

**ORDINANCE AMENDING GALLATIN MUNICIPAL CODE CHAPTER 15, ARTICLE IV, SECTION 15-154 DEPOSIT OR BOND**

**WHEREAS**, it is deemed in the public interest to amend the Gallatin Municipal Code from time to time; and

**WHEREAS**, The Mayor and City Council have recommended that the City of Gallatin Municipal Code be amended to provide the types of sureties required for excavation permits.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that the Gallatin Municipal Code, Chapter 15, Article IV, Section 15-154 is hereby amended by deleting Section 15-154 in its entirety and replacing it with the following:

**Sec. 15-154 Surety required**

- (a) No excavation permit shall be issued without proper surety submission by applicant to the City. The City Engineer shall determine the amount of the surety based upon costs of restoration of the surface of the ground or pavement, any necessary refill, and any other potential expense to the City. The surety may be in the form of a cash deposit or irrevocable letter of credit.
- (b) In no event shall the amount of a cash deposit be less than \$500. Any expense of the City shall be deducted from the cash deposit. The balance of the cash deposit shall be returned to the applicant, without interest, after the tunnel or excavation is completely refilled and the surface or pavement is restored.
- (c) In lieu of a cash deposit, the applicant may provide an irrevocable letter of credit. All Irrevocable Letters of Credit must contain automatic renewal provisions in language satisfactory to the City Attorney, that provide for automatic renewal of the Irrevocable Letter of Credit unless the City is provided at least sixty (60) days' notice of non-renewal by the issuer of said Irrevocable Letter of Credit. All Irrevocable Letters of Credit submitted to the City must either be payable at a local bank within a fifty (50) mile radius of the corporate limits of the City of Gallatin or specifically state that the letter of credit can be drawn upon by certified mail.

**BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE**, that this Ordinance shall take effect upon passage, the public welfare requiring such.

PASSED FIRST READING: May 18, 2021.

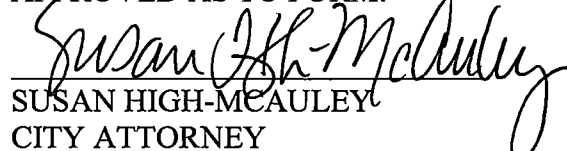
PASSED SECOND READING: June 1, 2021.

  
MAYOR PAIGE BROWN

ATTEST:

  
CONNIE KITTRELL  
CITY RECORDER

APPROVED AS TO FORM:

  
SUSAN HIGH-MCAULEY  
CITY ATTORNEY