ORDINANCE NO. 768

AN ORDINANCE AMENDING
SECTIONS 1 AND 4, OF ARTICLE V, APPENDIX B, OF
THE CITY OF NOKOMIS WATER AND SEWER USE ORDINANCE

WHEREAS the Mayor and Commissioners of the City of Nokomis have become increasingly alarmed by the prospect of death or injury to persons working in trenches within the corporate limits of the said City in the act of hooking onto the current sanitary sewer improvements (referred to more technically as Community Development Assistance Program Grant #85-24536),

AND WHEREAS the said Mayor and Commissioners are persuaded that only duly-qualified persons should be effecting all such hookups, both in the interest of personal safety and in the interest of the said project's physical integrity,

AND WHEREAS a number of persons residing in the said City of Nokomis and, otherwise, within its general locale are formally qualified to make such connections safely and properly,

AND WHEREAS such formally-qualified persons can, minimally, indemnify the said City for, or otherwise hold the said City harmless from, acts causing death or injury to the said persons making the hook-ups or connections as aforesaid,

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NOKOMIS:

Section 1. That Section 1 of Article V, Appendix B, of the City of Nokomis Water and Sewer Use Ordinance (Ordinance No. 747) shall be, and is hereby, amended to provide:

No person shall uncover, make any connection with or open into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Further, in all instances incident to the connection of a building sewer to the City's sewerage system, such connection shall be accomplished only by, or under the direct supervision of, a plumber or contractor engaged in the business of making connections to sewerage systems.

Section 2. That Section 4 of Article V, Appendix B, of the City of Nokomis Water and Sewer Use Ordinance (Ordinance No. 747) shall be, and is hereby, amended to provide:

(A) All costs and expenses incident to the connection of a building sewer with the City's sewerage system shall be borne by the applicant.

(B) As a condition precedent to qualifying for a permit, and before making any connection to the City's sewerage system, the plumber or contractor engaged for such work shall provide the City with liability insurance to indemnify and save harmless the said City from any and all claims for loss or damage sustained that may directly or indirectly be occasioned by the said plumber's or contractor's street openings and work performed on public property. The amount of such insurance shall be not less than Fifty Thousand Dollars ($50,000) for death or personal injury to one person, One Hundred Thousand Dollars ($100,000) for each accident and Twenty-five Thousand Dollars ($25,000) for property damage.

(C) As a further prerequisite to the issuance of a permit, the plumber or contractor shall file a performance bond (no surety required) satisfactory to, and payable to, the City in the amount of Five Thousand Dollars ($5,000) upon the faithful performance of work in full compliance with this Article and as security for the payment of any penalties for the violations of any provisions of this Ordinance.

(D) The liability insurance required under this Section may be "blanket coverage" for the entire period covering all proposed hookups, but the bond required under this Section shall be an individual bond for each hookup or connection. Additionally, the fact of liability insurance and bonding under this Section

shall be a matter of public record, and any person
making inquiry thereinto shall not be compelled
to file for such information under Freedom-of-
Information Act formalities.

Section 3. That this ordinance shall take effect and be in force
from and after its passage, approval and publication as provided by law.

Introduced this 11th day of July, 1988.

Passed this 8th day of August, 1988.

Approved this 8th day of August, 1988.

_____
                                    Mayor

Attest: _____
                     City Clerk