

## CHAPTER 11.30: UTILITY PERMITS

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### 11.30.010 DEFINITIONS.

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(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "As-built" means a drawing indicating the utility facility with reference to legal property lines.
- (2) "Public way" means any public right-of-way, street, road, alley, section line easement (that is not maintained by the state of Alaska or within the incorporated limits of any city that exercises road powers), public easement, public use easements, drainage easements, public utility easement (not to include private utility easements or easements dedicated to a certain utility), public traveled way, prescriptive right-of-way, and includes those areas used for road maintenance and snow storage or any other public right-of-way over which the borough exercises its jurisdiction.
- (3) "Utility" means either a person or corporation providing utility services, the utility service provided, or the physical utility or other facilities.

(Ord. 96-032AM, § 2 (part), 1996)

### 11.30.020 USE OF PUBLIC WAYS.

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Public utilities may obtain a permit to reasonably use public ways in the Matanuska-Susitna Borough. Utilities shall be installed in utility easements to the extent practical.

(Ord. 96-032AM, § 2 (part), 1996)

### 11.30.030 PERMIT REQUIRED.

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(A) A utility may not place, install or maintain a utility within a public way without a borough utility permit.

(B) Annual permits can be issued for:

- (1) service connections, except where road crossings are to be open cut or trenched; and
- (2) construction in public utility easements.

(Ord. 96-032AM, § 2 (part), 1996)

### 11.30.040 APPLICATION.

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(A) An application for a permit to use a public way for a utility use shall be submitted in writing to the public works director on forms provided by the borough.

(B) The application shall contain the following information:

- (1) name and location of the public way or ways for the permit being sought;
- (2) type of utility use intended;
- (3) nature of any utility to be installed under the permit;
- (4) length and location of any utility line to be installed;

(5) plans sufficient to show the applicant's existing **utilities**, property lines, approximate traveled road ways (except for service connect permits), proposed location, and design. Other **utilities** and terrain features must be shown where the applicant requests a non-standard utility location.

(C) The borough may annually require as-built drawings of the utility installations to assure compatibility of the utility locations.

(D) The public works director, or designee, shall grant or deny the permit within 20 calendar days of receipt of the application. Permits issued may include reasonable conditions to protect the property and interests of the borough, and the public's health, safety and welfare.

(E) **Utilities** shall make reasonable effort to notify affected property owners prior to application.

(Ord. 96-032AM, § 2 (part), 1996)

### **11.30.050 APPEAL.**

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(A) Denial of a permit application by the public works director may be appealed in writing to the borough manager within ten borough business days of written notice of the denial.

(B) The decision of the manager shall be final.

(Ord. 96-032AM, § 2 (part), 1996)

### **11.30.060 STANDARDS.**

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(A) **Utilities** shall be located so as to assure compatibility with all present and anticipated future uses of the public way in which the utility is located. The following general standards shall apply:

(1) **Utilities** shall be located outside of the traveled surface and maintenance area of the public way and shall be placed according to the standard utility location diagram established by the public works department, unless an alternate location is authorized by the permit.

(2) Location of the utility shall allow for maintenance of the public way and the utility.

(3) Underground **utilities** shall be installed at the permitted depth to avoid hazards to the public and to allow for maintenance and improvements of the public way.

(4) Surface utility fixtures shall be set back from existing or planned traveled surface and shall not be located so as to impair sight distance or create a physical obstacle or hazard.

(B) Constructed **utilities** shall meet the most current standard published codes or regulations set forth below:

(1) the National Electric Safety Code;

(2) the Alaska Administrative Code, Title 17, Chapter 15, Utility Permits;

(3) the Alaska Statutes, Chapters 2.15 and 2.25;

(4) the Rural **Utilities** Service Construction Specifications;

(5) the American Water Works Association Standards;

(6) the Federal Department of Transportation Regulations, CFR 49; and

(7) any other applicable law, statute or regulation.

(Ord. 96-032AM, § 2 (part), 1996)

### **11.30.070 EXISTING UTILITIES.**

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(A) Those **utilities** in existence as of January 1, 1984, constructed and installed in accordance with all statutes, codes and regulations applicable at the time of construction, may continue to exist and be maintained in public ways in the borough subject to this section.

(B) The release from compliance granted under this section does not create the presumption that the existing utility was properly installed. This release allows maintenance of existing **utilities** for their useful life, but does not authorize any upgrade or relocation of the **utilities** without obtaining a permit in accordance with this chapter.

(C) This chapter does not affect permits issued prior to the effective date of the ordinance codified in this chapter.

(Ord. 96-032AM, § 2 (part), 1996)

### **11.30.080 RELOCATION EXPENSES.**

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(A) The cost of relocation of any utility located pursuant to a valid permit as required by the borough for a public purpose shall be borne by the borough, unless listed in subsection (B) below.

(B) A utility shall bear the cost of relocation in the following circumstances:

- (1) any relocation required as a result of a violation of permit conditions at the time of the original construction; or
- (2) required for a utility without a valid permit; or
- (3) because the utility does not otherwise meet the requirements of this chapter.

(Ord. 96-032AM, § 2 (part), 1996)

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**The Matanuska-Susitna Borough Code is current through Ordinance 17-076, passed May 16, 2017.**

Disclaimer: The Borough Clerk's Office has the official version of the Matanuska-Susitna Borough Code. Users should contact the Borough Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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