at the site.

§ 393-15. Ongoing management fees.

- A. Fee basis.
 - (1) Fees shall reflect the ongoing or long-term costs to the City of managing the access to the right-of-way. These costs are exclusive of administrative costs collected under the fee for the right-of-way permit. Fees shall be initially set, and may be annually recomputed, to recover the costs incurred by the City in ongoing management of the right-of-way. Ongoing management costs include, but are not limited to, inventory maintenance, facility tracking, GIS, tree trimming, grass mowing, right-of-way maintenance, location marking, and general inquiries related to public right-of-way users. The fee shall be based on the number of feet of right-of-way occupancy by a permittee.
 - (2) The per-foot management fee shall be calculated as follows: annual management fee per foot = total annual management cost/total ROW occupancy feet.
- B. Payment. Ongoing management fees shall be subject to adjustment and correction at the conclusion of each calendar year. Such fees shall be paid for all and any part of a calendar year, prorated on a daily basis, during any time period in which the said person uses or occupies the right-of-way to furnish any utility or telecommunication services, or places, maintains or uses the person's wires, mains, pipes, or any other facilities or equipment in the right-of-way.

§ 393-16. Supplementary application.

- A. Limitations on area. A right-of-way permit is valid only for the use of the area of the right-of-way specified in the right-of-way permit. No permittee may perform any work

or excavate outside the area specified in the right-of-way permit, except as provided herein. Any permittee which determines that an area greater than that specified in the right-of-way permit must be excavated must, before working in the greater area: (1) make application for a right-of-way permit extension and pay any additional fees required thereby; and (2) be granted a new right-of-way permit or extension thereof.

- B. Limitations on dates. Excavation or other work under a right-of-way permit may only be performed within the dates specified in the right-of-way permit. No permittee may begin its work before the right-of-way permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the right-of-way permit end date, it must apply for a new right-of-way permit for the additional time it needs, and receive the new right-of-way permit or an extension of the prior right-of-way permit before working after the end date of the previous right-of-way.
- C. Fees for supplementary applications. A permittee shall pay administration costs for any additional right-of-way permit(s), but shall not be required to pay an additional degradation fee for the same excavation, if one has already been paid on the original right-of-way permit.

§ 393-17. Other obligations.

- A. Compliance with other laws. Obtaining a right-of-way permit to excavate and/or occupy the right-of-way does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City, county, state, or federal rules, laws, or regulations. Each permittee, and its sublessors, assigns, and third-party contractors, shall comply with all requirements of local, state and federal laws. A permittee shall perform all work, and operate (or cause its sublessees, third-party contractors or assigns to operate) all utilities in the right-of-way, in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.
- B. Emergencies. Except in an emergency, or with the approval of the Department, no right-of-way excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

§ 393-18. Revocations, suspensions, refusals to issue or extend permits.

- A. Grounds. The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it determines that the application submitted is insufficient or the issuance, reissuance, or extension would be contrary to the purpose of this Article III, which reasons shall include, but not be limited to, the following:
 - (1) The applicant, permittee, or any of permittee's sublessee(s) or third-party contractors or user(s) of the right-of-way is:
 - (a) Seeking to perform work, or

- (b) Using the right-of-way for uses, that are not listed or included in the right-of-way permit application;
- (2) Issuance of a right-of-way permit for the requested date would interfere with an exhibition, celebration, festival or other event;
 - (3) Misrepresentation of any fact by the applicant or permittee;
 - (4) Failure of the applicant or permittee to maintain required bonds and/or insurance hereunder;
 - (5) Failure of the applicant or permittee to complete work in a timely manner;
 - (6) The proposed activity is contrary to the public health, safety or welfare, which considerations shall include, but in no way be limited to, accident design factors of any pole or structure placed into the right-of-way, visibility issues arising from any structure placed in the right-of-way, the loading design of such structure(s), and the amount of existing equipment on any existing structure;
 - (7) The extent to which right-of-way space where the right-of-way permit is sought is available;
 - (8) The competing demands for the particular space in the right-of-way;
 - (9) The availability of other locations in the right-of-way or in other rights-of-way for the facilities of the right-of-way permit application;
 - (10) The applicability of ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
 - (11) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial reconstruction;
 - (12) The Department, or the City's police or fire department, determines that the right-of-way permit, as applied for or the ultimate use permitted thereunder, creates unsafe conditions; or
 - (13) The applicant, permittee or permittee's contracted third parties are otherwise not in full compliance with the requirements of this article, or state or federal law, including, but not limited to, Federal Communication Commission laws and regulations.
- B. Discretionary issuance. Notwithstanding Subsection A, the Department may, but shall not be required to, issue a permit where issuance is necessary: (1) to prevent substantial economic hardship to a customer of the permittee or applicant; or (2) to allow such customer to materially improve its utility service; or (3) to allow the permittee or applicant to comply with state or federal law or City ordinance or an order of a court or administrative agency.
- C. Appeals. Any person aggrieved by a decision of the Department revoking, suspending, refusing to issue or refusing to extend a right-of-way permit may file a request for review with the Common Council. A request shall be filed within 10 days of the decision being appealed. Following a hearing, the Common Council may affirm, reverse, or modify the decision of the Department.

