

ORDINANCE NO. 10 -2009

1<sup>ST</sup> READING 8-20-09  
2<sup>ND</sup> READING 9-15-09

ORDINANCE ESTABLISHING REQUIREMENTS OF EXCAVATING OR CUTTING  
OF STREETS, WITHIN THE CITY OF MT. STERLING, KENTUCKY

**WHEREAS**, it is necessary for persons, partnerships, corporations, and other legal entities to cut into or excavate sections of streets within the city limits of Mt. Sterling, Kentucky; and

**WHEREAS**, the City of Mt. Sterling wishes to establish the requirements in order to obtain a permit to excavate or cut upon the public streets within the City of Mt. Sterling; and

**NOW THEREFORE**, be it ordained by the City of Mt. Sterling, Kentucky, by and through its City Council, as follows:

1. Prior to the cutting or excavation of any paved street, alley, or pathway which is considered to be a public right of way or is maintained by the City, and is located within the City of Mt. Sterling, Kentucky, any person, partnership, corporation, utility company or other legal entity shall complete an "Application For Permit To Excavate Or Cut Upon Public Streets". Said application shall be made to the Street Commissioner of the City of Mt. Sterling. Once the application is received by the Street Commissioner, the Street Commissioner shall grant, upon such terms and conditions, or refuse to permit, cutting or excavation. In the event that the application is refused by the Street Commissioner, the Street Commissioner shall provide information to the applicant regarding the terms for refusal and allow the applicant to resubmit an application for a permit upon remedy of the issue which was the basis of refusal. In the event there is an

emergency where an entity is required to cut or excavate a paved street, alley, or pathway which is considered to be a public right of way or is maintained by the City, the requirements for filing an application with the Street Commissioner prior to cutting or excavating shall be waived, however; an application must be completed and provided to the Street Commissioner within forty-eight (48) hours upon beginning said cutting or excavation.

2. Prior to granting the application, the Street Commissioner shall, set the amount of cash bond required to be posted by the applicant. Said bond shall be set between the amounts of \$250.00 to \$1,000.00 at the discretion of the Street Commissioner. Any street cut exceeding one city block in length shall be treated as a new street cut and a new bond amount shall be required. The Street Commissioner may waive the requirement of the posting of a bond at his discretion. Once the permit is granted and the bond is posted work shall commence and said excavating, digging, cutting and the reconstruction of the excavation and street shall be under the direction and supervision of the Street Commissioner of the City of Mt. Sterling and at the expense of the applicant.

3. The paved street, alley, or pathway which is considered to be a public right of way or is maintained by the City shall be replaced and repaired according to the specifications of the Mt. Sterling Street Commissioner and City Engineer and no bond shall be refunded until approved by the Street Commissioner. In the event that satisfactory replacement or repair is not completed within thirty (30) days of the estimated completion date listed on the application for permit, the posted bond shall be fully forfeited in order for the City of Mt. Sterling to make satisfactory replacement or repairs. Exceptions shall be made regarding the thirty (30) day replacement or repair

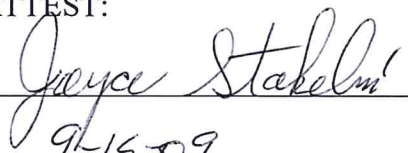
requirement when work is performed on an emergency basis during times of blacktop plant closings.

In the event that the posted bond is inadequate to cover the actual repair or replacement the applicant will be responsible for reimbursing the City of Mt. Sterling the difference in actual losses as a result of failure to satisfactorily repair said city streets.

4. Any provisions in the City of Mt. Sterling Code of Ordinances specifically in conflict with any provision in this Ordinance are hereby deemed inoperative and repealed. Any person, partnership, corporation, utility company, or any other legal entity that violates any provisions of this ordinance shall be fined a sum of not less than \$100.00 and no more than \$500.00. All prior Ordinances and parts thereof, in conflict with provisions of this Ordinance, are to the expense of any such conflict hereby repealed.

  
GARY WILLIAMSON, MAYOR

ATTEST:

  
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9-15-09

DATE