

ORDINANCE NO. 2005-03

AN ORDINANCE ESTABLISHING THE REQUIREMENT TO OBTAIN A STREET ENCROACHMENT PERMIT WITHIN THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY.

The City Council of the City of Hebron Estates, Bullitt County, Kentucky, does hereby ordain as follows:

SECTION ONE: PERMIT REQUIRED

No person shall disturb, remove or damage any part of the subsurface, surface or pavement of any city-maintained street, alley, or highway without first obtaining a permit to do so, signed by the City Clerk.

SECTION TWO: APPLICATION, ISSUANCE.

The City Clerk shall issue a permit to any person desiring to remove, ditch or excavate in, through or under any city-maintained street only upon satisfaction of the following requirements:

- (1) The applicant shall file a request for such permit with the City Clerk upon a form provided by the City Clerk, stating therein the work proposed to be done, the necessity therefore, the specific manner in which the applicant will replace the surface or pavement, an estimate of the cost of replacing the surface or pavement to its original condition and a fidelity bond that the surface or pavement will be replaced in substantially the same condition as before the purposed ditching or excavating.
- (2) The City Clerk shall present the application to the City Council for approval or disapproval. Said approval or disapproval by the City Council must be made at the next City Council meeting.
- (3) If approved by the City Council, the City Clerk shall issue a permit for the applicant to proceed with the work proposed, but the City Clerk shall not issue the permit until the applicant has made bond with sufficient surety, approved by the City Council, that the pavement, surface and subsurface materials will be replaced in substantially their original condition, in an amount sufficient to cover the cost of the work, indemnifying the City in the event of the failure of the applicant to replace the pavement surface or subsurface within fifteen (15) days after the date of the permit, or within such time as is designated by the City Council, when and if the application for permit is approved.

SECTION THREE: SCOPE OF PERMIT APPROVAL.

The decision of the City Council in approving or disapproving an application for a permit under this Ordinance shall be final. The City Council may impose additional requirements other than those set out herein upon the applicant.

SECTION FOUR: VARIANCE

It shall be unlawful to vary materially from the submitted plans and specifications unless such variances are submitted in an amended plan to the City Council and approved by it.

SECTION FIVE: INSPECTIONS

The City Council shall cause to be made such inspections as are necessary to see to the enforcement of the provisions of this Ordinance and to make any test or examinations of materials or methods used for the purpose of seeing that they comply with the provisions of this Ordinance or any other Ordinance.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall take effect upon publication.

SECTION SEVEN: PUBLICATION

This Ordinance shall be published according to law.

SECTION EIGHT: REPEAL PROVISION

All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are repealed.

SECTION NINE: INVALIDITY

Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 3rd day of May, 2005. Given second reading, voted upon and passed at a special meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 12th day of July, 2005.

Votes For _____;

Votes Against _____;

Not Voting _____.

JERRY CLARK, MAYOR

ATTESTED BY:

JENNIFER HURST, CITY CLERK