§ 393-19. Unauthorized or unpermitted work.**A. Emergency situations.**

- (1) Each permittee shall immediately notify the City by verbal notice on an emergency phone number provided by the City of any event regarding its facilities that it considers to be an emergency. The permittee may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the cessation of the emergency, the permittee shall apply for any necessary permits, pay the fees associated therewith and otherwise fully comply with the requirements of this article.
- (2) If the City becomes aware of an emergency regarding a permittee's facility, the Department may attempt to contact the permittee. The City may take whatever actions it deems necessary to protect the public safety as a result of the emergency, the cost of which shall be borne by the permittee whose facility occasioned the emergency.

- B. Nonemergency situation.** Except in an emergency under Subsection A, any person who, without first having obtained the necessary permit, excavates a right-of-way must subsequently obtain a permit, and shall, in addition to any penalties prescribed by ordinance, pay double the normal fee for said permit, pay double all other fees required by this article or other chapters of the City Code, deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this article.

§ 393-20. Supplemental notification.

If the excavation of the right-of-way begins later or ends sooner than the date given on the right-of-way permit, permittee shall notify the Department of the accurate information as soon as this information is known.

§ 393-21. Location of facilities.

- A. Corridors.** The Department may assign specific corridors within the right-of-way, consistent with Wisconsin Public Service Commission Standards. All excavation or other permits issued by the Department involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue consistent with the Wisconsin Public Service Commission's corridor selection standards.
- B. Limitation of space.** The Department may prohibit or limit the placement of new or additional equipment or facilities within the right-of-way if:
- (1) There is insufficient space to accommodate all of the current and reasonably anticipated requests to occupy and use the right-of-way. In making such decisions, the Department shall strive to the extent possible to accommodate all existing and potential users of the right-of-way but may prohibit or limit the placement of new or additional equipment or facilities when required to protect the long term interests of the public, health, safety or welfare;

- (2) The proposed pole, equipment, or structure would exceed the reasonable height, setback or size limitations imposed on building or other structures in the immediately abutting zoning district and/or airport height limits established elsewhere in this Code;
 - (3) The number of poles, equipment, or other structures in a given area exceeds a density that is reasonable for the area in question in light of surrounding current and planned uses and in light of the public and adjoining property owners' health, safety or welfare; or
 - (4) The proposed poles, equipment, structures or additions to such poles or infrastructure would materially and adversely impact the area or the adjoining property owners' health, safety or welfare.
- C. Except as prohibited by state or federal law, a permittee must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way whenever the Department requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The Department may make such request to prevent interference by the facilities with:
- (1) A present or future City use of the right-of-way;
 - (2) A public improvement undertaken by the City;
 - (3) An economic development project in which the City has an interest or investment;
 - (4) When the public health, safety and welfare require it, as determined by the Department, the City's Common Council, or its police or fire department; or
 - (5) When necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way, including air travel.
- D. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a nongovernmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

§ 393-22. Interference with other facilities during municipal construction.

When the City performs work in the right-of-way and finds it necessary to maintain, support, shore, or move a permittee's facilities, the City shall notify permittee. The permittee shall meet with the City's representative within 24 hours and coordinate the protection, maintenance, supporting, and/or shoring permittee's facilities. The permittee shall accomplish the needed work within 72 hours, unless the City agrees to a longer period. In the event that the permittee does not proceed to maintain, support, shore, or move its facilities, the City may arrange to do the work and bill the permittee, said bill to be paid within 30 days.

§ 393-23. Indemnification, bond, and insurance.

