TITLE 8 -- PLUMBING CODE

Chapter 8-1 Plumbing Regulations

8-1-1 Intent. It is the intent of the City Council for the purpose of establishing rules and regulations governing plumbing as defined in this Chapter, including permits and penalties, that the following rules and regulations be enforced within the corporate limits of the City of Bristol.

8-1-2 Title and Scope.

A. Title. The administration and enforcement of this ordinance shall be the duty of the City Council which is hereby authorized to take such actions a may be reasonably necessary to enforce the purpose of this Chapter. Such persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this Chapter.

B. Scope. The provisions of this Chapter shall apply to govern plumbing as defined in this Chapter, including the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or other structure, or conveyance; also the practice and extension, or alteration of any premises to their connection with any point of pubic disposal or other terminal.

C. Facilities. It is recognized that certain facilities in or adjacent to pubic streets that are referred to in this Chapter are only partially owned or controlled by the owner or occupants of the building or premises to which this Chapter applies.

8-1-3 Interpretation. All ordinances or parts of ordinances in conflict with the provision by the State of South Dakota are hereby acknowledged, and in the event any ordinance or parts of an ordinance of the City is inconsistent in any manner with the provisions of said State Standards, then in that case the provisions of the State of South Dakota shall govern.

CITY OF BRISTOL ORDINANCE # 9-1-4

AN ORDINANCE AMENDING CHAPTER 9 UTILITIES OF THE CITY OF BRISTOL'S CITY ORDINANCE

BE IT ORDAINED, the following ordinance:

Chapter 9-1-4 Water Connection-Cost of Owner, IS HEREBY AMENDED AS FOLLOWS:

After a permit is granted and appropriate fees are paid, the applicants will, at their own expense, provide for extension of the Water system from the existing mains to his/her property. The City will provide the corporation cock and saddle for the water connection. The curb stop belongs to the City. All stages of such extensions and connections shall be supervised by the City Council, Maintenance Person or any duly authorized representative thereof

First reading the 5 day of July, 2016.

Second reading the 1 day of August, 2016.

Fran Marchouse

Chairman

CITY OF BRISTOL ORDINANCE # 9-1-9

AN ORDINANCE AMENDING CHAPTER 9 UTILITIES OF THE CITY OF BRISTOL'S CITY ORDINANCE

BE IT ORDAINED, the following ordinance:

Chapter 9-1-9 Delinquent Bills, IS HEREBY AMENDED AS FOLLOWS:

Notice to the Customer. If the utility bills are not paid by the twentieth (20th) of the month, they become delinquent. If the bill remains unpaid on the twentieth (20th) day of the month in which it becomes due, the consumer shall then be sent a notice by mail that if the account is not paid in full ten (10) days from the date of notice, disconnection of service will be effected without further notice, unless the consumer requests a hearing before the City Council to answer as to why the bill has not been paid. The City Council may at its discretion enter into agreements with consumers as to mutually satisfactory payment plans for delinquent bills. Should no payment plan be reached or the delinquent consumer fails to show cause why service should not be terminated, the City Council shall order that the service be terminated without further notice to the consumer. Termination of service may be accomplished at any time, day, or month of the year for cause as determined by the City Council.

First reading the 6 day of June, 2016.

Second reading the 5 day of July, 2016.

Fran Marchouse

Chairman

9-1-6 Inspection of Premises. The duly authorized persons (any member of the City Council) shall have access at all reasonable hours upon reasonable notice to all premises which are serviced for the purpose of reading meters, installing or removing meters, or making repairs.

9-1-7 Rates. Water and sewer rates shall be established by resolution of the City Council and placed on file with the Finance Officer.

9-1-8 Monthly Billings. Monthly bills are categorized as follows:

A. Utility Bills. Bills for garbage, sewer, water, or other utility services which may be provided by the City of Bristol.

B. Other Bills. Bills for the rental and purchase of property and equipment owned by the City of Bristol and for the cost of miscellaneous services which may be provided by the City of Bristol.

All utility bills shall be due and payable on or before the tenth (10th) day of each month. Payments applied towards utility bills and other bills shall be applied in the following order: unpaid bills other than utility bills, unpaid fines, garbage, sewer, and water. A late charge set by the City Council and on file with the Finance Officer shall be assessed after the 10th of each month.

9-1-9 Delinquent Bills, Notice to the Customer. If the bill remains unpaid thirty (30) days after it becomes due and payable, the customer shall then be sent a notice by certified mail stating the following:

A. That the bill remains unpaid;

B. That the customer may appear before the City Council at a designated time and place to show cause why the bill has not been paid;

C. That as an alternative, the customer may reach an agreement with the Mayor or the Finance Officer as to a payment plan before said hearing date;

D. That service will be discontinued after said hearing should the City Council find on grounds for not doing so.

Notices shall be sent at least five (5) days prior to the hearing. If the building or part thereof receiving service is occupied by a renter and if the City is aware that a landlord/tenant relationship exists, the notice shall be sent both to the owner and the renter. Proof of mailing shall constitute service upon the customer.

TITLE 9 -- Utilities

Chapter 9-1 Utilities, General
Chapter 9-2 Sewers
Chapter 9-3 Water

Chapter 9-1 Utilities, General

9-1-1 Application for Water. Application for water or sewer services shall be made by the owner or agent of the property in writing to the City of Bristol stating the name, address, lot and block, and the uses for which such service is desired. No permit shall be granted until the applicant shall agree to comply with the terms and conditions of this title. No tap shall be made until said permit has been granted. Separate permits must be issued for each service connection, building, residence, business place and each branch connection when more than one connection is made by one service pipe. A permit must also be issued for making an extension or alterations to any plumbing of any house, store or building beyond that for which permission may already have been granted.

9-1-2 Water Meter Deposit. After permit is granted, applicant shall pay a water meter deposit set by the City Council and on file with the Finance Officer to guarantee payment of water and sewer bills. Such deposit shall be returned to the depositor upon discontinuance of service and after all bills for water and sewer have been paid.

9-1-3 Credit Reference Required. If no credit reference is given or a bad credit rating is received upon initial hookup, a deposit of fifty dollars ($50) will be made prior to hookup in addition to other hookup charges and advances. The deposit will be refunded upon payment of last bill and presentation of deposit receipt.

9-1-4 Water Connection - Cost of Owner. After a permit is granted and appropriate fees are paid, the applicants will, at their expense, provide for the extension of the Water system from the existing mains to his/her property. The City will provide the corporation cock and saddle for the water connection. All stages of such extension and connection shall be supervised by the City Council, Maintenance Person or any duly authorized representative thereof.

9-1-5 Connection Fee Required. A connection fee is required for each tap into the water system and each tap into the sewer system to be set by the City Council and on file with the Finance Officer. Said tap shall be made under the supervision of the City of Bristol.

CITY OF BRISTOL ORDINANCE # 9-1-13

AN ORDINANCE AMENDING CHAPTER 9 UTILITIES OF THE CITY OF BRISTOL'S CITY ORDINANCE

BE IT ORDAINED, the following ordinance:

Chapter 9-1-13 User responsible for Operation and Maintenance of Water and Sewer Lines, IS HEREBY AMENDED AS FOLLOWS:

The City shall be responsible for the maintenance and proper operation of the water and sewer mains only. The City shall own and maintain the lines from the main through the curb stop. Any other water or sewer line attached to the mains from the curb stop shall be the exclusive responsibility of the property owner. In the event that a property owner must excavate to repair a line, it shall be his responsibility to fill such excavation to the satisfaction of the City Council.

First reading the 5 day of July, 2016.

Second reading the 1 day of August, 2016.

