ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NUMBER 2024-03 BY DECLARING VIOLATIONS TO BE UNLAWFUL AND PROVIDING PENALTIES FOR SUCH OFFENSES

WHEREAS, on March 25, 2024, the Trinity Town Council adopted Ordinance Number 2024-03, but said Ordinance did not provide for penalties for violations; and

WHEREAS, the Council has determined that violations of Ordinance Number 2024-03 should be offenses against the Town and subject to certain penalties.

NOW, THEREFORE, be it **ORDAINED** by the Town Council of the Town of Trinity, Alabama, as follows, to-wit:

Section 1. Ordinance No. 2024-3 of the Town of Trinity is hereby amended by deletion of the entire language of Sections 2 and 3 thereof, and substitution of the following for said language so that hereafter, said Section 2 and 3 shall read, in their entirety, as follows:

"**Section 2. Non-Emergency Work**

Unless specifically authorized by the Town Official, no non-emergency work involving any boring, open cut, excavation or other work which could cause damage to any underground utility within any public street or right-of-way shall take place other than between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. No such work shall be allowed on Saturday or Sunday unless specifically authorized by the Town Official.

Section 3. Town Approval Required; Penalties for Violations

(a) No person shall commence or do any work involving any boring, open cut or excavation, or perform any other work that could cause damage to any underground utility situated within any public street or right-of-way without the approval of the Town Official. Before any such work shall commence, such person shall notify the Town Official of the intention to commence the work; and the Town Official shall promptly evaluate the application and issue a permit for the work. This permit shall contain specification for repair of the street or right-of-way, including specification of materials and methods to be used. It shall also

specify any inspections to be made. All persons performing such work shall do so in accordance with the specifications of the permit, and failure to comply with the specifications, obtain any required permit or inspections or comply with any other provision of this Ordinance shall be unlawful.

(b) It shall be unlawful and a misdemeanor for any person, or entity, to violate the provisions of Section 2 or 3(a) of this Ordinance. Upon conviction of such an offense, a natural person shall be fined not less than $100.00 and not more than $500.00, or sentenced to a jail term not to exceed ten (10) days, plus court costs, or by both such a fine and jail sentence, plus court costs. A corporation or other entity convicted of such an offense shall be fined not less than $200.00, nor more than $500.00, plus court costs. Each day that a violation of this Ordinance occurs shall constitute a separate violation."

Section 2. Effect of Amendment

Except as specifically amended hereby, the terms of Ordinance No. 2024-03 shall remain in effect as first adopted.

Section 3. Effective Date

This Ordinance shall be deemed effective upon its adoption and publication according to law.

ADOPTED and **APPROVED** this _____ day of _____, 2024.

_____
Vaughn Goodwin, Mayor

ATTEST:

(SEAL)

_____
Ashley Patterson, Town Clerk

LWM/zip0424/trinity.ordinance.waterlinesafterhourswork.amended
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