

ORDINANCE

AMENDING TITLE 2 (STREETS, ALLEYWAYS, SIDEWALKS, BATTURES, & SEWERS), CHAPTER 2 (STREETS AND ALLEYS), OF THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE TO ADD PART III (UTILITY MARKINGS) TO REQUIRE THE USE OF TEMPORARY MARKINGS FOR UTILITY LOCATORS AND THE REMOVAL OF MARKINGS BY UTILITY LOCATORS IN THE DOWNTOWN DEVELOPMENT DISTRICT.

BE IT HEREBY ORDAINED by the Metropolitan Council of the City of Baton Rouge and Parish of East Baton Rouge that:

Section 1. Title 2, Chapter 2 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is amended to add Part III as follows:

PART III. UTILITY MARKINGS

Sec. 2:140. - Applicability of this section.

This part shall apply to any public utility company under a franchise, a utility company operated by a government agency, or to any other entity, whether public or private, conducting work, such as excavation or demolition that would require the marking of utility systems, on any roadway, pavement, sidewalk, or any public right-of-way located within the boundaries of the Downtown Development District.

Sec. 2:141. - Enforcement.

Any designated employee of the Department of Development-Subdivision Engineering shall enforce the provisions of this ordinance.

Sec. 2:142. - Application and Removal of Markings.

(a) Any person using spray paint for the purpose of marking a utility system on any impervious or hard surfaces shall only use temporary, water-based spray paints.

(b) The size of any area of excavation that requires marking of underground utilities shall be observed in accordance with the Louisiana Underground Utilities and Facilities Damage Prevention Law, R.S. 40:1749.11 et seq.

(c) The removal of such utility markings shall be the responsibility of the utility company that made or directed the markings.

Sec. 2:143. - Notice of Violation; Removal by the City-Parish; Costs.

(a) The Department of Development-Subdivision Engineering shall notify the utility company of any

remaining utility markings on any roadway, pavement, sidewalk, banquette or any public right-of-way following the completion of the project for which the marks were made.

- (b) The notification to the utility company shall require the removal of the utility markings within thirty (30) working days. The thirty (30) working days shall run from the date of notice.
- (c) Upon the expiration of this period, the City-Parish is hereby authorized to remove the utility markings without further notice to the utility company and assess to the utility company the full cost incurred by the City-Parish to effect such removal. The day before the scheduled removal of the utility markings, the City-Parish shall contact the Regional Notification Center to confirm that no notifications to excavate are pending for the subject area.

Sec. 2:144. - Penalties.

Whoever violates the provisions of this Part shall be fined \$500.00 per violation.

Sec. 2:145. - Payment of Penalties and Costs.

Payment of all penalties or costs under any of the provisions of this ordinance shall be made to the Department of Finance for the City-Parish.

Section 2. This ordinance shall be effective _____ days following adoption by the Metropolitan Council.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.