

**ORDINANCE NO. 659**

**AN ORDINANCE AMENDING CHAPTER 12.06.020 AND ABOLISHING ORDINANCE NO. 344 AND 622, TO PROVIDE FOR A PERMIT PROCESS FOR THE OPENING OF ANY STREET OR ALLEY**

Whereas, the City Council of the City of Polson, hereinafter Council, enacted Ordinance No. 344 and Ordinance No. 622 which, together with Chapter 12.06.020 of the Municipal Codes provides generally for security in situations where private parties intend to cut into a street or alley for the purpose of installing utility lines; and,

Whereas, the Council desires to amend the nature of the security to insure a proper repair of such cut surfaces is made certain; and,

Whereas, the Council intends that any such private party making application for such permit shall pay a fee therefore, such fee to be included in and added to a special fund created hereunder to pay for such repairs as may later prove necessary:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:**

1. Chapter 12.06.020 is amended in its entirety as follows:  
“Permitting: The repair required by the provisions of Section 15.06.040(B) of the City Code shall be made by any permitted private party to the satisfaction of the Street Superintendent. Any person, firm, or corporation desiring to open any street or other public way within the city limits shall apply for an appropriate permit and pay the fee therefore. The terms of any such permit are binding on the permittee.”
2. The City Manager shall cause a form of application and permit to be drawn to carry this Ordinance into practical effect. The fee for the permit shall be \$200.00 for gravel, \$400 for old asphalt and \$1,500 for new developments, unless later amended by further Ordinance of this Council.
3. The City Treasurer shall cause a separate fund to be created, for the purpose of receiving the permitting proceeds, and paying therefrom any repairs to cuts as the Street Superintendent shall deem necessary.
4. Ordinance Number 344 and Ordinance Number 622 are hereby repealed.

**REPEALING CLAUSE:** All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

**FIRST READING: September 20, 2010.**

**SECOND READING: October 4, 2010.**

**NOW, THEREFORE,** the foregoing Ordinance shall become effective on November 4, 2010.

**PASSED AND ADOPTED THIS 4<sup>th</sup> day of October, 2010.**

CITY OF POLSON

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Pat DeVries, Mayor

ATTEST:

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Kala Parker, City Clerk