

**ORDINANCE ADOPTING MODIFICATIONS TO CHAPTER 62, ARTICLE II, DIVISION 3, OF THE
DURHAM CITY CODE**

WHEREAS, the City Council desires to clarify and improve the formal process for acceptance of infrastructure (streets, water, sewer, and stormwater systems) for City maintenance;

NOW THEREFOR BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

- 1) Repeal the existing provisions of Chapter 62, Article II, Division 3 of the Durham City Code and replace them in their entirety with the following revised provisions as follows:

DIVISION 3. ACCEPTANCE OF ~~STREET~~ INFRASTRUCTURE FOR MAINTENANCE BY CITY

Sec. 62-125. - Power of director as to administration.

~~The city manager shall have full power and authority to administer this division and to determine and advise the owner or developer of property if compliance with this division has been made.~~ The Director of Public Works through the City Manager shall have full power and authority to administer this division and to determine whether infrastructure subject to an acceptance request has been completed in conformance with all applicable City requirements.

(Code 1964, § 19-62; Code 1982, § 18-80)

Sec. 62-126. - Application for acceptance of infrastructure.

~~Any person desiring the city to accept streets or portions thereof for maintenance shall make application to the city manager.~~ Any person requesting street infrastructure acceptance by City Council shall submit a request to Public Works on a form prepared by the department. A street acceptance request includes a request to City Council to accept any water, sanitary sewer, or storm drainage systems located within the street subject to the acceptance request.

Any person requesting water, sanitary sewer, or storm drainage system acceptance, when these items are located within dedicated public easements or State maintained streets, shall submit a request to Public Works on a form prepared by the department.

(Code 1964, § 19-63; Code 1982, § 18-81)

Sec. 62-127. - Final acceptance.

~~In regard to a street with reference to which an application has been filed, as provided in section 62-126, when all applicable requirements of this division have been~~

~~complied with, the streets or portions thereof in question shall be recommended for acceptance by the city manager to the city council.~~ When an infrastructure acceptance request form has been submitted as required by section 62-126, and when all applicable requirements of this division have been met, the infrastructure, or portions thereof, shall be recommended for acceptance by the Director of Public Works through the City Manager to the City Council. Only City Council has the authority to accept infrastructure for maintenance by the City.

(Code 1964, § 19-65; Code 1982, § 18-82)

Sec. 62-128. - Prerequisites to acceptance.

~~Streets shall be considered for acceptance for maintenance by the city when the proper width street is dedicated for public use and a map is recorded in the office of the register of deeds of the county and the streets are improved in accordance with requirements established by the city council.~~

(1) Streets and the water, sanitary sewer, or storm drainage systems located within them shall be considered for acceptance for maintenance by the City when the proper width street is dedicated for public use and a map is recorded in the office of the register of deeds of the county, and the infrastructure is improved in accordance with all applicable City requirements.

(2) Water and sanitary sewer systems and storm drainage systems located within a dedicated easement or State maintained street shall be considered for acceptance for maintenance by the City when the proper easement or width street is dedicated for public use and a map is recorded in the office of the register of deeds of the county, and the infrastructure is improved in accordance with all applicable City requirements.

(Code 1964, § 19-67; Code 1982, § 18-83)

Secs. 62-129—62-154. - Reserved.