

**ORDINANCE REVISING AND ESTABLISHING CERTAIN FEES BY THE CITY OF
DURHAM PUBLIC WORKS DEPARTMENT FOR
UNDERGROUND UTILITY INSTALLATIONS**

WHEREAS, the City Council establishes fees for various services offered by the Public Works Department; and

WHEREAS, the Public Works Department already provides the services related to the new fees; and

WHEREAS, it is necessary to readopt certain existing fees, to add certain other fees, and to make minor modifications regarding administrative implementation of the adopted fees;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DURHAM THAT:

SECTION 1. Existing Fee Schedule Part 13B-104 is deleted in its entirety and replaced with the following:

Part 13B-104 (Permits for inspections of utility installations in public rights of way)

All private utility installations in the public right of way, immediately adjacent to right of way, or future public right of way shall be permitted and fees shall be charged to offset the costs of a program to track, review, and inspect such work. The charges below shall apply to such permits. Permits shall be valid for 120 days from the date of issuance. Each permit shall cover work to be performed in a defined contiguous geographic area.

A. Underground Installations

1. For permits to install 5,280 linear feet of infrastructure or less, the following fees shall apply:

Tiered Schedule (in linear feet of installation)	Fee Structure
200 feet or less	\$50
Over 200 feet, up to 1,000 feet	\$120
Over 1,000 feet, up to 5,000 feet	\$460
Over 5,000 feet, but less than 5,280 feet, calculate per above rates	Additive for above rates (ex. 5,150 lf = \$510)

2. For permits to install greater than 5,280 linear feet of infrastructure, the following fee schedule shall apply:

Base Rate	Linear Foot Charge
\$150	\$0.20

3. Re-Inspection fees for permits regardless of size:

Type of Fee	Fee
*Re-inspection	\$325
**Work without Permit	3 times the calculated standard fee above

*Fee shall be applied to each instance of a re-inspection of work performed pursuant to a permit issued for the installation of private utilities.

**Public Works Director or Designee shall have the right to waive the fee down to the calculated fee in extenuating circumstances (example: emergency work).

B. Aboveground installations

Fees for aboveground installations such as poles, hand holes, pedestals, and single services, but not including City street lights, shall be charged at the base fee rate per permit in the tables above in A. Underground Installation. The Public Works Director is authorized to determine the scope of the work to be covered by a permit as well as the necessity of a permit.

C. Partial repeal of fee resolution

Resolution 9366, the Resolution Establishing Fees for Public Works' Review, Inspection and Permitting of Utilities or Lines Placed in Public Right-of-Way, adopted June 19, 2006, does not apply with respect to permits issued on or after June 21, 2010.

D. Permits issued on or after June 19, 2006 and before June 21, 2010

Resolution 9366 continues to apply with respect to permits issued on or after June 19, 2006 and before June 21, 2010. Resolution 9366 is hereby amended to provide that (i) fees paid on or before October 1, 2010 Page 55 of 80 may be reduced by 25%; and (ii) fees not paid on or before October 1, 2010 shall continue to be owed at 100% of the amount set in Resolution 9366.

E. City manager authorized to refund 25% of prior payments

Fees that were previously paid in full on or after June 19, 2010 under the original fee amounts established in Resolution 9366 may be reduced by the 25% authorized in subpart D above, and the City Manager is authorized to make refunds through credits and/or monetary payments in the City Manager's discretion." Note: Ordinance 14021 labeled another fee as Part 13B-104, but because Part 13B-104 was taken (by ordinance 14011), the fee under Ordinance 14021 has been assigned Part 13B-111. Source: ordinance 14011, Onbase PR 7070, adopted 6-7-2010.

SECTION 2. This ordinance is effective March 8, 2016.