

ORDINANCE 2024-0050

Adopted by the Sacramento City Council

December 3, 2024

An Ordinance Amending Section 12.12.010 of, and Adding Section 12.12.180 to, the Sacramento City Code, Relating to Excavations

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

- A. A definition of “excavate” is hereby added to section 12.12.010 of the Sacramento City Code to read as follows:

“Excavate” means to remove earth, rock, pavement, or other materials from the ground by digging, drilling, potholing, boring, trenching, or any other means.

- B. Except as amended by subsection A above, all provisions of section 12.12.010 remain unchanged and in full effect.

SECTION 2.

Section 12.12.180 is hereby added to the Sacramento City Code to read as follows:

12.12.180 Newly-constructed or resurfaced streets—moratorium period.

- A. No person shall excavate a city street, road, or alley during the moratorium period, except as provided in subsection B below. For purposes of this section:
1. If the pavement at the excavation site has been installed, repaired, or replaced to a depth of at least one-half inch below the pavement surface, the moratorium period is five years beginning on the day that the city accepted the pavement or issued a notice of completion for the pavement.
 2. If the pavement at the excavation site has been installed, repaired, or replaced to a depth less than one-half inch thick below the pavement surface, such as a chip seal coating, slurry seal coating, or micro paving, the moratorium period is three years beginning on the day that the city accepted the pavement or issued a notice of completion for the pavement.

- B. Notwithstanding subsection A above, the director may issue an encroachment permit for the excavation of a city street, road, or alley during the moratorium period if:
1. The excavation is immediately necessary to save life or property;
 2. The excavation is necessary to prevent the imminent interruption of one or more utility services;
 3. The excavation has been requested by a federal or state agency or the city;
 4. The excavation is required to comply with a condition imposed on any approval or permit issued in accordance with title 17;
 5. The excavation is necessary to provide service where no alternative means of providing service exists; or
 6. The director determines the excavation is in the best interest of the city.
- C. An applicant requesting an encroachment permit pursuant to subsection B above must submit to the director an application that includes the following information:
1. The basis, from subsection B above, upon which the applicant requests the permit;
 2. Location of the excavation to be performed and the reasons the excavation cannot be performed at another location;
 3. Description of the work to be performed;
 4. Reasons the work cannot be deferred until after the moratorium period; and
 5. Reasons why the applicant did not coordinate the work with previous excavations, as required by section 12.12.190.E.

Adopted by the City of Sacramento City Council on December 3, 2024, by the following vote:

Ayes: Members Guerra, Jennings, Kaplan, Maple, Talamantes, Thao, Valenzuela, Vang, and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest:  12/10/2024
Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

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