

ORDINANCE NO. 2017-03

AN ORDINANCE AUTHORIZING THE AMENDMENT OF SECTIONS 7-2-2 AND 7-2-3 OF TITLE 7, CHAPTER 2, EXCAVATIONS, OF THE TOWN CODE OF TERRY, MONTANA

BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF TERRY, MONTANA, that Title 7, Chapter 2, Sections 7-2-2 and 7-2-3, of the Town Code of Terry, Montana, are hereby amended as follows:

7-2-3: PERMIT; BOND; AND INSURANCE REQUIRED

- A. Requirements: No person, association or corporation shall open up, dig into, excavate or tunnel in any of the streets, avenues, alleys or public places of the Town, whether to connect with any of the mains or pipes, to connect with any sewer, or for any other purpose, without having first:
1. Obtained a permit from the Town;
 2. Posted with the Town Clerk a good and sufficient indemnity and performance security bond; and
 3. Filed with the Town Clerk a certificate of insurance or its equivalent providing for public liability coverage.
- B. Permit: The fee for a permit required by subsection A1 of this section shall be ten dollars (\$10.00).

Bond: The indemnity and performance security bond required by subsection A2 of this section shall be not less than five thousand dollars (\$5,000.00) payable to the Town, to protect the Town from any liability of any kind or character whatsoever, which may arise as a result of said permittee's opening any street, avenue, alley or public place of the Town, or which may in any way or manner be connected therewith, or related thereto and to guaranty that the refilling, compacting and restoration of the surface and subsurface of the opened street, avenue, alley or public place is in accordance with specifications set forth in this chapter.

Insurance: The insurance required by subsection A3 of this section shall be public liability coverage in the sum of not less than five hundred thousand dollars (\$500,000.00) for each person, and an aggregate sum of one million dollars (\$1,000,000.00) for more

than one person on account of any one accident, and fifty thousand dollars (\$50,000.00) for property damage, to protect the parties and indemnify, hold harmless, and defend the Town from any expense, cost, damage and any liability of any kind or character whatsoever resulting from or which may arise as a result of said permittee's opening any such street, avenue, alley or public place, or which may in any way be connected therewith, or relating thereto.

7-2-3: SURFACE AND SUBSURFACE RESTORATION REQUIRED

1. All persons, associations or corporations making excavations in any street, avenue, alley or public place of the Town shall be responsible for refilling and compacting in accordance with specifications set forth in this chapter and shall be responsible for surface and subsurface restoration within fourteen (14) days from the date of making said excavation, unless otherwise agreed to in writing by the Town.
2. The party making excavation is responsible for all costs incurred in refilling, compacting, and surface and subsurface restoration.

DATE OF EFFECT:

This ordinance shall take effect thirty (30) days from the date of its final passage by the Town Council.

FIRST READING AND PASSAGE by a majority vote of the members present this 12th day of October, 2017

YEAS 4

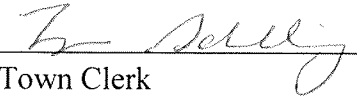
NAYS 0

Rolene Christofferson
Mayor

ATTEST:

[Signature]
Town Clerk

POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO THE PUBLIC
this 16th day of October, 2017.


Town Clerk

SECOND READING AND PASSAGE by a majority vote of the members present this _____
day of _____, 2017

YEAS _____

NAYS _____

Mayor

ATTEST:

Town Clerk