

ORDINANCE NO. 95-3

AN ORDINANCE AMENDING ORDINANCE NO. 92-9,
REGULATING INSTALLATION OF UTILITIES

BE IT ORDAINED by the Town Council of the Town of Michigantown, Indiana, as follows:

WHEREAS, on November 14, 1992 the town council enacted Ordinance No. 92-9 regulating installation of utilities within the Town of Michigantown; and

WHEREAS, the town council believes that an amendment to that ordinance is necessary to properly implement the enforcement of the ordinance in order to further protect the existing delivery systems for public services within the town;

NOW, THEREFORE, IT IS HEREBY ORDAINED that:

1. Ordinance No. 92-9 shall be amended as provided in this ordinance, with the changes provided in bold typeface.

2. Prior to locating, relocating **or repairing** any utility or other cables, wires, drainage pipes, pipelines, or other system for delivery of utility services including, but not limited to electricity, telephone, gas, **water**, cable television, sewage, or drainage, the person or entity desiring to locate, relocate, **or repair** such system within the Town of Michigantown shall present its proposal for location, installation **or repair** of the delivery system to the town council of the Town of Michigantown **or to the town maintenance supervisor** for approval. **Such proposal shall be submitted to the town council or supervisor at least 48 hours in advance of the intended installation or repair work.**

3. Following presentation of the proposed plan of installation, relocation, **or repair** of the delivery system within the Town, the Town Council shall promptly at a regularly scheduled meeting consider the proposed plan of installation, location, relocation, **or repair**;

or the town maintenance supervisor shall promptly consider the plan, and either the Town Council or the town maintenance supervisor shall approve, reject or modify the proposed plan.

4. No person or entity shall install, locate, relocate or repair any cable, wire, pipe, or pipeline, or other delivery system providing utility services including, but not limited to, electricity, telephone, gas, cable television, sewage, water or drainage within the Town of Michigantown without prior approval by the Town Council or the town maintenance supervisor, which approval shall be evidenced by the permit as described below issued by the Town. The cable television provider of current cable television service may, however, repair existing cable service without a permit.

5. Upon approval from the Town Council or the town maintenance supervisor, the Town shall issue a permit for the work to be done, which permit shall be given by the town maintenance supervisor to the applicant. The permit issued by the Town shall be in the possession of that person in charge of actually performing the installation, location, or repair work at the site during the time the work is performed. If no person at the work site is in possession of the permit, the town marshal, town maintenance supervisor, or any town council member may stop the work in progress.

6. The Town, either through the Town Council or the town maintenance supervisor, reserves the right to designate the manner and specifications for installation, relocation, location or repair of delivery systems for utilities within the Town as described in this ordinance.

7. If utility service of any kind within the Town is interrupted and repairs to that service are required, and if the town council or town maintenance supervisor does not approve the proposed plan as submitted for the repair of the service, the Town may

complete the repairs as needed to restore the service to its former condition, with the contractor that interrupted the utility service to pay the costs incurred by the Town to restore the utility service.

8. If any installation, location, relocation or repair of any utility system within the town occurs within the town rights-of-way without a permit as described herein, the violator shall be fined the sum of \$500 and the work that has been performed will be halted by the Town as described above at paragraph 5, inspected by the town maintenance supervisor, and if the method for installation, location, relocation or repair of the existing utility system is not approved by the town maintenance supervisor, the Town may contract with any other individual to complete the work as described above; and the violator shall additionally pay the cost of restoring the utility service to its former condition.

This ordinance shall be in full force and effect from the date of its passage by the Town Council of the Town of Michigantown, Indiana.

Dated this 9 day of October, 1995.

TOWN COUNCIL, TOWN OF
MICHIGANTOWN, INDIANA

David L. Coenen
Mark W. Blount
Larry J. Paul

ATTEST:

Judith J. Lule
Clerk/Treasurer