

ORDINANCE NO. 2017-02

**AN ORDINANCE AUTHORIZING THE AMENDMENT OF
TITLE 4, CHAPTER 4, SECTION 1, EXCAVATIONS**

WHEREAS, the City of Hardin desires to modify and change its Ordinance regarding the bond requirement for excavations of public rights of ways within the City of Hardin, specifically § 4-4-1 of the City Code of Hardin, Montana;

WHEREAS, the City of Hardin has not updated the bond requirement ordinance since the year 1993;

WHEREAS, the City of Hardin believes that an increase in the bond amount for excavation in public rights of way needs to be increased due to the increase in the cost of repairs to rights of way since the year 1993;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 4, Chapter 4, Section 1, is amended as follows:

1. The phrase "five hundred dollars (\$500.00)" of § 4-4-1 of the City Code of Hardin, Montana shall be amended to read "one thousand five hundred dollars (\$1,500)";
2. The phrase "five hundred dollar (\$500.00)" of § 4-4-1 of the City Code of Hardin, Montana shall be amended to read "one thousand five hundred dollar (\$1,500)";

IT IS FURTHER RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 4, Chapter 4, Section 1 after the above amendments shall read as follows:

It shall be unlawful for any person to make an excavation of any kind, nature or description in any public right of way of the city without first obtaining the permission of the building inspector and posting a cash bond with the city finance officer/city clerk in the sum of one thousand five hundred dollars (\$1,500.00). Said bond shall be refunded when the building inspector certifies that the person making the excavation has restored such right of way to the same condition it was prior to the excavation in accordance with the city engineering department standards. Those persons who make frequent excavations may elect to keep the one thousand five hundred dollar (\$1,500.00) cash bond on deposit with the city finance officer/city clerk. In the event timely restoration is not made, the building inspector shall give written notice of intent to forfeit the bond if restoration is not completed within fifteen (15) days. Notice shall be deemed given on the date said notice is deposited in the United States mail addressed to the person at his address given to the building inspector in the application for permission to excavate. If restoration is not completed within the said fifteen (15) days, the bond shall be forfeited and the city shall restore said excavation, and shall charge said person any cost of restoration incurred by the city in excess of the amount of the cash bond.

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

FIRST READING AND PASSAGE By a majority vote of the members present this 18th day of July, 2017.

YEAS 6

NAYS 0



Jack Lane
Mayor

ATTEST:

Michelle Dyckman
City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 19TH day of July, 2017.

Michelle Dyckman
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present

this 1ST day of August, 2017.

YEAS 6

NAYS 0



Jack Lane
Mayor

ATTEST:

Michelle Dyckman
City Clerk