- A. Indemnification. Permittee expressly acknowledges and agrees, by acceptance of the permit, to indemnify, defend, and hold harmless the City, its officers, boards, committees, commissions, elected officials, employees and agents, from and against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its agents or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the permittee's acts or omissions in the exercise of its rights under this permit, whether caused by or contributed to by the City or its agents or employees.
- B. Bond. Before a right-of-way permit is issued under this article, the party applying therefor shall give a bond to the City in a sum to be fixed by the Director of the Department and which shall not be less than \$5,000, said bond to be executed by a corporate surety or two personal sureties to be approved by the Mayor or designated agent conditioned upon, among other things, the indemnification to the City for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the City in connection therewith arising out work conducted or failed to be conducted as required under the permit.
- C. Insurance. For each right-of-way permit granted hereunder, the permittee shall, in addition to the said bond above indicated, provide the Director of the Department with proof of public liability insurance covering injury to one person in the sum of not less than \$200,000 and for one accident in a sum not less than \$400,000, together with property damage insurance in a sum not less than \$100,000, or such other or further coverage as deemed necessary.

§ 393-24. Abandoned facilities.

- A. Discontinued operations.
- (1) A permittee who has determined to discontinue its operations in the City must either:
- (a) Provide information satisfactory to the Department that the permittee's obligations for its facilities under this article have been lawfully assumed by another permittee; or
 - (b) Submit to the Department a proposal and instruments for dedication of its facilities to the City. If a permittee proceeds under this clause, the City may, at its option:
 - [1] Accept the dedication for all or a portion of the facilities;
 - [2] Require the permittee, at its own expense, to remove the facilities in the right-of-way at ground or above ground level; or

- [3] Require the permittee to post a bond or provide payment sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.
- (2) However, any permittee who has unusable and/or abandoned facilities in any right-of-way shall remove it from that right-of-way within two years, unless the Department waives this requirement.
- B. Abandoned facilities. Facilities of a permittee who fails to comply with Subsection A, and which, for two years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. In addition to any remedies or rights it has at law or in equity, the City may, at its option:
- (1) Abate the nuisance;
 - (2) Take possession of the facilities; or
 - (3) Require removal of the facilities by the permittee, or the permittee's successor in interest.
- C. Public utilities. This section shall not apply to a public utility as defined by § 196.01(5), Wis. Stats.

§ 393-25. Reservation of regulatory and police powers.

The City, by the granting of a right-of-way permit to excavate, obstruct and/or occupy the right-of-way does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or maybe hereafter granted to the City under the Constitution and Statutes of the State of Wisconsin to regulate the use of the right-of-way by the permittee; and the permittee, by its acceptance of a right-of-way permit to excavate, obstruct and/or occupy the right-of-way, agrees 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 City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A permittee is deemed to acknowledge that its rights are subject to the regulatory and police powers of the City 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 law and ordinances enacted by the City pursuant to such powers.

§ 393-26. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this article 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.

§ 393-27. Definitions.

Whether capitalized or not, as used in this article, the following terms shall have the following meanings:

CITY — The City of Hayward, a Wisconsin municipal corporation.

DEGRADATION — The accelerated depreciation of the right-of-way, caused by excavation of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

DEPARTMENT — The Department of Public Works of the City of Hayward.

EMERGENCY — A condition that:

- A. Poses a clear and immediate danger to life or health or of a significant loss of property;
or
- B. Requires immediate repair or replacement in order to restore service to a customer.

EXCAVATE — To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

FACILITIES — All equipment owned, operated, leased or subleased in connection with the operation of a service or utility service, and shall include but is not limited to poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, fiber optic cables, lines and other structures and appurtenances.

IN or ON — When used in conjunction with "right-of-way," means over, above, in, within, on or under a right-of-way.

OBSTRUCT — To place any object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way.

PERMITTEE — Any person to whom a permit to excavate or occupy a right-of-way has been granted by the City under this article.

PERSON — Any municipality, corporation, company, association, firm, partnership, limited liability company, limited liability partnership and individuals and their lessors, transferees and receivers.

REPAIR — To perform construction work necessary to make the right-of-way usable for travel, according to department specifications, or to return facilities to an operable condition.

RIGHT-OF-WAY — The surface and space above and below a public roadway, highway, street, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes.

§ 393-28. When effective.

This article shall become effective on its passage and publication as provided for by law.

