

ORDINANCE 324

AN ORDINANCE REQUIRING PROOF OF LIABILITY INSURANCE BEFORE WORK ON PUBLIC LAND

WHEREAS, the Town Board has determined that from time to time it may be necessary for person or persons other than the City personnel to construct, repair or otherwise have access to perform some form of operations on public lands within the City limits, and

WHEREAS, the Town Board is concerned that operations by other than City personnel might cause injury to people in the Town, and

WHEREAS, the Town Board has determined that the person or persons must be able to compensate any person who may be injured by its operations, and to compensate the City for damages, and

WHEREAS, the Town Board had defined public lands as lands owned or controlled by the City, to include streets, sidewalks, alleys, railroad tracks, crossings, rights of way and all other passageways within the City

THEREFORE, BE IT ORDAINED by the Town Board of the City of Creede

SECTION 1. Any repair, construction, building, remodeling or other functions which breaks or disturbs the surface of public lands as defined above within the City Limits of the Town are prohibited until such time as the entity, owner or contractor wishing to do the work has shown adequate reason for the proposed work, has obtained a written permit and the utilities for the area involved have been tagged by the City of Creede or the appropriate entity. Approval of this permit will be valid for one specific purpose only and each permit must be accompanied by an Insurance Certificate naming the City of Creede as additional insured in the amount specified on the permit, proof of workers compensation insurance, equipment liability insurance and any other proof of insurance coverage the City may deem necessary. The Certificate of Insurance must cover liability for any injury to persons or property caused by the proposed project. Self-insurance is not acceptable. The City reserves the right to demand inspection of the entire insurance policy and endorsements and will require at least 30 days prior notification of cancellation or nonrenewable during the course of the proposed project. In addition, a "hold-harmless" indemnification agreement will be required from the permit applicant. A permit application fee of up to \$100 may be charged by the City to process an application.

SECTION 2. PENALTY. Any violation of any provision of this ordinance shall be punishable, upon conviction, by a fine of not more than three hundred dollars and up to 90 day sin jail for each separate offense. In addition, the Town may seek an injunction against continued operations which violate this ordinance.

SECTION 3. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid or unconstitutional, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. NECESSITY. It is hereby declared that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety, and shall take effect and be enforced from and after its final adoption.

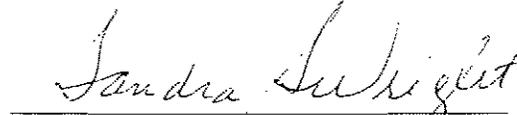
SECTION 5. CODIFICATION. This Ordinance shall be codified into the Municipal Code. Any changes in numbering of paragraphs, sections, or subparagraphs shall not change the validity of any part of the Ordinance. The word "Ordinance" may be changed to "Title", "Section," "Subsection", or "Code as necessary.

Introduced, read in full, and adopted, approved and signed this 3 day of December, 2001.

CITY OF CREEDE

ATTEST:


Betty Jean Myers, Mayor


Sandra S. Wright, City Manager/Clerk