

WHEREAS: It is in the best interest of the City of Buffalo to make the following changes to the Buffalo Municipal Code.

THEREFORE, Section 3-3.0411 and Section 6-1.0109 shall be amended as follows:

Section 3-3.0411, EXCAVATIONS-WARNING MARKERS - RESTORATION, currently reads:

All excavations for building sewer installations shall be adequately guarded with barriers and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 3-3.0411, EXCAVATIONS - WARNING MARKERS - RESTORATION, is amended to read as follows:

All excavations for building sewer installations shall be adequately guarded with barriers and lights so as to protect the public from hazard. The applicant for the building sewer permit shall provide a deposit in the amount of \$500.00 to be held by the City of Buffalo. All the streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within thirty days from the completion of the sewer installation. The determination as to the restoration of the streets, sidewalks, parkways and other public property as to whether it is restored in a manner satisfactory to the City shall be determined by the Public Works Director. Upon determination by the Public Works Director that the public property disturbed has been restored in a manner satisfactory to the City, the Public Works Director shall refund the deposit in the amount of \$500.00. If the public property is not restored in a manner satisfactory to the City within thirty days of the completion of the excavation, the Public Works Director may restore the public property in a manner satisfactory to the City and apply the cost of the restoration against the deposit.

AND THEREFORE, Section 6-1.0109, EXCAVATIONS currently reads:

All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable provisions of Section 3-3.0411 of the City code.

Section 6-1.0109 EXCAVATIONS, is amended to read as follows:

All excavations for building water installations shall be adequately guarded with barriers and lights so as to protect the public from hazard. The applicant for the building water permit shall provide a deposit in the amount of \$500.00 to be held by the City of Buffalo. All the streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within thirty days from the completion of the water installation. The determination as to the restoration of the streets, sidewalks, parkways and other public property as to whether it is restored in a manner satisfactory to the City shall be determined by the Public Works Director. Upon determination by the Public Works Director that the public property disturbed has been restored in a manner satisfactory to the City, the Public Works Director shall refund the deposit in the amount of \$500.00. If the public property is not restored in a manner satisfactory to the City within thirty days of the completion of the excavation, the Public Works Director may restore the public property in a manner satisfactory to the City and apply the cost of the restoration against the deposit.

AND THEREFORE, Section 2.3-1.07 shall be added as follows:

Section 2.3-1.07, EXCAVATIONS - WARNING MARKERS - RESTORATION.

All excavations for the construction and installation of all buildings and related improvements including sewer, water and other utilities under this chapter shall be adequately guarded with barriers and lights so as to protect the public from hazard. The building permit applicant shall provide a deposit in the amount of \$500.00 to the City of Buffalo. All streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within thirty days from the completion of the construction and/or installation. The determination as to whether the public property has been restored in a manner satisfactory to the City shall be determined by the Public Works Director. If the restoration is not completed within the thirty day period, or is not performed in a manner satisfactory to the City, then the Public Works Director may restore the public property in a manner satisfactory to the City and apply the deposit to the cost of the restoration of the public property.

Full force and effect. This ordinance shall be in full force and effect from the date of passage and publication as required by law.

Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

Severability of provisions. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent provision as such holdings shall not be affected by the validity of the remaining portion hereof.

Passed by the City Council of the City of Buffalo, Iowa, this 06 day of NOVEMBER, 2000.

Approved and signed by the Mayor of Buffalo, IA, this 06 day of NOVEMBER, 2000.

Signed: 

Phil C. Hoover, Mayor, Buffalo, IA

Attest: 

Carol A. Bernauer, City Clerk,  
Buffalo, IA

Date of 1st reading: 09-11-00

Date of 2nd reading: 010-09-00

Date of 3rd reading: 11-06-00

Date of publication: NOVEMBER 2000