

**THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER ZUCKERMAN; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER \_\_\_\_\_.**

**ORDINANCE NO. 23-21**

**AN ORDINANCE FOR THE CITY OF MANDEVILLE TO AMEND SECTION 13-6 OF THE CODE OF ORDINANCES, TO INCLUDE ADDITIONAL POWERS OF THE CITY TO PROTECT CITY RIGHTS-OF-WAY DURING THE LOCATION/PLACEMENT OF PUBLIC AND PRIVATE UTILITIES THEREIN AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, Public and private utilities desire to expand their infrastructure within the municipal boundaries of the City of Mandeville through access and utilization of the City’s public rights-of-way;

**WHEREAS**, the City of Mandeville agrees that the expansion of certain public and private utilities within the municipal boundaries of the City will provide a public benefit and assist in the economic development of the area, and the City has a reasonable expectation of receiving these benefits;

**WHEREAS**, the City of Mandeville desires to allow for the access and use of the municipal rights-of-ways, subject to a procedure that ensures notice to the City, safeguards existing uses and utilities provided to avoid disruption, and to protections to the City and its citizens in the event of any disruption of services, damage to property or other obstruction as a result of the use of its rights-of-ways by public or private utilities;

**WHEREAS**, the City of Mandeville desires to amend Section 13-6 of the Code of Ordinances to prescribe the procedure for use of municipal rights-of-ways by public and private utilities and to allow for enforcement of any violation of the procedure prescribed herein, including the requirement that any work performed on the right-of-way may also include a deposit of cash or surety bond to safeguard the City from disruption of services, damages to property or other obstruction as a result of the use of its right-of-ways by any user.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Mandeville, that Code of Ordinance, City of Mandeville Sec. 13-6 be adopted to read as follows:

**Section 13-6. Procedure for placement of public and private utilities in City rights-of-way**

*A. Purpose*

9. The City is empowered to require a guarantee deposit of cash or surety bond on a case by case basis in an amount as determined by the City. Guarantee deposits will be refunded upon receipt of notice from the City that the work has been satisfactorily

completed. Failure to comply with the terms of the permit will result in forfeiture of the deposit. Deposits will also be forfeited if the terms of the permit remain unsatisfactory or not completed after five (5) years from the date of issuance. The forfeiture of the deposit, or the lack of a deposit, shall in no way relieve the permittee from any other claim for damages and costs suffered by the City due to his failure to comply with said permit. Unsatisfactory completion of a permit may also result in non-approval of future permits for the same applicant until the unsatisfactory condition is rectified.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon the signature of the Mayor; and

**BE IT FURTHER ORDAINED** that the Clerk of this Council be, and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this Ordinance.

The ordinance being submitted to a vote, the vote thereon was as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

and the ordinance was declared and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023

Kristine Sherer  
Clerk of Council

Rick Danielson  
Council Chairman

### **SUBMITTAL TO MAYOR**

The foregoing Ordinance was **SUBMITTED** by me to the Mayor of the City of Mandeville this \_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock a.m.

CLERK OF COUNCIL

**APPROVAL OF ORDINANCE**

The foregoing Ordinance is by me hereby **APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_\_ o'clock a.m.

\_\_\_\_\_  
CLAY MADDEN, MAYOR

**VETO OF ORDINANCE**

The foregoing Ordinance is by me hereby **VETOED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock a.m.

\_\_\_\_\_  
CLAY MADDEN, MAYOR

**RECEIPT FROM MAYOR**

The foregoing Ordinance was **RECEIVED** by me from the Mayor of the City of Mandeville this \_\_\_\_\_ day of \_\_\_\_\_ 2022, at \_\_\_\_\_ o'clock a.m.

\_\_\_\_\_  
CLERK OF COUNCIL

**CERTIFICATE**

**I, THE UNDERSIGNED** Clerk of the City Council of the City of Mandeville do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the City Council of the City of Mandeville at a duly noticed, called and convened meeting of said City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 at which a quorum was present and voting. I do further certify that said Ordinance has not thereafter been altered, amended, rescinded, or repealed.

WITNESS MY HAND and the seal of the City of Mandeville this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Kristine Scherer, CLERK OF COUNCIL