

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

### Sec. 23-101. Telecommunications; conflict with city/town projects.

(a) If, during the design process for public improvements, the city discovers a potential conflict with proposed construction, the provider shall either

(1) Locate and, if necessary, expose its facilities in conflict,

(2) Use a location service under contract with the city to locate or expose its facilities. The provider shall reimburse the city for the cost resulting from the use of such location service. The city shall make reasonable efforts to design and construct projects pursuant to this section so as to avoid relocation expense to the provider. Provider will furnish the location information in a timely manner, but in no case longer than fourteen consecutive days.

(b) The city reserves the prior and superior right to lay, construct, erect, install, use, operate, repair, replace, remove, relocate, regrade, widen, realign, or maintain any rights-of-way, aerial, surface, or subsurface improvements, including, but not limited to, water mains, traffic control conduits, cable and devices, sanitary or storm sewers, subways, tunnels, bridges, viaducts, or any other public construction within the rights-of-way of the city.

(c) When the city invokes its prior superior right to the rights-of-way, the provider shall move its facilities located in the rights-of-way, at its own cost, to such a location as the city directs.

(d) If, during the course of a project, the city determines provider's facilities are in conflict, the following shall apply:

(1) Prior to city notice to proceed to contractor: The provider shall, within a reasonable time, but in no event exceeding six months, remove or relocate the conflicting facility. This time period shall begin running upon receipt by the provider of written notice from the city. However, if both the city and the provider agree, the time frame may be extended based on the requirements of the project.

(2) Subsequent to city notice to proceed to contractor: The City and the provider will immediately begin the coordination necessary to remove or relocate the facility. Actual construction of such removal or relocation is to begin no later than seventy-two hours, if practicable, after written notification from the city of the conflict.

(Ord. No. 99-12, 3/16/99, renumbered from Section 23-98)(SUPP. 1999-1)