

ORDINANCE NO. 331

AN ORDINANCE PROHIBITING THE OPENING OF ANY STREET OR OTHER PUBLIC OR PRIVATE WAY WITHIN THE CITY LIMITS OF THE CITY OF POLSON, MONTANA, FOR THE PURPOSE OF INSTALLING, BY BURYING, ANY ELECTRIC POWER, TELEPHONE OR TELEVISION TRANSMISSION CABLES OR CONDUITS, AT ANY POINT CLOSER THAN FIVE (5) FEET FROM ANY CITY WATER OR SEWER MAIN, REQUIRING A TEN (10) FOOT SEPARATION OF SUCH BURIED ELECTRIC POWER, TELEPHONE OR TELEVISION UTILITIES FROM SAID WATER AND SEWER MAINS, WHERE POSSIBLE, WITHOUT PRIOR WRITTEN CONSENT OF EITHER THE WATER SUPERINTENDENT OR SEWER SUPERINTENDENT OF THE CITY OF POLSON, MONTANA, REQUIRING REPAIR OF ALL DAMAGES CAUSED BY EXCAVATION, AND PROVIDING FOR A PENALTY FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA;

Chapter 3 of Title 4 of the City Code of Polson, 1965, shall be amended by adding Sections 4 (A), 4 (B), and 4 (C) thereto, which Sections shall read as follows:

4-3-4 (A): It shall be unlawful for any person, firm, or corporation, including both public and private utilities, to open any street or other public or private way within the City Limits of the City of Polson, Montana, for the purpose of installing, by burying, any electric power, telephone or television transmission cables or conduits, whether trunk or service lines at any point closer than five (5) feet from any City water or sewer main, without prior written consent of either the Water Superintendent or Sewer Superintendent of the City of Polson, Montana. The spacial separation of said electric, telephone and television utilities from the said water and sewer mains shall be a minimum of ten (10) feet, but in no event less than the aforesaid five (5) feet, where possible.

4-3-4-(B): Any person, firm or corporation, including both public and private utilities who shall open, or cause to be opened, any street or other public or private way for the purpose of installing, by burying any such electric power, telephone or television transmission cables or conduits shall, at its expense repair all damages caused by such installation including the replacement of black top, gravel, turf, or other surface existing at the time the opening was made and shall in all respects return the surface to the condition in which it found the same at the date such excavation was made. All such repair to public streets and ways shall be subject to the approval of the City Street Superintendent, and all such repair made to private property shall be made subject to the approval of the owner or owners thereof.

4-3-4-(C): Any person, firm, or corporation violating the provisions of this Ordinance, shall be fined not less than One Hundred and 00/100ths Dollars (\$100.00), nor more than Three Hundred and 00/100ths Dollars. Each day that such violation shall continue, without correction or abatement, shall be deemed a new violation of this Ordinance, and the punishment herein provided for shall be applicable to each such day that the violation shall remain uncorrected.

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

PASSED AND APPROVED this 6th day of July, 1971. This Ordinance shall become effective and be in full force and effect from and after the 6th day of August, 1971.

s/Norene Mosley
MAYOR

ATTEST:

S/Madeline Nelson
DEPUTY CITY CLERK