

*See Amendment #89
July 10/74*

AN ORDINANCE REQUIRING PERMIT FOR ANY
EXCAVATIONS ON OR UNDER ANY STREET, ALLEY
OR RIGHT-OF-WAY IN THE TOWN OF SEWALL'S
POINT, MARTIN COUNTY, FLORIDA.

Be It Enacted by the People of the Town of Sewall's Point, Florida:

SECTION I. PERMIT REQUIRED

It shall be unlawful for any person, firm or corporation to tunnel under, to make any ditch or excavation or to jet pipe in any street, alley, road, right-of-way or other public place in the Town without having obtained a permit as is herein required or without complying with the provisions of this Ordinance or in violation of , or variance from the terms of any such permit.

SECTION 2. APPLICATIONS

Applications for such permit shall be made to the Town Commission and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work, the name of the person, firm or corporation for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

SECTION 3. DEPOSIT

No such permit shall be issued unless and until the applicant therefor has deposited with the Town Commission a check deposit in the sum of \$20.00 if no payment is involved, and \$100.00 if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any.

From this deposit shall be deducted the expense of the Town of relaying the surface of the ground or pavement, and of making the refill if this is done by the Town at its own expense, and the balance shall be returned to the applicant without interest after the excavation is refilled and the surface or pavement is restored. If the applicant restores the pavement in a manner satisfactory to the Town, the aforesaid deposit will be returned to him.

SECTION 4. MANNER OF EXCAVATING

It shall be unlawful to make any such excavation or ditch or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground and in excavations, the excavation shall not have anywhere below the surface, any portion which extends beyond the opening at the surface. No injury shall be done to any pipes, cables or conduits in the making of such excavation or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the Town Department charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel, before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree or shrub or the root thereof.

SECTION 5. RESTORING THE SURFACE

Any person, firm or corporation making any excavation or tunnel in or under

any public street, road, alley or other public place or right-of-way, in the Town shall restore the surface to its original condition if there is no pavement there. Refill shall be properly tamped down and any bracing in such tunnel excavation shall be left in the ground. Any opening in the paved or improved portion of the street shall be repaired and the surface relaid by the applicant in compliance with the Ordinance of the Town, and under the supervision of such person or persons as the Town Commission shall appoint. The Town Commission shall from time to time inspect or cause to be inspected all excavations and tunnels being made in or under any public street, alley or other public place in the Town, to see to the enforcement of the provisions of this Ordinance. Notice shall be given to the appointed supervisor at least 10 hours before the work of refilling any such tunnel or excavation commences.

SECTION 6.

All other laws and ordinances applying to the Town of Sewall's Point public streets, roads, alleys or other public place or right-of-way, which might be in conflict with the provisions of this Act are hereby repealed.

SECTION 7.

In the event any section, clause, sentence or provision of this Ordinance be declared invalid, such invalidation shall in no event affect the validity of the remaining sections, clauses, sentences or portions of this Ordinance.

SECTION 8.

Any person violating the provisions of this Ordinance shall upon conviction

thereof be fined not more than \$200.00 or imprisoned not more than Sixty (60) days, or both fine and imprisonment with the discretion of the Court.

SECTION 9.

This Ordinance shall take effect immediately upon the date of its passage according to law.

PASSED FIRST READING at the meeting of the Town Commission held the 12 day of August, 1964.

PASSED SECOND READING and finally adopted at a meeting of the Town Commission held on the 9th day of September, 1964.

[Signature]
As Mayor-Commissioner

[Signature]
As Town Commissioner

[Signature]
As Town Commissioner

[Signature]
As Town Commissioner

As Town Commissioner

Attest:

[Signature]
As Town Clerk

Approved as to form and correctness

this 12 day of August, 1964.

[Signature]
As Town Attorney

STATE OF FLORIDA)
) ss:
COUNTY OF MARTIN)

Personally appeared before me, a Notary Public in and for the State of Florida at Large, H.W. NEWSOME, who first being duly sworn on oath, deposes and says that he is the duly qualified and acting Town Clerk of the Town of Sewall's Point, Martin County, Florida; that pursuant to the Laws of Florida governing said Town of Sewall's Point, he did post at the Town Hall a true copy of the foregoing Ordinance No. 38 passed by the Town Commission of the Town of Sewall's Point on the 9th day of September, 1964, the title of said Ordinance being as follows:

AN ORDINANCE REQUIRING PERMIT FOR ANY EXCAVATIONS ON OR UNDER ANY STREET, ALLEY OR RIGHT-OF-WAY IN THE TOWN OF SEWALL'S POINT, MARTIN COUNTY, FLORIDA.

A copy of said Ordinance was posted as aforesaid by the undersigned on the 12th day of August, 1964.

H.W. Newsome
Town Clerk

Sworn to and subscribed before me
this _____ day of _____, 1964.

Notary Public
My Commission expires: _____