Fran Marchand

Chairman

9-1-10 Payment Plans. The Mayor and Finance Officer may enter into agreements with customers as to a mutually satisfactory payment plan for "delinquent" bills. Failure by the customer to comply with the terms of an agreement entered into with the City shall cancel said agreement and the utilities in question shall be terminated immediately without further notice.

9-1-11 Service Discontinuance. Should water service be discontinued for any reason, the Maintenance Person will turn off the water at the curb stop.

9-1-12 Reconnection Fee. Should termination of service be necessary, a reconnection fee set by the City Council and on file with the Finance Officer shall be paid in full along with payment in full of all utility bills before service can be resumed.

9-1-13 User responsible for Operation and Maintenance of Water and Sewer Lines. The City shall be responsible for the maintenance and proper operation of the water and sewer mains only. Any other water or sewer line attached to the mains shall be the exclusive responsibility of the owner. In the event that a property owner must excavate to repair a line, it shall be his responsibility to fill such excavation to the satisfaction of the City Council.

9-1-14 Bankruptcy of the Customer. Notwithstanding any provision in Title 9 of this ordinance, the City of Bristol may not alter, refuse, or disconnect service to, or discriminate against the trustee or a debtor in bankruptcy, solely on the basis that a debt owed by the debtor to such utility for service rendered before the order of relief is not paid when due. The City may disconnect service if neither the trustee of the in bankruptcy, within twenty (20) days after the date of the bankruptcy court's order for relief, furnishes adequate assurances of payment, in the form of a deposit or other security, for service after such date. The amount of such deposit shall be determined by the Finance Officer. On request of a party in interest and after notice and a hearing, the court may order reasonable modification of the amount of the deposit or other security necessary to provide adequate assurance of payment.

Chapter 9-2 Sewer

9-2-1 Depositing of Objectionable Waste Prohibited. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Bristol, or in any area under the jurisdiction of said municipality, any human or animal excrement, garbage, or other objectionable waste.

9-2-2 Discharge to Natural Outlets Prohibited. It shall be unlawful to discharge to any natural outlet within the City of Bristol, or in any area under the jurisdiction of said municipality, any sewage or other polluted water,

except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

9-2-3 Cesspools, Privies, Septic Tanks Prohibited. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

9-2-4 Use of Public Sewers Required. The owner(s) of all houses buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the municipality is hereby required at the owners expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, with ninety (90) days after date of official notice to do so, provided that said public sewer is within two hundred (200) feet of the building.

9-2-5 Specifications. All sewers shall be constructed and connected in accordance with the provisions of the National Standards Plumbing Code heretofore adopted by Title 8 of this Ordinance.

9-2-6 Grease Trap. A proper grease trap or catch basin shall be provided by all hotels, restaurants, butcher shops, and lard rendering establishments.

9-2-7 Connection with Cesspools Prohibited. No connection from any cesspool or privy vault shall be made with any sewer or drainage.

9-2-8 Use of Storm and Sanitary Sewers. It shall be unlawful for any person in the City Council to connect any sanitary sewer with any storm sewer; or to permit any sewage to flow or run into any storm sewer; and it shall be unlawful for any person to connect any storm sewer with any sanitary sewer or to permit or cause any storm or drainage water to run or flow into any sanitary sewer.

9-2-9 Use of Sanitary Sewer. It shall be unlawful for any person in the City to permit any blood, buttermilk, whey, or acids which consume sewer pipe to flow or run into any sanitary sewer.

9-2-10 Inspection. Any duly authorized employees and/or agents of the City shall inspect all sewers, connections, and appurtenances thereto before any trenches and grades are refilled. All sewer shall be left open and clean for inspection of joints and sewer lines. The applicant or their agent for the sewer construction shall notify the City Council when a sewer is ready for inspection, the applicant shall be immediately notified if the sewer is approved or rejected.

9-2-11 Sump Pumps. It shall be unlawful for any resident of the City of Bristol to drain the sump pump discharge into the sanitary sewer system of Bristol. Violators of this provision will be subject to a $50 fine upon inspection.

Chapter 9-3 Water

9-3-1 Duties of The Maintenance Person Regarding the Waterworks. Under the supervision of the City Council, the Maintenance Person shall have the charge and management of the waterworks. He shall report to the City Council, whenever required, the condition of his department of the public service and shall make such suggestions for the improvement thereof as he may deem advisable. He shall perform such other duties as the City Council may require.

9-3-2 Repair or Service. All corporation cocks and curb stops shall be of the kind and pattern prescribed by the City Council. All service pipes must be laid as much below the surface of the ground as the main pipes must be laid as much below the surface of the ground as the main pipes in the street and protected to prevent rupture from freezing. All service pipes leading from the main to any premises, or pipes leading from such service pipes to any part of the premises and up to the meters, shall be of not less than three-fourths (3/4) inch extra heavy copper or other suitable material approved by the City Council.

9-3-3 Owner Responsible for Pipes and Fixtures. All owners must at their own expense keep their service pipe from the point of apparatus in good working order and properly protected from frost and other damage. No claim shall be made against the City by reason of the breaking of any of the service pipes or apparatus, or for any other damage that may result from any shutting off or turning on of water, or from any variation in pressure. Water shall not be wasted or improperly used no reduction will be made from rates because of leaking pipes or fixtures or for any other cause.

9-3-4 More Than One (1) Consumer From One (1) Service. Two (2) or more premises cannot be supplied from the same service pipe unless each premise has its own curb stop. Owners of buildings who lease or subdivide shall be responsible for all water used in said premises. If more than one (1) meter is placed upon one (1) service pipe, the piping must be arranged such that each meter can be set on separate pipe lines and shall be so placed that no one of them shall measure water which has passed through another meter.

9-3-5 Check Valves. Check valves are required on all water connections to steam boilers or any other connection deemed by an authorized inspector to require one. Safety and release valves shall be placed on all boilers or other

steam apparatus connections with the water system where the steam pressure may be raised in excess of fifty (50) pounds per square inch.

9-3-6 Installation or Water Meters. All water meters shall be the property of the City Bristol. It shall be the duty of the Maintenance Person to install or have a plumber install water meters on the premises supplied with water by the City for a fee set by the City Council and on file with the Finance Officer. Water meters shall be put in suitable places, safe from frost or other danger and accessible to the Maintenance Person for examination.

9-3-7 Water Meter Deposit. A water meter deposit set by the City Council and on file with the Finance Officer will be charged to all water users in the City of Bristol. The deposit shall be returned to the consumer when he ceases to use water in the City of Bristol and upon the return of the meter in good, working order providing all water changes are paid in full.

9-3-8 Damage to Meters. If any water meter owned by the City of Bristol shall be damaged while on the premise of a consumer either by carelessness of the owner or occupant must pay for the repairs to put said meter in good working condition or purchase a new meter.

9-3-9 Testing Meters. If a consumer doubts the accuracy of any meter, he may ask the Maintenance Person to have the meter tested by an outside agency. If the meter is more than five (5) percent fast, proper deductions will be made from the bill from the preceding period. If the water meter is more than five (5) percent slow, the proper amount will be added to the bill. The cost of testing the meter will be borne by the customer if the meter proves to be inaccurate, the cost of testing the meter shall be borne by the City of Bristol.

9-3-10 Water Shut Off - Repairs. The City reserves the right to discontinue service to any or all customers of the water system without notice when necessary for repairs. No claim shall be made against the City by reason of the breaking of any service pipe or apparatus, or for any other damage that may result from shutting off water for repairing or any other purpose, or for any variation in pressure or ram of water from mains.

9-3-11 Water Rationing. The City has the authority to impose water rationing in case of a water shortage or repairs to the water system, on a basis to be determined by resolution of the City Council

9-3-12 Use Without Meter Unlawful. It shall be unlawful for any person to use water from any premises without the content of the owner or to use water from the City waterworks except through a meter regularly installed under the provisions of the ordinance. It hall be unlawful to turn the water on or off at any curb stop or street valve or tamper with any water service

connection without the permission of the City Council or its designated representative.

