

ORDINANCE NO. 565

ON ORDINANCE AMENDING PARAGRAPH A, B, AND C OF SECTION I, ORDINANCE NO. 530, PROVIDING THAT PERMITS REQUIRED FOR EXCAVATION BE ISSUED BY THE CITY CLERK AND FURTHER PROVIDING FOR THE POSTING OF BONDS PRIOR TO THE ISSUANCE OF SAID PERMITS FOR THE REPLACEMENT OF ANY CITY STREET, ALLEY OR EASEMENT AFTER EXCAVATION OF THE SAME, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: That sub-section A of Section I, Ordinance No. 530, be amended to read as follows:

"A. No person shall hereafter make any excavation in any street, alley, or easement of the City without first having obtained a permit so to do from the City Clerk, said permit to be issued in triplicate and a copy thereof delivered by the City Clerk to the Water Department Superintendent, a copy to the permit shall be filed, and kept on file, with the City Clerk for a period of not less than five (5) years after its issue."

SECTION II: That sub-section B of Section I, Ordinance No. 530, be amended by adding thereto Section B(a) as follows:

"B(a). No permit shall be issued for any excavation unless the applicant shall present with the application, or file with the City Clerk, a bond in an amount sufficient to reconstruct said street, alley or easement as hereinafter provided. The amount of said bond shall be fixed and determined by the Street Department Superintendent who shall make an estimate of the cost of such reconstruction of the street, alley or easement. In the event the applicant fails to reconstruct the street, alley or easement as hereinafter set forth, the City of Rexburg may proceed to do so and the cost thereof shall be paid from the bond filed by the applicant.

SECTION III: That sub-section C of Section I, Ordinance No. 530, be amended to read as follows:

"C. Application for Permit and Notice of Excavation. Applications for permit may be made in person, or by telephone, or by other medium of communication, but if the application is not made in person then the permittee or his/its qualified agent shall appear at the office of the City Clerk to execute the permit papers and file the necessary bond required in Section B(a) of this Ordinance not later than noon of the first working day following the application and before any excavation shall commence. Regardless of when any permit to excavate be issued, the permittee shall give notice to the City Clerk not more than twenty-four (24) hours of the time when the excavation is to commence.

SECTION IV. This ordinance shall be in full force and effect from and after its passage, approval, and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 3rd day of September, 1975.

Mayor, John C. Porter

ATTEST:

Afton Anderson, City Clerk