

ORDINANCE #97-1 620.8 OF THE
CITY OF SMITHS GROVE, KENTUCKY
REGARDING THE PERMIT FOR AND CASH BOND FOR
ALL CUTS OR EXCAVATIONS OF CITY STREETS OR ALLEYS

WHEREAS: The City Commission of the city of Smiths Grove as representatives of the citizens of the city consider the streets and alleys of Smiths Grove to be a vital part of the infrastructure of the City, and;

WHEREAS: The City Commission with the cooperation of its citizens and others have, within the past two years, expended considerable Municipal Aid Road Funds, and taxpayer funds for the resurfacing of all city streets, and;

WHEREAS: The city streets are presently in an excellent state of repair, and;

WHEREAS: The responsibility for maintaining and/or repairing said streets in the event of damage ultimately lies with the city, and;

WHEREAS: In order to insure that if such city streets be damaged, the responsible party shall bear the cost of repair of such damage:

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SMITHS GROVE,

Section 1. No person shall make any cut or excavation in any city street or alley of the city without first obtaining a permit from the City of Smiths Grove, permitting such cut or excavation. Such permit shall be granted only by the City Commission after appropriate application has been filed. Application for this permit shall be made at least one week in advance of expected date of proposed excavation. Application shall further be made in sufficient time to permit the City Commission to act thereon prior to expected date of proposed excavation. A cut is defined to include any excavation of a street or alley, or any penetration of a street or alley or any excavation or removal of any part of a city curb, gutter or sidewalk. If a permit is granted under this section said permit shall be conditioned upon the posting of the cash bond as set forth herein.

Section 2. Upon the granting of a permit as set forth in Section 1 above, the applicant shall post a cash bond in such amount as will fully compensate the

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WHEREAS: The responsibility for m

City for any damages it may sustain as a result of such cut or excavation. In order to insure this compensation, such bond shall be in the amount of at least the highest estimate for the cost of repairs. The posting of said bond shall in no way relieve the applicant of their responsibility to fully repair any damages done, but shall be considered as surety for such repair work.

Section 3. The cash bond referred to in Section 2 shall not be returned to the applicant until one year after inspection and approval of the repair of any such cut or excavation by the Smiths Grove Street Commissioner. Such funds shall be returned after direction by the City Commission to the Clerk that such repair has been completed in a satisfactory manner, and no residual damage has occurred.

Section 4. This ordinance shall become effective and remain in full force and effect from and after its adoption, approval and publication, and all other ordinances or parts thereof in conflict therewith are hereby superseded by this ordinance.

APPROVED: _____

James R. Gilley
James R. Gilley, Mayor

ATTEST: _____

Dorothy J. Neal
Dorothy J. Neal, City Clerk

first reading: 4/28/97

second reading: 5/27/97

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