

ORDINANCE NO. 2005-02

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

The City Council of the City of Pioneer Village, 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 proposed ditching or excavating.
- (2) The City Clerk shall present the application to the Public Works Department for approval or disapproval. Said approval or disapproval by the Public Works Department must be made within five (5) working days of receipt.
- (3) If approved by the Public Works Department, 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 Public Works Department, 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 Public Works Department, when and if the application for permit is approved.

Votes For 6;

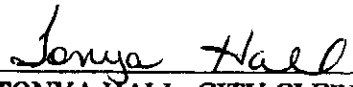
Votes Against 0;

Not Voting 0.



GARY HATCHER, MAYOR

ATTESTED BY:



TONYA HALL, CITY CLERK

TERMS AND CONDITIONS

1. The said encroachment will not infringe on the frontage rights of an abutting owner without written consent of the owner.
2. The permit granted herein shall be with the full understanding that it shall not interfere with any similar rights or permits heretofore granted to any other party except as otherwise provided by law.
3. Comply with plan prepared by _____ dated _____ is attached hereto and made a part hereof, which describes the facilities to be constructed by the permittee for which facilities this permit is granted. The permittee agrees as a condition to the issuance of the permit to construct and maintain such facilities in accordance with said plan, and the permittee shall not use the facilities authorized herein in any manner contrary to that prescribed by this permit and plan. Normal usage and routine maintenance only are authorized under this permit.
4. Permittee shall at all times from date when work is first commenced and until such time as all facilities are removed from the right-of-way premise, defend, protect, and save harmless the City of Pioneer Village from all liability, claims, and demands arising out of work undertaken by the permittee pursuant to this permit, due to any negligent act or omission by the permittee, its servants, agents, employees, or contractors. This provision shall not inure to the benefit of any third party or operate to enlarge any liability of the City of Pioneer Village beyond that existing at common law if this right to indemnity did not exist.
5. Upon a violation of any of the provisions of this permit, the City of Pioneer Village may revoke the permit by giving notice to the permittee in writing to remove from the right-of-way any facilities placed thereon within a reasonable time as set forth in the notice, and in the event said facilities are not so removed, and the right-of-way restored the City of Pioneer Village may cause same to be removed, and the costs thereof shall be charged to the permittee.
6. Permittee agrees that in the event it should become necessary, as may be reasonably determined by the City of Pioneer Village, for the facilities covered by this permit to be removed or relocated in connection with the reconstruction, relocation, or improvement of the abutting highway, the City of Pioneer Village may revoke this permit and require removal or relocation by the permittee at his own expense according and pursuant to the procedures provided in Paragraph 5 above except in those cases where the City of Pioneer Village is required by law to pay any or all the same.
7. The permittee understands and agrees that this permit is personal to the permittee and shall not inure to its successors and assigns without the written approval of the City of Pioneer Village that it bound by the provisions of this permit as long as the encroachment exists unless a written release has been obtained from the City of Pioneer Village.
8. This permit does not alleviate any requirements of any other government agency.
9. Permittee agrees to keep _____ clear of dirt, mud, and debris during construction and for the life of this permit.

- All materials and methods of construction, including base and subgrade preparation, shall be in accordance with Kentucky Department of Highways Specifications for Road and Bridge Construction, latest edition.
- To insure proper surface drainage the new pavement is to be flush with the edge of existing highway pavement and is to slope away from the existing edge of the pavement as specified on drawings.
- Existing edge of pavement shall be saw cut to provide a straight and uniform joint for new pavement. An approved joint sealer in accordance with Kentucky Department of Highways Standard Specifications (latest edition) shall be applied between new and existing pavement.