TITLE 10 – STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapter 10-1 Names of Streets and Avenues
Chapter 10-2 Sidewalks and Curbs
Chapter 10-3 Use of Streets and Public Places
Chapter 10-4 Signs, Posts, and Awnings
Chapter 10-5 Excavations in Public Places
Chapter 10-6 Snow Removal
Chapter 10-7 Trees in Public Places

Chapter 10-1 Names of Streets and Avenues

10-1-1 Flats Part of Ordinance. Those plats indicating the names of streets and avenues of Bristol, South Dakota, now on file in the office of the Register of Deeds of Day County, South Dakota, are hereby incorporated as a part of this ordinance.

10-1-2 Official Map. The official map of Bristol shall be that maintained in the office of the Register of Deeds of Day County, South Dakota.

10-1-3 Names of the Streets and Avenues. The official names of the streets and avenues in Bristol shall be those as shown on the official map of maps maintained in the office of Register of Deeds of Day County, South Dakota.

Chapter 10-2 Sidewalks and Curbs

10-2-1 Construction. All public sidewalks and curbs, hereafter constructed within Bristol, shall be of the following widths: all walks constructed on Main Street shall be of a width minimum of eight (8) feet; all other walks shall be of a width of five (5) feet.

10-2-2 Refusal to Construct Sidewalks. If any property owner refuses to construct a sidewalk along the street of his or her property and two or more families are inconvenienced by reason of his refusal, then a petition may be signed by the aggrieved parties and left with the Finance Officer who shall put it before the City Council at their next regular meeting. The Board may then have the sidewalk constructed and the costs of the same will be levied against the abutting real estate and collected in the manner provided by law for collecting special assessments or in another manner as authorized by law.

10-2-3 Materials. All public sidewalks and curbs hereafter constructed in Bristol shall be of cement, unless permission is obtained from the City Council to use other material. Such permission shall be given in the form of a resolution.

10-2-4 City May Construct Sidewalks. In addition to the penalty provided for any violation of any of the provisions of this chapter, the City Council may, if the lot owner fails or refuses to build any sidewalks when requested under the provisions of this chapter, cause such sidewalks to be constructed and the costs of the same to be levied against the abutting real estate and collected in the manner provided by law for collecting special assessments or as prescribed in SDCL 9-46.

10-2-5 Cleaning Sidewalks. It shall be the duty of the occupant or the owner of any lot or parcel of land in Bristol abutting on any alley or sidewalk, to keep such sidewalk or alley or to the center thereof free from all filth, snow, unwholesome substance, or matter, manure, straw, brush, or rubbish of any sort.

Chapter 10-3 Use of Streets and Public Places

10-3-1 Materials in Streets, Permits. The City Mayor is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick, or other materials for building in any pubic street, road, or alley adjacent to the building to be constructed or repaired for a space of time not exceeding three (3) consecutive months, but such permission shall not allow obstruction of more than one-third (1/3) of any driveway, sidewalk, street, road, or alley.

Any person depositing and keeping any building materials on such sidewalk, street, road, or alley shall keep one (1) or more light, lanterns, flares or flashing lights so placed that such material may be easily seen by persons passing along such sidewalk, street, road, or alley and shall keep such material adequately protected an guarded so as to prevent personal injury therefrom.

10-3-2 Cleaning Streets or the Sidewalk of Rubbish. Every person to whom permission is granted to place and keep building materials in the sidewalk, street, road, or alley shall cause all such rubbish resulting therefrom to be removed from such sidewalk, street, road, or alley, at the expiration of time limited in the permit, unless the permit shall be, for good cause, extended by the City Mayor.

10-3-3 Crowds on Streets. It shall be unlawful for persons to gather in crowds or groups of for any person to stand on any public street or sidewalk in Bristol in such a manner so as to obstruct the free use and passage thereon, or to annoy other persons passing along the same, and the County Deputy of other law enforcement official is hereby authorized to disperse any such crowd or group, or to cause the removal of any person violating the provisions of this ordinance.

10-3-4 Building in Street. No person shall erect or maintain any building in such position that the same shall stand in whole or in part upon any public street, road, alley, or sidewalk in this City, or by so constructed that any part of the building shall project into or over such street, road, alley, or sidewalk; provided that jutting windows, brick, cornices, and other projection from the buildings above the first story may extend over the adjoining street, road, alley, or sidewalk, not exceeding eighteen (18) inches; and no person shall construct any step area or other appurtenance to any building so extending more than thirty (30) inches, nor shall any person erect in any public street, road, alley, or sidewalk any flight or stairs leading to the second or any higher story of any building.

10-3-5 Moving Buildings. No person or corporation shall move any building within the City limits without first obtaining permission of the City Mayor and in accordance with 3-1-6 of this Ordinance.

10-3-6 Obstruction on Streets. No person shall place, leave, or keep on any public street, road, alley, sidewalk, or other public ground in the City any wagon, automobile, cart, truck, sleigh, or other vehicle, except when the same shall be in actual use; nor shall any person place, leave, or keep on any pubic street, road, alley, sidewalk, or other public ground in this City, any other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk, of public ground except as hereinafter provided.

10-3-7 Eaves Pipes. No person shall place or maintain any pipes leading from the eaves of any building in such a position that the water discharged thereby nay flow upon or over any sidewalk.

10-3-8 Goods on Sidewalks. Any person may place on the outer three (3) feet of the sidewalk in front of his premises, for a period not exceeding ten (10) hours, goods or merchandise which he or she may be receiving or delivering, or may display on or over the sidewalk in front of, and within two (2) feet of the buildings used by him or her as a place of business, any goods or merchandise for sale or exhibition. Under no circumstances shall any of the above articles be left upon the sidewalk in the night time or in such a way as to obstruct the sidewalk.

10-3-9 Animal and Vehicles on Sidewalk. No person shall ride, drive, or lead any horse or cow upon any public sidewalk in Bristol; or drive or propel or cause to be driven or propelled thereon any motor vehicle unless it is necessary to do so in entering or leaving such premises.

Chapter 10-4 Signs, Posts, and Awnings

10-4-1 Signs. No person shall place, hang, or maintain on or over any sidewalk, in Bristol, any sign which shall extend more than six (6) feet from the building to which it is attached or belongs, or be less than seven (7) feet above the

sidewalk, unless he obtains a special permit, therefore, from the City Council.

10-4-2 Posts and Awnings in the Street. No person shall set any post or other obstruction in any street, road, alley, or public ground in the City, for the purpose of fastening thereto wooden awning or shed, in or over any street, road, alley, sidewalk, or other public grounds in said City, nor drop or allow any awning to hang lower than seven (7) feet above the surface of the sidewalk. The property owner shall be responsible for any bodily injuries or property damage arising out of the construction or placement of such obstructions.

10-4-3 Telephone and Electric Poles. It shall be unlawful for any person, company, or corporation to erect or maintain any poles for the purpose of stringing any telephone or electric wires in or on the main streets in Bristol without written permission from the City Council.

Chapter 10-5 Excavations in Public Places

10-5-1 Permit Required. Any person, company, or corporation intending to make excavations in any street, alley, sidewalk, or public ground in Bristol for any purpose whatsoever shall file in the office of the Finance Officer a statement in writing of the place where such excavation is to be made and the estimated time of its completion, together with a written agreement executed by such person, company, or corporation will pay to Bristol any and all damages which may be sustained by the said City due to the failure of such person, company, or corporation to observe this ordinance. Upon the completion of these requirements, the City Mayor and Finance Officer shall issue a permit in writing for such excavation.

