**City of Springfield**

**Ordinance No. 2013-003**

**An Ordinance pertaining to Streets and Sidewalks in Springfield, KY, addressing**

**Street/Sidewalk and Right of Way disturbances including paintings and markings.**

**This ordinance repeals Ordinances 620.10 and 620.10B in the City Ordinance Codification**

Be it ordained by the City of Springfield as follows:

 **SECTION I:** Any person, utility or business entity that intends to disturb the surface of any street, sidewalk or right of way within the City limits of the City of Springfield for any purpose shall prior to said opening or disturbance, apply to the office of the City Administrator for a permit authorizing the street or sidewalk disturbance or opening. Definition for disturbance shall mean any disruption of the sidewalk, street surface, right of way or curbing including, but not limited to any excavation, digging, paintings or markings.

**SECTION II:** The application for a street or sidewalk opening or disturbance permit shall be made upon a form supplied by the City Administrator’s Office and shall designate the location of the opening or disturbance**,** the purpose for the opening or disturbance and the date and manner that the opening or disturbance will be restored or completed. Orders for BUD (referred to as Before You-U Dig and KY 811) regarding markings for bona fide utilities are not required to receive such a permit for painting and markings but are required to use temporary/washable paints.

**SECTION III:** Prior to issuance of the permit, the applicant shall sign a penalty bond in an amount equal to two times the estimated cost to restore the street opening or disturbance, to its original grade, surface quality or condition. The penalty bond amount shall be at the sole discretion of the Public Works Director or his designate in accordance with the standards set out herein.

 **SECTION IV:** Violation and Criminal Offense: A violation of this ordinance occurs whenever anybody, by either act or omission, conspires causes, permits, encourages, aids, assists, allows or engages in any of the acts, actions, behavior, condition and occurrences prohibited by this ordinance; and each and every separate non-continuing occurrence thereof, and each and every day of each continuing occurrence thereof is a separate violation of this ordinance.

Each violation of this ordinance shall be a misdemeanor for which everybody convicted therof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of $250.00 as set forth in K.R.S. 534.040 (2) (b) or a term of imprisonment not to exceed the maximum period of ninety (90) days as set forth in K.R.S. 532.090 (2) or both. For a corporation, the fine shall be fixed by KRS 534.050 (c) and not exceed $5000.00 per offense.

**SECTION VI:** This ordinance shall become effective immediately, and codified as 620.11 and repeal 620.10 and 620.10B (87-012), upon its passage and approval and publication in accordance with K.R.S.