

AN ORDINANCE

AMENDING ARTICLE IV OF CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO PROVIDE FOR PUBLIC NOTIFICATION PRIOR TO COMMENCEMENT OF UTILITY WORK IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the city of Greenville (“City”) enjoys broad powers under Section 5-7-30 of the South Carolina Code of Laws, to among other things, “enact regulations, resolutions, and ordinances, not inconsistent with the Constitution in the general law of the State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government and it...”; and

WHEREAS, City Council (“Council”) has previously enacted Article IV of Chapter 36 of the Code of Ordinances of the City of Greenville (“City Code”) to provide for right-of-way management and utility usage; and

WHEREAS, the purpose of the aforementioned Article is set forth in Section 36-91 of the City Code and those purposes are incorporated herein as if set forth verbatim; and

WHEREAS, consistent with the foregoing, Council desires to amend Article IV of Chapter 36 of the City Code to require any provider of utility services performing work in the right-of-way (as those terms are defined in Section 36-92 of the City Code) to provide public notification to adjacent property owners in advance of the commencement of utility work as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Article IV of Chapter 36 the Code of Ordinances of the City of Greenville shall be amended to include sections 1 through 4 as provided below. The codifier of the Code of Ordinances shall have the ability incorporate the sections and to make reasonable and appropriate formatting adjustments as may be necessary with the requested changes.

1. Public notification requirements. Unless exempted below pursuant to Section 4, all providers of utility services performing work in the right-of-way shall notify all adjacent property owners no less than 72 hours in advance to the commencement of said work. Notification should be placed in a non-destructive method on the front door of each dwelling, office space, or place of business.

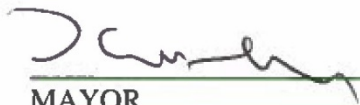
2. Content of notice; Signage. The notice required above under Section 1 shall contain the following information: (a) dates of activity (start and end); (b) description of activity; (c) the name of the provider of utility services performing the work; (d) a 24 hour contact name and phone number for both the provider of utility services and any contractor(s) performing the work on its behalf; and (e) right-of-way management permit number. If the work includes more than 500 feet of underground work, the provider of utility services must provide roadside signage at each end of the work zone. Roadside signage will be a minimum of 30 inches wide by 36 inches tall with the aforementioned information legibly depicted.

3. Pre-construction meeting requirement. For utility work in the right-of-way requiring the installation of more than 500 feet of underground work or requiring a total road closure, a pre-construction meeting is required with the city engineer's office. This meeting will occur no less than 72 hours in advance of beginning the work and requires, at a minimum, one representative each from the provider of utility services and any contractor(s) performing work on its behalf. Meetings may be conducted via web-based conference.

4. Emergency Repairs to Existing Facilities Exempted. This Ordinance shall not apply to any emergency repair of existing facilities within the right-of-way.

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation or Executive Order of the Governor of South Carolina, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

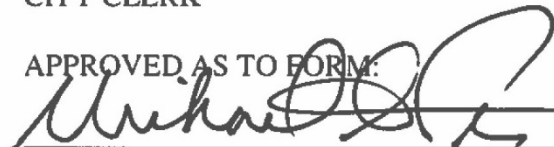
DONE, RATIFIED AND PASSED THIS THE 18 DAY OF MAY, 2020.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

  
\_\_\_\_\_  
CITY MANAGER