10-5-2 Guarding Excavations. Any person, company, or corporation receiving a permit to make excavation in any street, alley, sidewalk, or public ground shall during the progress and continuance of the work, erect and maintain around the same both by day and night suitable guards, fences, flares, and signals so as to prevent injury to person, animals, or vehicles on account of such excavation. Such flares shall be kept lighted from sundown to sunrise.

10-5-3 Refilling Excavations. When excavation is completed, the person, company, or corporation making such excavation shall promptly and without delay refill the same in the manner herein provided. The soil shall be carefully replaced and tamped in hard layers of not more than six (6) inches in depth. Where water supply is convenient, the layers of dirt should be well saturated with water so as to make the surface of the ground, when completely filled, level and as firm as before such excavation occurred.

10-5-4 Excavations Under Sidewalks. Any person, company, or corporation having or erecting any building abutting upon any street, alley, or sidewalk in Bristol, may excavate under any sidewalk to the curb for the purposes of constructing a cellar or basement in front of or adjoining said building; provided, however, that said excavation shall be surrounded on the outer sides and end with a substantial brick, stone, or cement wall, sufficient to maintain the said sidewalk. Permission to make said excavation must first be obtained from the City Mayor and Finance Officer as provided for in Section 10-5-1 and also said excavation shall be securely guarded as provided for in Section 10-5-2.

10-5-5 Excavations Near Street. It shall be unlawful for any person, owner, or occupant of any lot or parcel of land within Bristol, to make or cause to be made, any excavation on said lot or parcel of land, unless the same be securely guarded so as to prevent the injury of any person or animals passing upon or along said streets, alleys, public grounds, or traveled path or roadway.

Chapter 10-6 Snow Removal

10-6-1 Duty of Owner or Occupant. It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel or plot of ground fronting or abutting upon any sidewalk to keep said property free and clear from snow and ice.

10-6-2 City May Remove Snow. In case the owner of any premises mentioned in the preceding section shall fail or refuse to remove any snow as provided in the previous section, the City Board may cause said snow to be removed and the expense of removing same shall be collected in such a manner as authorized by law.

Chapter 10-7 Trees in Public Places

10-7-1 Trimming Trees. The person or persons owning or occupying any private premises abutting any street, road, alley, or sidewalk shall keep all trees standing on such premises so trimmed that no bough or branch thereof shall hang lower than seven (7) feet above the surface of the street, road, alley, or sidewalk.

10-7-2 Planting Trees. All trees hereafter planted in the streets in Bristol shall be planted ten (10) feet from the lot line of the abutting lot. Trees may not be planted under any power lines, wires, or cables.

10-7-3 Tree and Grass Plants. It shall be lawful for persons owning or occupying lots or parcels of land in Bristol to embellish the same by planting trees within the limits of the streets adjoining said premises; provided, that such

trees are planted between the sidewalk and the gutter, and not within five (5) feet of the line of the street; and also to make and keep in order lawns and grass plats between the sidewalk and the curbing.

10-7-4 Dead or Diseased Trees. It shall be the duty of the owner, occupant, or person in charge of any lot or lots in Bristol to remove any dead or diseased trees from such lot or lots excluding the area between the sidewalk and the curbing which will be the responsibility of Bristol.

10-7-5 Injury to Trees, Lawns, Etc. No person other than the owner or his authorized agent shall injure or cause to be injured any trees, shrubs, grass, or lawn growing on any public or private ground within the City, except as hereinbefore authorized.

CITY OF BRISTOL ORDINANCE # 11-1-2

AN ORDINANCE AMENDING CHAPTER 11-1 GENERAL PROVISIONS TRAFFIC CODE OF THE CITY OF BRISTOL'S CITY ORDINANCE

BE IT ORDAINED, the following ordinance:

Chapter 11-1-2 Speed Restrictions, IS HEREBY AMENDED AS FOLLOWS:

No person shall drive a motor vehicle at a speed in excess of 20 miles per hour within or while passing through Bristol.

First reading the 6 day of September 2016.

Second reading the 3 day of October, 2016.

Fran Morehouse

Chairman

TITLE 11 -- TRAFFIC CODE

Chapter 11-1 General Provisions

11-1-1 Observance of Rules and Regulations. The owner/operator, driver, or person in charge of any vehicle used, propelled, or driven upon the streets of Bristol shall conform to and observe the rules and regulations of the State of South Dakota. Any person riding a bicycle or an animal upon a roadway and every person driving any animal shall be subject to the provisions of this title applicable to the operator of any vehicle.

11-1-2 Speed Restrictions. No person shall drive a motor vehicle at a speed in excess of 15 miles per hour within or while passing through Bristol.

11-1-3 Exhibition Driving. Any person who drives a motor vehicle within Bristol in such a manner that creates or causes unnecessary engine noise, tire squeal, skid, or slide upon acceleration or stopping, or that simulates a temporary race, or that causes the vehicle to unnecessarily turn abruptly or sway shall be guilty of exhibition driving.

11-1-4 Careless Driving. Any person who drives any vehicle upon a street, highway, or alley within Bristol carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, is guilty of careless driving.

1-1-5 Truck Routes. All truck class, including semi-tractors, vehicles entering or passing through the City of Bristol must use Truck Routes. The current Bristol City truck route is County Road 18 and 33, Railroad Avenue. Main Street to reach businesses on Main Street only. "NO TRUCKS" signs are posted at both ends of restricted use streets and must be adhered to. Violators will be subject to a fine of fifty ($50.00) dollars plus court fees as determined by the Bristol City Council.

Chapter 11-2 Snowmobiles

11-2-1 Snowmobile Route. No person shall operate a snowmobile upon any street, alley, sidewalk, highway, or public property within the City of Bristol, except as to allow such person to exit out of the City and return to his place of residence or to the storage place of such snowmobile by the most direct or feasible route and under such terms and conditions as hereinafter provided.

11-2-2 Permitted Operations. Snowmobiles may be used for emergencies within the City only when City streets are impassable. Snowmobiles shall not be permitted to operate on the sidewalks.

11-2-3 Flagging. All snowmobiles shall exhibit a red or orange flag or cloth not less than twelve (12) inches square and hung or suspended five (5) feet above ground level so that the entire area thereof is visible from all directions while on any road, street, or alley.

11-2-4 Safety Equipment and Inspection. All snowmobiles operated within the City shall be equipped with and have in operation at all times mufflers, brakes, and at least one (1) headlight and one (1) taillight. No snowmobile shall be driven on the roadway, street, or alley when said snowmobile is in such unsafe as to endanger any person or property. The City Council may at any time upon reasonable cause to believe the snowmobile is unsafe or not equipped as required by this ordinance, require the driver of such vehicle to stop and submit such vehicle to an inspection and test with reference thereto as may be appropriate. No person shall operate any vehicle which has been found unsafe except to return such snowmobile to his residence, place of business, or to a garage until said vehicle has been placed in proper repair.

11-2-5 Hours of Permitted Operation. No snowmobile shall be operated within the City between the hours of 10:00 p.m. and 7:00 a.m., except that at driver may drive during this restricted time when he is coming into the City to his residence or when he is leaving the City to go to his residence or when he is driving from work to his residence.

11-2-6 Rules of the Road. Every operator of a snowmobile shall observe all of the rules of the road pertaining to vehicle and in addition shall yield right-of-way to motor vehicles. It shall be unlawful to drive or operate a snowmobile upon any sidewalk.

11-2-7 Access and Exit Routes and Other Regulations for Small Recreational Vehicles.

TITLE 11—TRAFFIC CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRISTOL, THAT CHAPTER 11-2-7, Chapter A & B IS NO LONGER DEEMED NECESSARY BY THE BRISTOL CITY COUNCIL, AND THEREFORE SHALL BE RESCINDED.

