

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR AN EXCAVATION PERMIT

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HAMILTON, MISSOURI AS FOLLOWS TO WIT:

SECTION 1: No excavation of any street, sidewalk, public right of way or other real property of the City shall occur unless an excavation permit is obtained from the City Clerk after the filing for an application permit on a form approved by the City Clerk. An excavation permit deposit or payment and performance bond is required before the City Clerk will issue an excavation permit allowing the permittee to dig or excavate on, in, through or under any street, sidewalk, public right of way or other real property of the City.

The amount of the deposit is four hundred fifty dollars (\$450.00), except when the amount of the deposit is clearly inadequate to cover the cost of restoration then the City Administrator or Mayor may increase the amount of the deposit to an amount considered by the City Administrator or Mayor to be adequate to cover the restoration cost.

The amount of the bond shall be in an amount not less than \$5,000.00, except when the amount of the bond is clearly inadequate to cover the cost of restoration then the City Administrator or Mayor may increase the amount of the bond required to an amount considered by the City Administrator or Mayor to be adequate to cover the restoration and other costs. All bonds shall be held for 1 year from the date of the permit.

Each application shall be accompanied by proof of liability insurance from the applicant's contractor (or from the applicant if applicant is the contractor) performing the described work in the minimum amount of three hundred thousand dollars (\$300,000.00) per occurrence against all claims for damages arising from the prosecution of the work. The City shall be shown as an additional insured.

The permittee is responsible for cleanup and restoration of the area excavated to the satisfaction of the City.

The City may deduct from the deposit or recover from the bond any expense to the City in restoring the surface of the excavation to its pre-excavation condition plus any costs incurred for cleaning of mud, debris, or other materials from the excavation site.

Failure to complete restoration of the excavation site within 30 calendar days of the permit date (or such longer period as is authorized by the City Administrator or Mayor) will result in forfeiture of the deposit or bond. Any unused part of the deposit shall be returned to the applicant, without interest, after excavation is completely refilled and the excavation site is restored to its pre-excavation condition.

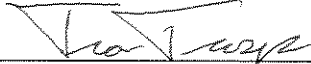
SECTION 2: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

SECTION 3: This ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 4: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Aldermen hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

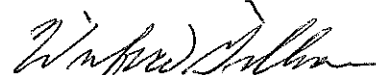
A copy of this Ordinance has been made available for public inspection prior to its adoption by the Board of Aldermen and this bill was read by title in the open meeting two times prior to its final passage.

Adopted by the Board of Aldermen this 10th day of May, 2017.




Travis Trosper, President
of Board of Aldermen

Approved on this 10th day of May, 2017.



Winford Gilliam, Mayor

Attest: 

Debra Davis, City Clerk