

ORDINANCE NO. 091-040

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 16, STREETS AND SIDEWALKS, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS; TO PROVIDE FOR SURETY BOND; TO PROVIDE FOR REPEAL; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A SAVINGS CLAUSE; TO PROVIDE FOR PENALTIES; AND TO PROVIDE AN EFFECTIVE DATE.

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

SECTION 1. That Sec. 16-62 of the Code of Ordinances, Town of Addison, Texas, is hereby amended to read as follows:

Sec. 16-62. Surety bond.

Before an excavation permit as herein provided is issued, the Applicant shall deposit with the Director of Streets a surety bond in the amount of Twenty-Five Thousand and no/100 Dollars (\$25,000.00) payable to the City. The Director of Streets shall have the right to reduce the amount of the bond, if he determines in his sole discretion that the proscribed amount would be unreasonable in the light of the scope and cost of the work. The required surety bond must be:

- (1) With good and sufficient surety;
- (2) By a surety company authorized to transact business in the state;
- (3) Satisfactory to the City Attorney in form and substance;
- (4) Conditioned upon the Permittee's compliance with this division and to secure and hold the City and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for

which the City, the City Council or any City officer may be made liable by reason of any accident or injury to Persons or property through the fault of the Permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the Permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the Director of Streets, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of twelve (12) months after said work shall have been done and accepted by City, usual wear and tear excepted, as it was in before said work shall have been done. Any settlement or upheaval of the surface within said twelve-month period shall be deemed conclusive evidence of defective back-filling by the Permittee. Nothing herein contained shall be construed to require the Permittee to maintain any repairs to pavement made by the City if such repairs should prove defective. Any owner of real estate repairing or engaging another to repair his own sidewalk shall not be required to give such bond. In the event of any suit or claim against the City by reason of the negligence or default of the Permittee, upon the City's giving written notice to the Permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage shall be conclusive upon the Permittee and his surety. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one year from said date.

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

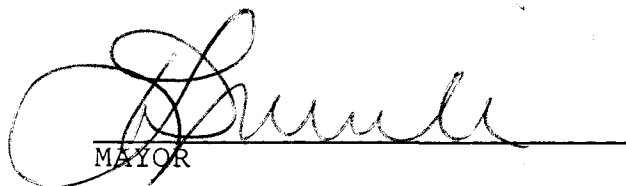
shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. That Chapter 16, "Streets and Sidewalks," of the Code of Ordinances, Town of Addison, Texas, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 Five hundred Dollars (\$500.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the Town of Addison, and it is accordingly so ordained.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 13th day of August, 1991.


MAYOR

ATTEST:


CITY SECRETARY

Published 8-29-91