~~Chapter 11-2-7 Access and Exit Routes and Other Regulations for Small Recreational Vehicles. Sections:~~

~~A. Owners of three-wheelers and recreational vehicles generally known as off-road vehicles are to use the shortest route when leaving or entering the City.~~

~~B. These vehicles shall be operated only during the hours from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.~~

Dated this 5th day of July, 2017.

CITY OF BRISTOL

Janet Lardy

Janet Lardy, Board President

SaDell Neuhardt

ATTEST: SaDell Neuhardt, Finance Officer

First Reading: July 5, 2017
Second Reading: August 7, 2017
Publish: August 14, 2017
Adopted: September 4, 2017

A. Owners of three-wheelers and recreational vehicles generally known as off-road vehicles are to use the shortest route when leaving or entering the City .

B. These vehicles shall be operated only during the hours form one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

C. Operators of all such vehicles shall be in possession of a valid driver's license and shall meet all other requirements of State traffic laws.

TITLE 12 -- PROPERTY MAINTENANCE

Chapter 12-1 Purpose
Chapter 12-2 Definitions
Chapter 12-3 Maintenance
Chapter 12-4 Sanitation of Premises and Building Required
Chapter 12-5 Enforcement and Administration of Provisions
Chapter 12-6 Right of Entry
Chapter 12-7 Notice to Abate
Chapter 12-8 Right to Appeal from the Building Official's Determination
Chapter 12-9 Nuisances - Abatement by City

Chapter 12-1 Purpose

12-1-1 Purpose. The purpose of this chapter is to protect, promote, and enhance the welfare, safety, health, and property of the general public by prohibiting the keeping or maintaining of properties at variance and interior to the level of maintenance of surrounding properties.

Chapter 12-2 Definitions

12-2-1 Definitions. The following words have the following meanings:

A. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons or property.

B. "Building Official" means the City official authorized by the legislative body of this jurisdiction with the enforcement of this code.

C. "Premises" means a lot or parcel of land, improved or unimproved, parking areas thereon, walkways and sidewalks.

D. "Sidewalk" means a strip of property lying in front of and between the curbing and property line of the adjoining or abutting lot, piece or parcel of land within the city.

Chapter 12-3 Maintenance

12-3-1 Maintenance at variance with and inferior to the level of maintenance of surrounding properties - Declared Unlawful. It is unlawful for any person owning, leasing, occupying or having charge or possession of any buildings or premises in the City to keep or maintain such building or premises in a manner which is at variance with and inferior to the level of maintenance or surrounding properties.

12-3-2 Maintenance at variance with and inferior to the level of maintenance of surrounding properties – Conditions constituting a public nuisance. A building or premises is maintained or kept in a manner which is a variance with and inferior to the level of maintenance of surrounding properties and is declared to constitute a public nuisance where there exists upon any building or promises any of the following conditions:

A. Building which are abandoned, boarded up, partially destroyed or partially constructed and uncompleted subsequent to the expiration of building permit;

B. Building with deterioration or peeling paint that allow the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping or cracking;

C. Broken windows, doors, attic vents and under floor vents;

D. Overgrown vegetation which is unsightly and/or likely to harbor rats or vermin;

E. Dead, decayed or diseased trees, weeds, and other vegetation;

F. Trash, garbage, or refuse cans, bins, boxes, bags or other such containers permanently stored in front yards visible from public streets;

G. Lumber, junk, trash, tires, debris or salvage materials maintain upon any premises which is visible from a pubic street, alley or adjoining property;

H. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinet or other household fixtures or equipment stored so as to be visible at ground level from a public alley, street or adjoining premises;

I. Premises having a topography, geology or configuration which as a result of grading operations or improvements to the land causes erosion, subsidence, unstable soil conditions or surface or subsurface drainage problems as to pose a threat to or be injurious to adjacent premises;

J. Abandoned, wrecked, dismantled or inoperative trailers, campers, boats and other motor vehicles which are accumulated or stored in yard areas;

K. Building exteriors, walls, fences, driveways or walkways which are cracked, broke, defective or deteriorated, in disrepair, or defaced;

L. Any like and similar condition or conditions.

Chapter 12-4 Sanitation of Premises and Buildings Required

12-4-1 Sanitation of Premises. It is unlawful to permit by act or omission the following specific acts, conditions and things which are also declared to the pubic nuisances:

A. Failing, refusing or neglecting to keep the sidewalk in front of a house, place of business or premises a clean and safe condition;

B. Maintaining upon a premises any unsightly, partly complete or partly destroyed buildings, structures or improvements in the Tow which may endanger or injure neighboring properties or the public health, safety or general welfare;

C. Maintaining upon such premises or upon the sidewalk abutting or adjoining such lot, parcel, tract or piece of land, loose earth, mounds of soil, fill material, asphalt, concrete rubble or waste material of any kind (all such materials shall hereinafter be referred to as "waste materials"), except for waste materials used for construction of landscaping upon the premises in which case it shall be the duty of the owner, lessee, occupant or persons in possession of premises wherein the waste or persons in possession of premises wherein the waste materials exist, to maintain weed control during construction and to level or remove waste materials after construction is completed, or in any event, within eight months from the time of placement of waste materials upon premises.

For sites where filling, grading or excavation activities have or will span more than one year it shall be the duty of the owner, lessee, occupant or person in possession of the premises to level or remove the waste materials from the premises at least once a year during the months of either June, July, or August for the purpose of maintaining weed and rodent control.

Chapter 12-5 Enforcement and Administration of Provisions

12-5-1 Enforcement. The City Council is authorized and directed to administer and enforce all of the provisions of this chapter.

Chapter 12-6 Right of Entry

12-6-1 Right of Entry.

A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized representative of the City Council has reasonable cause to believe that there exists in any building or upon any premises, any condition which is prohibited under this chapter, the authorized representative may enter, with a qualified building inspector such building or premises at all reasonable time to inspect the same or to perform any duty imposed upon the City and the building inspector by this chapter: provided, that if such building or premises be occupied, the authorized representative shall first present proper credentials and demand entry: and if such building or premises be unoccupied, she or he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the City Council authorized representative and the building inspector shall have recourse to every remedy provided by law to secure entry.

B. No owner or occupant or any other person having charge, care of any building or premises shall fail or neglect, after proper demand made as herein provided, to properly permit entry therein by the authorized representative and/or the building inspector for purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

Chapter 12-7 Notice to Abate

12-7-1 Issuance. Whenever the City Council is notified that any condition or conditions prohibited in this chapter exist on any premises located within the City, the City Council, under direction of the building inspector shall give, or cause to be given, notice to abate the unlawful condition or conditions existing on the premises. Such notice shall be in writing to the person creating, permitting or maintaining such nuisance to abate the same within a reasonable time as provided in such notice as follows:

A. If the building inspector has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefore and the work physically commenced within such time (not to exceed sixty days from the date of the order) and completed within such time as the building inspector shall determine is reasonable under all of the circumstances;

B. If the building inspector has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a certain time from the date of the order as determined by the building inspector to be reasonable;

C. If the building inspector has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building inspector shall determine reasonable (not to exceed sixty days from the date of the order); that all required permits be secured therefore within sixty days from the date of the order, and that the demolition be completed within such time as the building inspector shall determine is reasonable.

12-7-2 When Waived. Whenever the owner, occupant or agent of any premises in or upon which any nuisance may be found is unknown or cannot be found, the building inspector shall proceed to abate the nuisance without notice. In either case, the expense of such abatement shall be collected from the person whom may have created, caused or suffered such nuisance to exist.

