

ORDINANCE NO. 1447

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
CALIFORNIA, TO PROTECT ITS ROADWAY INFRASTRUCTURE
BY ADDING A NEW CHAPTER 11.09 "STREET CUTS MORATORIUM" TO THE
MARYSVILLE MUNICIPAL CODE**

WHEREAS, the City of Marysville is a Charter City and in accordance with California Constitution Article XI, Section 5(a), is empowered and make and enforce all ordinances and regulations with respect to its municipal affairs; and

WHEREAS, Section 6 of the Marysville City Charter empowers the City to make and enforce all laws and regulations with respect to its municipal affairs; and

WHEREAS, the city invests millions of dollars to construct and maintain its roadway/streets infrastructure; and

WHEREAS, to protect the City's investment in its infrastructure and preserve the life of streets and to provide a safe driving surface and a pleasing appearance to roadway surfaces that have been recently paved or maintained, a trench or pavement cut moratorium is justified to reduce pavement degradation and extend the life and structure of the pavement

NOW, THEREFORE, the City Council of the City of Marysville does ordain as follows:

SECTION 1. Chapter 11.09 added to the Marysville Municipal Code to read in its entirety as follows:

**Chapter 11.09
STREET CUT MORATORIUM**

11.09.010 Street Cut Moratorium.

- (a) On a paved, constructed, or reconstructed street, the pavement surface shall not be cut or opened for a period of five (5) years after the completion date. On a sealed street (slurry, fog, chip, etc.), the pavement surface shall not be cut or opened for a period of three (3) years after the completion date.
- (b) The City Engineer shall maintain a list of roadways and their expiration dates under this moratorium.
- (c) The City shall not issue a permit to cut, trench, or otherwise disturb or open the surface of a street that is subject to a moratorium pursuant to subsection (a), unless the director of public works grants an exception pursuant to subsection (d) of this section.

(d) Exceptions to the above moratorium period may be permitted in the following situations at the discretion of the director of public works:

(1) Emergencies which endanger life, property or public health and safety.

(2) Repairs or modifications that are necessary to prevent the interruption of essential utility service.

(3) Work that is mandated by city, state, or federal legislation.

(4) Unforeseen circumstances where the financial burden outweighs the benefit to the roadway infrastructure.

(5) Other situations deemed by the director of public works to be in the best interest of the general public.

(e) Work deemed by the utility provider to be necessary to resolve a situation that endangers life or property may be completed without prior approval or permit from the city. In these instances, a permit application must be submitted to the director of public works by the end of business on the first business day following the work. "

SECTION 2. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City of Marysville hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 3. Effective Date.

This Ordinance shall take effect thirty (30) days after its adoption by the Marysville City Council.

The foregoing Ordinance is passed by the City Council of the City of Marysville on the 5th day of September, 2023 by the following votes:

AYES: Dominique Belza, Stuart Gilchrist, Brad Hudson, Bruce Buttacavoli and Chris Branscum

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 5th day of September, 2023.

City of Marysville, California
By its Council

By: _____
Nicole Moe, City Clerk

By: _____
Chris Branscum, Mayor

Attestation Date: _____