

ORDINANCE NO. 088-013

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 16, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR INDUSTRY STANDARDS TO BE FOLLOWED IN STREET AND SIDEWALK EXCAVATIONS; PROVIDING FOR INDEMNITY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Chapter 16 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to add new Section 16-70.1 to read as follows:

Sec. 16-70.1. Industry Standards to be Followed in Street and Sidewalk Excavations; Indemnity. The Permittee's plans for all trenches whose depth will equal or will exceed five (5) feet shall include detailed plans and specifications showing a trench safety system which meets Occupational Safety and Health Administration ("OSHA") standards.

Permittee and a registered professional engineer shall certify that the trench safety system set forth on the submitted plan meets and complies with all OSHA standards.

Permittee and the engineer shall indemnify and hold the Town of Addison harmless from any damages or injuries resulting from a failure of the plan or its implementation to meet OSHA standards.

SECTION 2. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict

with the provisions of this ordinance shall remain in full force and effect.

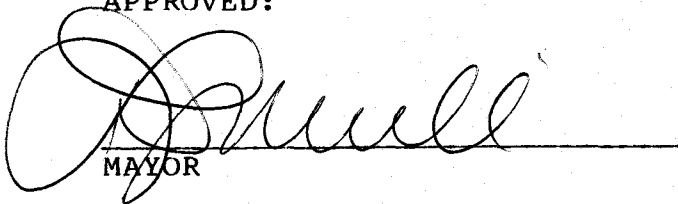
SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Two Thousand and no/100 Dollars (\$2,000.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 7. The fact that the present code of Ordinances does not require compliance with industry standards in street and sidewalk excavations, and therefore is inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 8th day of March, 1988.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY