



## MEMORANDUM

**TO:** All City of Englewood Licensed Contractors  
**FROM:** Maria D'Andrea P.E., Director of Public Works  
**DATE:** January 3, 2019  
**RE:** 2-Year Moratorium Street Cut Guidelines (Effective 1/1/19)

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Open cuts and excavations significantly alter and degrade pavement, resulting in negative impacts for the city and its residents. Integrity, longevity, ride-ability, and appearance of all street surfaces are crucial to the city.

In an effort to manage pavement degradation and the damage caused by impacts of utility repair and installation, the City of Englewood will enforce a 2-year moratorium on all newly paved and resurfaced streets. This will include overlays, inlays, reconstruction and new construction developments. ( see attached map)

Please review the following ordinance attached from the Englewood Municipal Code (EMC) 11-7-19 already in effect. The city enforcement of this moratorium is not a modification or adoption of a new code, but simply an effort to achieve compliance with the established criteria.

In the event of an **emergency**, it may be necessary to cut or excavate a street that has been paved or re-surfaced within the past 2 years. Guidelines are in place to establish the basis and process for determining the eligibility and restoration of cuts and excavations for newly paved and resurfaced streets. These guidelines will be strictly enforced starting in January 2019.

This notice is being sent to you as your company was licensed to perform work in the city right-of-way previously. The city is committed to working cooperatively with contractors and private utility companies so that projects minimize disruption to the traveling public and the adjacent property owners. Our goal is to develop a 5-year pavement maintenance plan & map in 2019 that will provide more specific information on the planned pavement work and allow you to plan & execute any underground work in advance of that schedule. If there are creative ways that we can work with you, please reach out to us in advance.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria D'Andrea".

Maria D'Andrea P.E.  
Director of Public Works  
City of Englewood

**EMC 11-7-19: - Construction and Restoration Standards for Newly Constructed or Overlaid Streets (Ord.00-85)**

*No person shall cause an open trench excavation or potholing of utilities in the pavement of any Public right-of-way for a period of two (2) years from the completion of construction or resurfacing except in compliance with the special provisions in this section.*

- A. Permit Application-** Any application for a permit to excavate in the right-of-way subject to requirements of this section shall contain the following information:
- 1. A detailed and dimensional engineering plan that identifies and accurately represents the City right-of-way or property impacted by the proposed excavation, as well as adjacent streets, and the method of construction.*
  - 2. The street width or alley width including curb and gutter over the total length of each city block that will be impacted by the proposed excavation*
  - 3. The location, width, length, and accurate depth of the proposed excavation*
  - 4. The total area of existing street or alley pavement in each individual city block impacted by the proposed excavation.*
  - 5. A written statement addressing the criteria for approval.*
- B. Criteria for approval.** No permit for excavation in the right-of-way of new streets shall be approved unless the city manager or designee finds that all of the following criteria have been met.
- 1. Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.*
  - 2. Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.*
  - 3. The proposed excavation cannot reasonably be delayed until after the two (2) year deferment period has lapsed.*
- C. Exemptions for Emergency Operations.** Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Persons with prior authorization from the city to perform emergency maintenance operations within the public right-of-way shall be exempted from this section. Any person commencing operations under the laws of this section shall submit detailed engineering plans, construction methods, and remediation plans no later than three working days after the initiating the emergency maintenance operation.
- D. Construction and Restoration Standards for Newly Constructed or Overlaid Streets and alleys.** The streets shall be restored and repaired in accordance with design and construction standards adopted by the city and guaranteed in accordance with **E.M.C 11-7-10**.
- E. Exemptions for Non-Emergency Operations.** A permittee may apply to the City Manager or designee for an exemption under this section when the construction is necessary in the public interest or to provide a public service. By way of example, but not by limitation, an exemption could be requested in order to provide services to a part of the city where no service would be available without construction. If a non-emergency exemption is granted to disturb a public way (within the two (2) year period), the City Manager or designee may, in his sole discretion, impose additional restoration requirements, including but not necessarily limited to, roto-milling, and repaving of a larger area, such as an entire block in which the construction occurs