

ORDINANCE NO. 39

AN ORDINANCE OF THE VILLAGE OF PLEAK PERTAINING TO THE REQUIREMENT FOR AN AUTHORIZED PERMIT PRIOR TO COMMENCING WITH NEW WORK OF ANY NATURE ON ANY VILLAGE PROPERTY OR RIGHTS OF WAY.

WHEREAS, IN ORDER TO PROTECT THE HEALTH, PEACE, SAFETY AND WELFARE OF THE VILLAGE AND ITS RESIDENTS, THE VILLAGE COUNCIL MUST ESTABLISH REASONABLE AND UNIFORM CONTROL OVER WORK TO BE PERFORMED ON ANY VILLAGE PROPERTY OR RIGHTS OF WAY.

WHEREAS, THE VILLAGE COUNCIL FOR THE VILLAGE OF PLEAK DECLARES IT NECESSARY, FOR THE ABOVE-STATED REASONS, TO REQUIRE THAT A PERMIT BE OBTAINED PRIOR TO THE COMMENCEMENT OF NEW WORK OF ANY NATURE ON VILLAGE PROPERTY OR RIGHTS OF WAY.

NOW THEREFORE,

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PLEAK, TEXAS:

Section A. Permit requirement; fee; term.

1. Any person desiring to do any new work of any nature on any Village of Pleak right of way or property under Village jurisdiction shall obtain a permit from the Village of Pleak. Application for such permit shall be made in writing to the City Secretary. Commencement of work as defined by this Ordinance, without an approved permit, is a violation of this Ordinance.
2. Once proper application for a permit has been made, a permit will be issued by the City Secretary upon payment of the permit fee in the amount of \$25.00. On a case by case basis, the Village Council may review and approve the permit application. The need for such approval shall be determined by the Mayor or Mayor Pro Tem. The Village of Pleak reserves the right to deny an application for a permit for any reason.
3. The term of the permit shall be determined from the application. Work running in excess of the term of the permit may require permission for an extension from the Village Council.
4. Emergency work and repairs on existing equipment or apparatus shall be **excluded** from the requirements of this Ordinance, i.e. existing utility apparatus and other existing structures.

Section B. Insurance requirement

1. Upon application for a permit and prior to issuance of such permit, the applicant shall file with the City Secretary a certificate of insurance which shall be issued by a company licensed and authorized to do business in the State of Texas and shall provide public liability insurance coverage for the work stated in the application for permit. Such insurance policy shall be in an amount of at least one million dollars (\$1,000,000.00) insuring the applicant and the Village against all claims or causes of action made against either or both the applicant and Village for damages to persons or property arising out of the work done.

Section C. Indemnification

1. The applicant shall agree to absolutely and unconditionally indemnify and hold the Village harmless from any and all liability with respect to all claims which may result from applicant's operations.

Section D. Restoration of Village Property

1. Upon completion of applicant's work, applicant shall immediately restore all Village property to the same condition in which it was found at the commencement of the work.

Section E. Obstructing streets or alleys

1. It shall be unlawful to block or encumber, or close any streets, alleys or right of ways, except by an ordinance duly passed by the Village Council permitting a temporary closure of such.

Section F. Definitions

1. In this Ordinance, "Village Rights of Way" and "Village Property" shall mean any public easement, street, road, avenue, highway, bridge, alley, sidewalk, park, parkway, lane, drive, circle, canal, drainage ditch, dump, landfill or other public property currently owned or constructed within or annexed into the corporate limits

of the Village including all in-village portions of any federal or state highway, farm to market road, or other right of way designated as part of the Texas state highway system by the Texas Department of Transportation, Texas Transportation Commission, State Highway Commission, and/or any predecessor thereof.

Section G. Rights of Village of Pleak

1. Nothing herein contained shall ever be held or considered as conferring upon applicant any exclusive rights or privileges of any nature whatsoever. **Nor does it relieve applicant of the requirement to enter into a franchise agreement should the circumstances dictate the need for such.**

Section H. Enforcement

1. The Village Council shall have the authority to enforce any and all provisions of this ordinance.
2. Violation of any provision of this ordinance may be subject to a fine not to exceed \$500.00.

Section I. Adoption of Ordinance

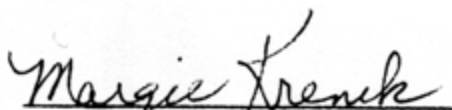
This ordinance shall become effective upon its approval and passage.

PASSED by a majority vote of the members of the Village Council
this 20th day of December, 2000.

APPROVED:


Mayor

ATTEST:


City Secretary

**PERMIT APPLICATION
VILLAGE OF PLEAK**

1. Name, address, and phone number of business:

2. Name of business representative: _____

3. Work location (provide map of specific area):

4. Details of work for which permit is requested:

5. Estimated length of time for completion:

6. Name, address and phone number of liability insurer:

7. Certificate of Insurance must be attached and must meet requirements of Village of Pleak Ordinance No. 39.

Note: This application does not relieve applicant of any duties to notify utility companies or any other applicable company prior to commencement of work. Nor does it relieve applicant of entering into a franchise agreement with the Village of Pleak should the circumstances dictate the need for such.

Signature

Date