Chapter 12-8 Right to appeal from Building Inspector's Determination

12-8-1 Right to Appeal. The owner or any person affected shall have the right to appeal to the City Council for investigation and review of the building inspector's determination, Such appeal shall be in writing, shall state the objections of the person filing the same, shall be filed with the Finance Officer within ten (10) days after the date of posting, publishing, serving or mailing of notice to abate, and shall be presented to the City Council by the Municipal Finance Officer at its next regular meeting. The City Council shall determine by resolution whether the building inspector shall proceed in accordance with the abatement notice, or as modified by the Board, or not at all, and its decision thereon shall be final and conclusive.

Chapter 12-9 Nuisance - Abatement By City

12-9-1 Preparation of Expense Statement Required.

A. In the event a person shall fail t abate any nuisance created, permitted or maintained by him following notice to him to do so, the building inspector shall cause the nuisance to be abated.

B. The building inspector shall prepare a statement of the expense incurred in the razing, demolishing, removing, reconstruction or other affirmative act necessary to abate the unlawful conditions and shall refer to the City Finance Officer. Such statement shall refer to the particular premises including any improvements, structures or buildings thereon, upon which the actions taken to abate the unlawful conditions occurred. With regard to the premises or each piece of property therein referred to, the statement shall show the number of the lot and block and the name of the addition or subdivision in which the lot lies or upon which the structure, improvement or buildings were located at the time that the actions to abate the unlawful conditions were taken or shall

describe such premises in any other way that they may easily be identified.

12-9-2 Alternate Abatement Procedure. In addition to any method of abatement of nuisances within the City provided by the provisions of this chapter, any nuisance found within the City may be abated in the manner provided by State Law.

12-9-3 Notice of Equalization of Assessment. Within ten (10) days after filing of the statement referred to in 12-9-1, the City Finance Officer shall cause a copy of said statement to be served upon the owner, lessee, occupant or person in possession of the parcel of land described in the statement and in the notice personally or by mail and addressed to his last known address or to general delivery, Bristol, South Dakota, if such address is unknown.

12-9-4 Equalization of Assessment - Hearing. The owner or any person affected shall have the right to appeal the City Council concerning the proposed assessment. such appeal shall be in writing, shall state the objections of the person filing the same, and shall be filed with the City Finance officer within ten (10) days after notice. The objections shall be presented to the City Council by the Finance Officer at their next regular meeting. The City shall determine by resolution the assessment and shall proceed to place a lien against the property until the assessment is paid.

12-9-5 Recovery of Expenses - Special Assessment. The City may recover the expenses incurred by the building inspector in abating any nuisance by taxing the cost thereof by special assessment against the real property on which the nuisance occurred.

12-9-6 Recovery of Expenses - Civil Suit. The City may recover the expenses incurred by the building inspector in abating any nuisance under the provisions of this chapter from the person creating, permitting or maintaining the same in a civil suit instituted for such purpose.

TITLE 13 -- MODULAR MANUFACTURED AND MOBILE HOME PROVISIONS

Chapter 13-1 Modular Manufactured Homes and Standards
chapter 13-2 Mobile Homes Types
Chapter 13-3 Installation Standards

Chapter 13-1 Definitions of Modular Manufactured Homes and Standards

13-1-1 Modular Home Regulations. Modular shall meet or exceed all of the following requirements:

A. Modular homes shall meet or exceed the Uniform Building Codes.
B. Modular homes will includes all off-site constructed homes, which may be transported to the site in one or more sections.
C. Modular homes shall have more than 1,000 square feet in ranch style and 850 square feet split and be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
D. Modular homes shall have a minimum of a 3 1/2 roof pitch.

Chapter 13-2 Mobile Home Types and Standards.

13-2-1 Type I Manufactured Home. Type I manufactured homes shall meet or exceed the following requirements:

A. Have more than 1,100 square feet of occupied space in a double-section or larger multi-section unit.
B. Have been constructed within the last ten (10) years.
C. Be placed on a permanent foundation. The foundation shall be to a depth below the frost line.
D. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Chapter 13-3.
E. Be anchored to the ground, in accordance with manufacturer's specifications, or as prescribed by the ANSI/NFPA 501A standards.
F. Have a gabled roof with a pitch of at least 1 ½ feet.
G. Have a vinyl or wood lap siding material of a type customarily used on site-constructed residences.
H. Have roofing material of a type customarily used on site-constructed residences.
I. The age of the manufactured house may not exceed ten (10) years from the date of manufacture.

13-2-2 Type II Manufactured Homes. Type II manufactured homes shall meet or exceed the following requirements:

A. Have more than 700 square feet of occupied space in a single, double, expand or multi-section unit.
B. Utilize a permanent perimeter enclosure in accordance with approval installation standards, as specified in Chapter 13-3.
C. Be anchored to the ground, in accordance with manufacturers specifications, or as prescribed by the BNSI/NFPA 5018 standards.
D. Have siding material of a type customarily used on site-constructed residences.
E. Have roofing material of a type customarily used on site-constructed residences.
F. The age of the manufactured home may not exceed ten (10) years from the date of manufacture.
G. Be placed onto a support system, in accordance with approved installation standards, as specified in Chapter 13-3.

13-2-3 Type III Manufactured Homes. Type III manufactured homes shall meet or exceed the following requirements:

A. Have more than 700 square feet of occupied space in a single, double, expand or multi-section unit.
B. Utilize a permanent perimeter enclosure in accordance with approved installation standards, as specified in Chapter 13-3.
C. Be anchored to the ground, in accordance with manufacturer's specifications or as prescribed by the ANSI/NFPA 501A standards.
D. The age of the house may not exceed ten (10) years from the date of manufacture.

Chapter 13-3 Installation Standards.

13-3-1 Permanent Perimeter Enclosures. Permanent Perimeter Enclosures will be required of all types of manufactured homes (Type I, II, III). Those manufactured homes designated in Chapter 13 as requiring permanent perimeter enclosure must have footings and crawl space or basement walls. The space between the floor joints or the home shall be completely enclosed with the permanent perimeter enclosure (except for required openings)

13-3-2 Foundation Siding/Skirting. All manufactured homes without a permanent perimeter enclosure shall have an approved foundation siding/skirting enclosing the entire perimeter of the home.

13-3-3 Support Systems.

A. All HUD-code manufactured homes of the Type I classification shall be installed with load bearing foundations in conformance with the manufacturer's installation specifications.

B. Type II and III manufactured homes not placed on a permanent foundation shall be installed on a support system in conformance with the manufacturer's installation specifications or with the support system regulations in the ANSI/NFPA 501A 1977 installation standards.

13-3-4 Structural Alterations. Due to its integral design, any structure alteration or modification of a manufactured or mobile home after it is placed on the site must be approved by the City Council.

Title 14 CABLE COMMUNICATIONS

14-1 Definitions
14-2 General Provisions

Chapter 14-1 Definitions

14-1-1 Definitions. The following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Basic Cable Service" means any service tier which includes the retransmission of local television broadcast signals.

B. "City" is the City of Bristol, South Dakota

C. "Council" is the City Council of the City of Bristol, South Dakota

D. "Cable Television System" or "Cable System" is a system utilizing certain electronic and other components which deliver to subscribing members of the public various communications services.

E. "Cable Television Reception Service" means the delivery by the Grantee to television receivers or any other suitable type of electronic terminal or receiver of the electronic signals and other communications services carried over said system.

F. "FCC" shall mean Federal Communications Commission.

G. "Person" is any individual, partnership, association, joint stock company, trust, corporation, or government agency.

H. "Grantee" is Midcontinent Cable Systems Co. of South Dakota or anyone who succeeds Midcontinent Cable Systems Co. of South Dakota in accordance with the provision of this Ordinance.

