

**ORDINANCE NO. 2022 - 06**

**TO AMEND THE CITY OF CULLMAN STREET CONSTRUCTION SPECIFICATIONS AND WORK WITHIN CITY RIGHT-OF-WAY**

**SECTION I. PURPOSE.** The purpose of this Ordinance is to add, modify, amend, or delete portions of Section V, “Street Construction Specifications,” Chapter 48, “Streets, Sidewalks, and other Public Places,” of the City of Cullman Code of Ordinances.

**SECTION II.** Section V, Sections 48-102 thru 48-110 are hereby deleted in its entirety and replaced with the following:

Sec. 48-102. - Compliance required.

All street paving done within the jurisdiction of the City must conform to or exceed the specifications provided in this section.

Sec. 48-103. - Alternate methods of completing construction phases.

Types 1 and 2 under each construction phase are alternates, either one of which may be used at the discretion of either the City or the property developer.

Sec. 48-104. - Phase I—Subgrade preparation.

Phase I, subgrade preparation, may be completed in either of the following methods:

- 1) Type 1. Remove topsoil and other unsuitable material; grade existing soil or imported engineered fill to conform with grade and cross section of new street; compact top six inches of subgrade to 98 percent of standard (AASHTO T-99) density.
- 2) Type 2. Remove topsoil and other unsuitable material; grade existing soil to conform with grade and cross section of new street; stabilize the subgrade by incorporating a stabilizing material into the top six inches of the existing soil; compact the top six inches of subgrade to 98 percent of standard (AASHTO T-99) density. The stabilizing material shall be one of the following and conform to the requirements of Alabama Department of Transportation’s (“ALDOT”) Standard Specifications for Highway Construction, latest edition:
  - a. For clay soil, dehydrated lime;
  - b. For sandy clay soil, Portland cement; or
  - c. For sandy soil, coarse aggregate, state highway department size no. 2 or 3.

Sec. 48-105. - Phase II—Base courses.

Phase II, base courses, must be completed in the following method:

- 1) Plant mix, crushed aggregate base course, meeting the requirements of ALDOT’s *Standard Specifications for Highway Construction*, latest edition or as amended hereafter:

**GENERAL COMPOSITON**

Sieve Requirements	Percentage Passing by Weight (Mass)	
	TYPE A*	TYPE B**
2 inches {50 mm}		100
1.5 inches {37.5 mm}		90-100
1 inch {25.0 mm}	100	75-98
3/4 inch {19.0 mm}	86-100	-
1/2 inch {12.5 mm}	-	55-80
No. 4 {4.75 mm}	26-55	40-70
No. 8 {2.36 mm}	15-41	28-54
No. 16 {1.18 mm}	-	19-42
No. 50 {300 mm}	3-18	9-32
No. 200 {75 mm}	5-15	7-18

\* The fraction passing the No. 40 {425 mm} sieve shall not have a liquid limit in excess of 25.

\*\* The fraction passing the No. 40 {425 mm} sieve shall not have a P.I. in excess of 6 nor a L.L. in excess of 25, and contain no more than 2/3 by weight {mass} passing the No. 200 {75 mm} sieve.

Sec. 48-106. - Phase III—Pavement.

Phase III, pavement, may be completed in either of the following methods, but must conform to the requirements of the ALDOT’s Standard Specifications for Highway Construction, latest edition:

- 1) Type 1, overlay of existing road: Bituminous surface treatment (state highway department section 401) with bituminous concrete wearing surface (state highway department section 424, mix "A"):
  - a. Prime coat "A": Apply 0.22 to 0.25 gallon of refined tar emulsion, emulsified petroleum resin, or emulsified asphalt per square yard.
  - b. Surface treatment, meeting the requirements in the Bituminous Treatment Table of ALDOT’s Standard Specifications for Highway Construction; roll with a tandem roller.

- c. Wearing surface: Spread approximately 135 – 150 pounds per square yard of bituminous concrete wearing surface (state highway department section 424 mix “A”) over the previously constructed surface treatment; thoroughly roll the hot bituminous mixture with a tandem roller.
- 2) Type 2, New Road Buildup:
- a. Prime Coat “A” Apply 0.22 to 0.25 gallon of refined tar emulsion, emulsified petroleum resin, or emulsified asphalt per square yard.
  - b. Superpave Bituminous Concrete Binder layer (state highway department section 424 mix A), approximately 250 pounds per square yard; thoroughly roll the hot bituminous mixture with a tandem roller.
  - c. Tack Coat, must conform to the requirements of ALDOT’s Standard Specifications for Highway Construction, latest edition.
  - d. Superpave Bituminous Concrete Wearing Surface Layer (state highway department section 424 mix A), approximately 135 – 150 pounds per square yard; thoroughly roll the hot bituminous mixture with a tandem roller.

Sec. 48-107. – Inspections.

Modified

- 1) *Required.* After completion of each phase of street construction, an inspection must be made and approval in writing
- 2) Preliminary inspection; corrections. After all work has been completed, a preliminary inspection shall be made before any official acceptance. If the preliminary inspection reveals any deviation from the requirements of this section, it must be corrected before final approval through a letter of satisfactory completion of the street may be given.
- 3) *Bond.* Following a satisfactory preliminary inspection by the City, the owner/developer shall then post with the City Clerk a maintenance bond in an amount equal to ten percent of the total street and utility improvement cost for the street for a period of not less than one year.
- 4) *Final inspection and letter of satisfactory completion.* The developer/owner shall thereafter a period of not less than one year from the issuance of the bond, request a final inspection by the City. If the City finds the work to be in satisfactory condition, the City shall issue a letter of satisfactory completion to the owner/developer and Building Department for the records of the City.
- 5) *Made by Street Superintendent or Engineering Department.* All inspections shall be made by either the City Street Superintendent, or the Engineering Department or such other person as may be designated and authorized by the City Council.

