

ORDINANCE NO. 86-1985

AN ORDINANCE AMENDING CHAPTER 29, "STREETS AND SIDEWALKS," DIVISION 2, "PERMIT," ARTICLE VIII OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW: PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 29, Division 2, Article VIII of the Abilene Municipal Code be amended as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 21st day of November, A.D. 19 85.

PASSED ON SECOND AND FINAL READING this 5th day of December, A.D. 19 85.

ATTEST:

Blaine Adair
CITY SECRETARY

David Stullerman
MAYOR

APPROVED:

Joshua Graham
CITY ATTORNEY

EXHIBIT "A"

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Article VIII. Temporary use of public right-of-way in conjunction with construction related activity on adjoining private property.

Section 29-149. Applicability and Purpose of Article.

The purpose of this article is to provide a method to permit the use of public streets, alleys, sidewalks or other public ways in conjunction with construction, alteration, renovation, demolition, repair and use of any building or structure on abutting property.

Section 29-150. Required.

No person shall use any public street, alley, sidewalk or other public way or appropriate any portion thereof in conjunction with construction, alteration, renovation, demolition, repair and use of any building or structure on abutting property without first obtaining a permit from the City.

Section 29-151. Application.

All applications for a permit to use the public streets, alleys, sidewalks or other public ways as a construction staging area shall be made to the Director of Building Inspection. Such application shall be made on a form provided by the Director of Building Inspection for that purpose. The applicant shall state the complete purpose for making the application and all facts the Director of Building Inspection deems pertinent to the granting of such permit. All information furnished by the applicant shall be correctly stated; otherwise, any permit issued thereunder may be declared void.

Section 29-152. Fees.

Application and permit fees shall be as set by the City Council and on file in the office of the City Secretary.

Section 29-153. Bond Requirement.

Permit applicant (or Permittee) shall prior to issuance of a permit, file with the Department of Building Inspection a good and sufficient surety bond issued by a corporate surety authorized by the State Board of Insurance to do business in the State of Texas in the principal sum of three thousand dollars (\$3,000), made payable to the City of Abilene in guarantee of faithful performance of the conditions of this article of the City Code. Said bond shall remain in full force and effect for a period of one (1) year following the completion of the project for which the permit will be issued.

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