I. "Subscribers" are those persons contracting to receive cable television reception services furnished under this Ordinance by Grantee.

Chapter 14-2 General Provisions

14-2-1 Grant of Non-Exclusive Authority. There is hereby granted by the City to the Grantee and to its successors, assigns or designees, the non-exclusive right to erect, maintain operate in, under, over, along, across and upon the

present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements dedicated for compatible uses and other public places in the City of Bristol, South Dakota, and subsequent additions thereto, towers, poles, lines, cables, wires, manholes, and all other fixtures and equipment necessary for the maintenance and operation in the City of a cable television system, for the purpose of transmission and distribution of audio, visual, electronic, and electric impulses in order to furnish television and radio programs and various other communications services to the public for a period of fifteen (15) years, commencing from and after the effective date of this Ordinance which is May 29, 1994.

14-2-2 Compliance with Applicable Laws and Ordinances. The Grantee shall during the term hereof, except in those areas which have been preempted by the Cable Communications Policy Act of 1984, as amended, or which are regulated by the Federal Communications Commission, be subject to all lawful exercise of the regulating and police powers of the City.

14-2-3 Territorial Area Involved. This Ordinance relates to the present territorial limits of the City and to any area annexed thereto during the term of this Ordinance. Grantee shall not be required to service residents of newly annexed areas of the City or areas within the City limits that are beyond four hundred feet (400') from existing distribution lines except upon payment by such residents of the capital costs incurred by the Grantee in brining service to such residents. Grantee may, but shall not be required to, serve areas or individual homes adjoining, but outside the City limits, that may be served from its existing facilities. Grantee may negotiate directly with such customers the amount to be charged for brining of service to the customer.

14-2-4 Liability and Indemnification. Grantee shall, at all times, keep in effect the following types of insurance coverage:

A. Workmen's Compensation upon its employees engaged in any manner in the installation or servicing of its plant and equipment within the City of Bristol, South Dakota.

B. Property Damage Liability insurance to the extent of Two Hundred Fifty Thousand Dollars ($250,000) as to each occurrence and Two Hundred Fifty Thousand Dollars ($250,000) aggregate, the personal injury liability insurance to the extent of Five Hundred Thousand Dollars ($500,000) as to each occurrence and Five Hundred Thousand Dollars ($500,000) aggregate. Excess bodily injury and property damage of One Million Dollars ($1,000,000) each occurrence and One Million Dollars ($1,000,000) aggregate. Automobile bodily injury and property damage liability combined One Million Dollars ($1,000,000) each occurrence.

Grantee shall indemnify, protect, and save harmless the City from and against losses and physical damage to property and bodily injury or death to persons, including payments made under any Workman's Compensation law which may arise out of their erection, maintenance, use or removal of said attachments or poles within the City, or by any other act of Grantee, its agents or employees. Grantee shall carry insurance in the above described amounts to protect parties hereto from and against all claims, demands, actions, judgements, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. Grantee shall also carry such insurance as it deems necessary to protect it from all claims under Workmen's Compensation laws in effect for the entire life of the rights granted hereunder. Insurance certificates evidencing such insurance coverage shall be deposited with and kept on file by the City.

These damages or penalties shall include, but shall not be limited to, damages arising out of copyright, infringements, and all other damages arising out of installation, operation, or maintenance of the Cable Television System authorized herein, whether or not any act or omission complained of is authorized allowed or prohibited by this Ordinance.

14-2-5 General System Specifications. The facilities used by the Grantee shall have a minimum of 35 channels.

14-2-6 Technical Standards. Grantee shall be governed by technical standards established by the FCC.

14-2-7 Operation and Maintenance of the System.

A. The Grantee shall render efficient service, make repairs promptly, and interrupt service only for a good cause and for the shortest possible time. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system.

B. Grantee shall operate the cable system and perform service in compliance with FCC Rules

C. Grantee shall, except as is hereinafter stated, provide the City Finance Officer with 30 days advance written notice of any change in channel assignment for a program service or of a change in the video programming service provided on any channel. Grantee shall not be required to give 30 days notice where the change is made for reasons beyond the control of the Grantee but Grantee shall give such notice as is reasonable under the circumstances. Services of the notice shall be deemed to have been completed on the day the notice is mailed.

14-2-8 Service to Schools and City. The Grantee shall, subject to the line extension provisions of 14-2-3, provide basic cable service at no cost to public and parochial elementary and secondary schools within the City, at one terminal junction for educational purposes upon request of the school system.

Grantee shall, subject to the line extension provisions of 14-2-3, also provide to the City without charge, at one City owned building at an airport, to be selected by the Council and one junction terminal to said building and shall also furnish to the building, without charge, basic service to all sets connected within such building to the terminal junction.

The Grantee shall allocate one channel to the City as public educational or government access channel. Until such time as the City files a written request with Grantee for full-time use of the channel, Grantee shall have the right to use that portion of the channel capacity that is not being used by the City. Grantee shall have a reasonable period of time after notification to vacate its use of the channel. Grantee shall assist the City in obtaining the necessary licenses and frequency clearance to enable the City to use said channel.

14-2-9 Emergency Use of Facilities. In the case of any emergency or disaster, the Grantee shall, upon request of the Council, make available its facilities to the City for emergency use during the emergency or disaster. If the City wishes to operate a Civil Emergency Alert System on a plan that is mutually acceptable to the City and Grantee and provides Grantee with the necessary equipment for such system, Grantee will permit the system to be used on the cable system.

14-2-10 Safety Requirement. The Grantee shall, at all times, employ ordinary care and shall use and maintain commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries and nuisances to the public.

14-2-11 Limitations on Rights Granted.

A. All transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and said poles or towers shall be removed by Grantee whenever the city designated street representative reasonably finds that the same restrict or obstruct the operation or location of any future streets or public places in the City.

B. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable Ordinances and regulations of the City, affecting electrical installation, which may be presently in effect, or changed by future Ordinances.

C. In case of disturbance of any street, sidewalk, alley, public way, or paved area. the Grantee shall, at its own cost and expense and in manner approved by the city designated street representative, replace and restore such street, sidewalk, alley, public way, or paved areas in as good a condition as before the work involving such disturbance was done. Grantee shall not be required to pay a fee for street openings.

D. If at any time during the period of this Ordinance the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, the Grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

E. The Grantee shall, on the request of any person holding a building permit issued by the City or any person who wishes to remove trees or structures from their property, temporarily raise or lower its wires to permit the moving of buildings or tree removal. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

F. The Grantee shall have the authority to trim trees that are overhanging the streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the Grantee.

G. Grantee shall, at its expense, protect, support, temporarily disconnect, relocate on the same street, alley or public place, any property of Grantee when required by the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishments of street grade, installation of sewers, drains, waterpipes, power lines, signal lines, and tracks or any other types of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or other structure of public improvement; provided, however, that Grantee shall in all cases have

the privileges and be subject to the obligations to abandon any property of Grantee in place as hereinafter provided.

H. In all sections of the City where the City designates an area where all presently above ground services are to be placed underground, the Grantee shall place its wires underground on the same time schedule and on the same conditions that are applicable to the providers of other above ground services in the designated areas.

I. In all sections of the City where the City designates an area where all presently above ground services are to be placed underground, the Grantee shall place its wires underground on the same time schedule and on the same conditions that are applicable to the providers of other above ground services in the designated areas.

J. In the event that the use of any part of the system is discontinued for any reason for the continuous period of twelve (12) months or in the event such systems or property has been installed in any street or public place without complying with the requirements of this Ordinance, or the rights granted hereunder have been terminated, cancelled or have expired, Grantee shall, subject to the rights of the City to acquire or transfer the system as specified in , promptly remove from the streets or public places all such property and poles of such system other than any which the City may permit to be abandoned in place. In the event of such removal, Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the City.

