

**ORDINANCE NO. 19-4713**

AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 2, OF THE CODE OF THE CITY OF CHERRYVALE, KANSAS; TO REVISE SECTION 15-214 EXCAVATION (A) LICENSE; BOND.

**WHEREAS**, the Governing Body of the City of Cherryvale, Kansas desires to revise Section 15-214 of Chapter XV – Utilities, Article 2 – Water Utility, of the City Code of the City of Cherryvale, Kansas; and,

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS:**

**SECTION ONE:** That Chapter XV – Utilities, Article 2 – Water Utility, of the Code of the City of Cherryvale, Kansas, is hereby revised as follows:

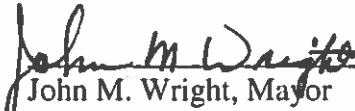
**15-214. (A) PERMIT; BOND.**

Within the City limits of Cherryvale, Kansas, no person shall cut, bore, disturb, dig in or excavate any hole, ditch, trench or tunnel in through or under, or otherwise disturb the surface of, any portion of any street, highway, alley, sidewalk or sidewall thereof (or in or under any berm, ditch or street sidewall adjoining a street, highway or alley), or in or under any portion of any park, ball diamond, athletic field, school ground or other public property, or in or under a public easement on which any of the foregoing may be located, or in or under any public easement through private property, without first having secured an excavation permit from the City Clerk; provided, no such permit shall be required from persons or their contractor(s) performing environmental remediation work under the supervision of the Kansas Department of Health and Environment (“KDHE”). All excavations for building water installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, right-of-ways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. All such digging or excavation shall be in accordance with all the terms, conditions, and requirements of any permit so issued. The cost of obtaining an excavation permit shall be \$15.00. An excavation permit shall be effective for one (1) year from the date the permit is issued.

**REPEAL.** All other ordinances in conflict herewith are hereby repealed.

**EFFECTIVE DATE:** This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Cherryvale, Kansas  
this 6<sup>th</sup> day of May, 2019.

  
John M. Wright, Mayor

ATTEST:

  
Karen Davis, City Clerk