Sec. 48-108. - Specifications for auxiliary related structures.

Specifications regarding size and makeup of all storm sewer, catch basin, inlet and manholes shall be furnished by the engineer of record and approved by the City street or engineering department. Auxiliary drain structures shall be prohibited from attaching to a City drain (pipe) structure. No pipes, drain boxes, sump pump hoses from basements, etc., may attach to a City drain unless a contract can be agreed upon that would relieve the City of any obligation should a flooding problem occur as a result of being attached to a City drain. This contract would be valid for all future homeowners of this particular property.

Sec. 48-109. - Curb and gutter or valley gutter required.

No streets shall be paved until a curb and gutter or valley gutter (if approved) is constructed along each side, conforming to subsection (1) or (2) of this section:

- 1) Valley gutters (where approved) shall be 30 inches wide and six inches thick, with the center being two inches to 2½ inches lower than the outer edges.
- 2) Ordinary curb and gutter must be 24 inches wide, six inches thick, and the curb portion must have an elevation of at least six inches above the gutter portions.
- 3) Concrete, 3,000 pounds per square inch, minimum, compressive strength at 28 days, shall be used for all curbs and gutters.
- 4) After installation of either valley gutter or curb and gutter, the adjacent soil shall be backfilled level with the top of the concrete, and neatly graded.

Sec. 48-110. - Width of paving.

The width of pavement shall be as contained in the City of Cullman Subdivision Regulations. The Street Superintendent, City Engineer, or such other person as may be designated and authorized by the City Council shall also specify the width of paving to be done on each street.

Sec. 48-111. – Permit for Cutting upon Street and/or within Right-of-Way.

- 1) Any work performed in the City of Cullman right-of-way must be reported to the City of Cullman and the entity performing said work must obtain a right-of-way work permit signed by the City Engineer or his/her designee, prior to any work commencing. Work performed includes but is not limited to excavation, blasting, boring, trenching, saw-cutting, and any additional work that will cause a disturbance to the right-of-way. This notification to the City will be in addition to proper line locates that are required. Notifications can be made to either the City of Cullman’s Street Department, Building Department, or Engineering Department and the permit can be obtained online or through the Building Department.

- 2) Before any paving commences that is not conducted by the Street Department or directed by the City, the Street Department or Engineering Department must be notified so that they may send a representative to the site to inspect the base material and provide approval to move forward with the paving process and either department shall re-inspect once the paving is complete.
- 3) *Backfill and Patching of Approved Open Cuts.*
  - a. Streets and rights-of-way that are within the jurisdiction of the City of Cullman, Alabama are to be inspected and maintained by the City Street Department.
  - b. For any work performed in the right-of-way that will require an open cut into a City street, the Street Department shall be notified immediately.
  - c. The Street Department shall be notified prior to any cutting taking place and then again once any required backfill is in place for proper inspection.
  - d. If the entity has the capabilities to patch the opening to the standards of the City then they may do so; if not, the Street Department will perform the work and the entity who performed the work shall be responsible for all costs associated with patching the opening.
  - e. Cold-patch is not an acceptable means of patching.
- 4) An opening shall include but is not limited to saw cutting, jack hammering, pickaxe, excavation, and any additional activities that will require any asphalt to be patched as part of work completion.
- 5) All openings must be saw cut with straight, vertical edges prior to the Street Department patching the opening. All fill material must be Dense Grade Base, placed in not more than six (6) inch thick lifts and must be compacted to at least ninety-eight (98%) percent proctor.
  - a. Any other fill materials must be pre-approved by the Street Department or Engineering Department before use.
  - b. All street openings must be filled with approved fill material no matter if the responsible entity will perform the patching or not.
- 6) *Enforcement and Penalties.*
  - a. The City finds that a violation of this Section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.
  - b. Each violation of this Section shall constitute a separate, civil infraction, punishable by a civil penalty in the amount specified below unless a different amount is specified in accordance with the laws of Alabama.
    - i. First violation of this Section: \$250, plus costs of repairs.
    - ii. Second violation of this Section: \$400, plus costs of repairs.
    - iii. Third and all subsequent violations of this Section: \$500, costs of repairs.
  - c. This Section may be enforced by the issuance of a citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any part of this Section.
  - d. A citation issued under any Section of this Section may be contested in the municipal court for the City of Cullman, Alabama. In addition to the penalties specified in this Section, a person voluntarily paying a citation or convicted of a citation shall be required to bear all costs and fees imposed by the Municipal Court of the City of Cullman.
  - e. The civil penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the City of Cullman Code of Ordinances or State law, including the criminal penalties set forth in City Code, Chapter 34.
  - f. Each day (any 24 consecutive hour period) that a continuing violation of this Section occurs or continues shall constitute a separate, civil infraction punishable by a penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

**SECTION IV. SEVERABILITY CLAUSE.** Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

**SECTION V. EFFECTIVE DATE.** This ordinance shall be effective following its passage, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 7<sup>TH</sup> day of November, 2022.

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President of the City Council

ATTEST:

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City Clerk

APPROVED BY THE MAYOR this the 7<sup>TH</sup> day of November, 2022.

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Mayor