K. Any property of Grantee to be abandoned in place shall be abandoned in such manner as the City may prescribe. Upon permanent abandonment of the property of the Grantee in place, it shall submit to the City an instrument to be approved by the City, transferring to the City ownership of said property.

14-2-12 Ownership and Removal of Facilities. Except as is otherwise agreed in writing at the time of installation, all cable and passive equipment for cable television reception service installed by Grantee at a subscriber's locations shall remain the property of the Grantee and Grantee shall have the right to remove said cable and equipment. Grantee shall have the right, at anytime, to disclaim further ownership rights to the interior wiring and specified equipment and fittings at a subscriber's residence or other building by giving written notice to the to the subscriber. Once such notice is given, the interior wiring and any equipment or fitting specified in the notice shall become the property of the subscriber without any payment obligation on the part of the subscriber. Provided, however, that Grantee shall the right, as long as it is providing service to the premises, to use said interior wiring and specified equipment without charge. Upon termination of service to a

subscriber, the Grantee shall, subject to FCC regulations, promptly remove all its above ground facilities and equipment, that are external to the building from the premises of such subscriber upon his request.

14-2-13 Assignment of Ordinance. The Grantee shall not assign this Ordinance to another person without prior approval of the Council, which approval shall not be unreasonably withheld.

14-2-14 Payment to the City. During the term of the rights granted hereunder, and so long as the Grantee operates said system, the Grantee shall pay, as compensation to the City a sum equal to three percent (3%) of the annual total gross receipts of the cable system. "Gross Receipts" shall consist of those revenues derived from the monthly service and premium pay services. Gross receipts shall not include revenues received as installation charges, and fees for reconnections, inspections, repairs or modifications of any installation, and all State and Federal Taxes relating thereto.

The payments that Grantee makes to the City shall be in lieu of any occupation tax, license tax, or similar levy by the City and shall be paid on a monthly basis based on the preceding year's gross subscriber revenues. Upon completion of Grantee's audit, Grantee shall pay the City within 15 days, the balance due, if any for the operating year covered by the audit.

This amount payable by the Grantee to the City shall be the sole amount payable for al of its rights under this Ordinance including, but not limited to, the use of the streets and other facilities of the City in the operation of the Cable System and for the municipal supervision thereof and shall be in lieu of any other occupational tax or franchise fee.

Notwithstanding the annual gross receipts fee or tax payable hereunder, if the Grantee is legally obligated to collect or pay any sales tax or other taxes, the Grantee shall have the right to charge the subscribers an additional amount equal to such tax.

14-2-15 Duration and Renewal of Ordinance. The rights granted to Grantee herein shall, except as provided in this Section, terminate fifteen (15) years from the effective date of this Ordinance which Ordinance shall be subject to renewal pursuant to the provisions of the Cable Communications Policy Act of 1984, as amended , applicable to new ordinances that are in the nature of a franchise. Pending final completion of renewal proceedings, this Ordinance shall remain in effect even if the original fifteen (15) year term has expired. If this Ordinance is not renewed or if it is revoked for cause by the City, the transfer of Grantee's system shall be governed by Section 627 of the Cable Communications Policy Act of 1984, as amended.

14-2-16 Erection, Removal and Common Use of Poles.

A. No poles or other wire-holding structures shall be erected by the Grantee without prior approval of the designated representative of the Council with regard to the locations, height, type or any other pertinent aspect, which approval shall not be unreasonably withheld. However, no locations of any pole or wire-holding structure of the Grantee shall be vested interest and such poles or structures shall be removed or modified by the Grantee at its own expense whenever the Council or its designated representative determines that the public convenience would be enhanced thereby.

B. Where poles or other wire-holding structures already existing in uses in serving the City are available for use by Grantee, but it does not make arrangements for such use, the Council may require the Grantee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to the Grantee are reasonable.

C. Where the City or a public utility serving the City desires to make use of poles or other wire-holding structures of the Grantee but agreement therefore with the Grantee cannot be reached, the Council may require the Grantee to permit such use for such consideration as is just and reasonable and upon such terms as the Council determines the sue would enhance the public convenience and would not unduly interfere with the Grantee's operations.

14-2-17 Rates.

A. Grantee shall at all times maintain on file with the City Finance Officer a schedule setting forth all rates and charges to be made to subscribers for all tiers of service, including installation charges

B. During the term hereof, Grantee shall comply with the rate regulation rules of the FCC.

C. The monthly rate set forth in subsection A above shall be payable in advance.

D. The Grantee shall not discriminate in rates between customers of the same category except to the extent permitted by the Cable Communications Policy Act of 1984, as amended, and FCC regulations.

14-2-18 Miscellaneous.

A. Grantee's legal, financial, technical and other qualifications, and the adequacy and feasibility of its construction arrangements, if any have

been approved by the Council after consideration in a full public proceeding affording due process to all interested persons.

B. Complaints regarding the quality of service, equipment malfunctions and similar matters shall first be directed to Grantee's office. Should Grantee fail to satisfy a Complaint, it may then be directed to the Finance Officer for investigation. The complaining party and Grantee shall be afforded a reasonable opportunity to present written statements of their position. The Finance Officer shall attempt to resolve the Complaints and, if this cannot be achieved, he or she shall submit a recommendation to the Council, which shall either (1) dismiss the complaint, or (2) specify corrective steps to be taken by Grantee. Appeal from the Council's action may be made to the appropriate judicial or administrative forum.

14-2-19 Modification of Obligations. In addition to any other remedies provided by law or regulation, Grantee's obligations under this Ordinance may be modified, at its request, in accordance with Section 625 of Cable Communications Policy Act of 1984 as it now exists, or as hereafter amended.

14-2-20 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, or is superseded or preempted by FCC regulation, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

14-2-21 Ordinance Repeal. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

TITLE 15 -- REPEALING CLAUSE AND SCOPE OF REVISION, PENALTIES, AND GENERAL PROVISION

Chapter 15-1 Repealing Clause and Scope of Revision, Penalties, and General Provisions.

15-1-1 Conflicting Ordinances Repealed. All ordinances and part of ordinances in conflict with the provisions of this Ordinance or relating to the subject matter of this Ordinance and not reenacted as part of this Ordinance, except as stated in this Title, are hereby repealed, provided, however, that nothing herein shall be construed as repealing any special ordinances, appropriation ordinances, levying ordinances, ordinances establishing maximum rates and charges for electric energy, franchise ordinances, or other special ordinances of like character, or those ordinances requiring special method of enactment.

15-1-2 Penalties, General. Except in cases where a different penalty is imposed by this Ordinance or by some existing provision of law, every violation of any of the provisions of this Ordinance shall be punishable by imprisonment in the County Jail not to exceed thirty (30) days or by fine not exceeding one hundred dollars ($100), or by both such fine and imprisonment.

15-1-3 General Provisions - Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, such portion shall be deemed a separate, distinct and independent proviso, and such holding shall not affect the validity of the remaining portions thereof.

Bristol

City Council 2000

Shayne Schmieg- Mayor
Fran Morehouse- Finance Officer
Connie Bury - Council Member
Chris Farrell - Council Member
Albert Goehring – Council Member
Lyle Johnson – Council Member
Janet Lardy – Council Member
Brad Monteith – Council Member
Lonnie VanderLinden- City Attorney

The Northeast Council of Governments assumes no responsibility for the ordinances in terms of legality and appropriateness. Implementation and enforcement of the ordinances are entirely the responsibility of the City of Bristol.

These ordinances were revised by the Northeast Council of Governments, under the direction of City Attorney, Lonnie VanderLinden, and the City Council of the City of Bristol.