

ORDINANCE NO. 6529.

An Ordinance in relation to the laying of Water, Gas and Sewer Pipes and Mains, and the manner of excavating and re-filling trenches therefor.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1;- That it shall be unlawful for any person, firm or corporation to dig up, break, excavate, disturb, dig under or undermine a public street or any part thereof or any macadam, gravel block or other street pavement, or improvement in the said City of Portland, for the purpose of laying down, or gaining access to, or repairing any water pipes or mains or for the purpose of laying down, taking up, getting at or repairing any sewer or branch sewer, or pipes of any kind without first applying for and obtaining from the Superintendent of Streets a written permit so to do, as provided in this Ordinance.

SECTION 2;- Before any person shall be entitled to apply for and obtain a permit for any of the purposes set forth in the preceding Section, it shall be the duty of such person, firm or corporation to file with the Superintendent of Streets a bond, with good and sufficient sureties, conditioned that he or they, will immediately remove all surplus sand, earth, rubbish or other material, and will immediately replace the portion of such street so disturbed, dug up or undermined in as good condition as it was before being broken up, dug up, undermined or disturbed and that he or they will keep the same in good repair, at his or their own expense, for the period of one year from the date of the completion of such work. The amount of such bond shall in no case be less than \$50, and shall be at the rate of \$100. for every two hundred feet to be dug up or disturbed; Provided, That the Portland Gas Light Company and the Portland Water Company or any individual, firm or company may at their option file yearly a bond in the penal sum of \$1000. in place of giving a separate bond for each part of street disturbed; and Provided Further, That no bond shall be required of the Portland City Water Committee nor from any of its officers or agents.

SECTION 3;- Whenever any person, firm or corporation who has complied with the provisions of Section 3 of this Ordinance shall make written application to the Superintendent of Streets for permission to take up any street or pavement for any purpose designated in Section 1 of this Ordinance, stating in such application the name of street or streets to be taken up, and for what purpose, together with the location of the pipe or main to be laid, examined or repaired as well as the location of the house or lot to be connected with such water, gas or sewer pipe, or main or branch, and setting forth the number of days required for taking up and replacing the pavement or street surface as in this Ordinance provided, the Superintendent of Streets shall (unless there should be reasons of public interest to the contrary) issue to such applicant a written permit to so take up, dig into and disturb any such street surface or pavement as aforesaid.

SECTION 4:- Such permit shall designate the portion of street to be so taken up or dug up or disturbed, together with the purpose for making such excavation, the house or lot to be connected with the water, gas or sewer pipes or mains, the number of days in which the work shall be done and the trench refilled as hereinafter designated, and such other restrictions as may be deemed of public necessity or benefit.

SECTION 5:- All work executed under a permit issued by authority of the provisions of this Ordinance shall be done in conformity with the requirements of this Ordinance and the terms of such permit, and under the supervision of the Superintendent of Streets.

SECTION 6:- All pipes or mains hereafter laid lengthwise of and in any of the streets of the City of Portland, shall be laid at a distance of at least three and one-half (3½) feet from the sidewalk curb, measuring toward the center line of the street; and all pipes for house or lot connections shall cross the sidewalks at right angles thereto.

SECTION 7:- In case of leakage or breakage in any pipe or main, requiring immediate action it shall be lawful for the person authorized so to do, to commence the repairs of such pipe or main without first giving the bond required by Section 1 of this Ordinance; such bond shall be filed as soon thereafter as practicable.

SECTION 8:- Any person, firm or corporation opening a street surface payment as provided in this Ordinance, shall keep the stone, macadam gravel or other pavement material excavated separate from the excavated earth.

SECTION 9:- Whenever a trench or hole has been dug or opened in any roadway, pavement or other street improvement on any street or alley in the City of Portland, for the purpose of getting at or laying any sewer, gas water or other pipe or main under a permit from the proper authorities, it shall be the duty of the persons so digging or opening such trench or hole to refill the same in the manner hereinafter designated, within forty-eight hours after the laying or getting at such sewer, gas or water or other pipe or main, to-wit: The earth excavated from such hole or trench shall be refilled and thoroughly ramed or tamped in layers of not more than six inches until the grade of the roadway previously existing at such trench or hole is reached when the street has not been improved with plank, macadam stone block or other permanent improvement and to the elevation of the bottom of such permanent improvements. When the street has been improved with macadam, plank, gravel, stone block or other permanent improvement and such improvement when removed by digging or opening such trench or hole shall be relaid compactly and thoroughly ramed or tamped and made to conform to the grade and quality of the surrounding street pavement or improvement.

SECTION 10:- It shall be unlawful for any person or persons to make connection with or in any manner obstruct or interfere with any public sewer or drain pipe, except as hereinafter provided.

SECTION 11:- Any person or persons desiring to make connections with any public sewer or drain pipe shall make written application for a permit therefor, specifying therein the location area to be drained and whether for house drainage or otherwise; and otherwise comply with the provisions of this Ordinance.

SECTION 12:- Whenever any person, firm or corporation shall have received a permit as provided in this Ordinance, it shall be the duty of such person, firm or corporation to begin the work of laying, examining or repairing such water, gas or sewer main within twenty four hours of the receipt of such permit and to pursue such work diligently and continuously until the same is complete, the trench or hole refilled, and the pavement replaced as in this Ordinance provided; and also to make a written return or report (on printed blanks to be furnished by the Superintendent of Streets) of the manner in which such work was executed, the particular locality of the pipe, main and branch or connection used, connected with, laid, repaired or examined, the kind of pipe laid, and such other reasonable information as may be required by the wording of such printed blanks; and it shall be the duty of any person, firm or corporation so obtaining such permit, to make and file such written return or report in the office of the Superintendent of Streets, within forty-eight hours after such work has been completed.

SECTION 13:- It shall be unlawful for any person, firm or corporation to cut or break into any brick, clay, terra cotta, cement pipe or other sewer, or to connect with any such sewer except at the branches duly provided in such sewers for connections therewith, or to connect the blow-off or exhaust pipe of any boiler or steam engine with any public sewer or any branch there-

of, without first obtaining written consent and permission of the Committee on Sewers and Drainage and the Superintendent of Streets.

Section 14;- It shall be the duty of any person, firm or corporation who dig up, removes, disturbs or in any other wise obstructs any street, street surface, sidewalk, crosswalk or pavement under a permit issued in pursuance of the provisions of this Ordinance, so that the same shall be in a dangerous condition, to erect a barricade around such obstruction and to maintain a red light or red lights at or around such obstruction during the hours between sunset and sunrise so that persons and teams may be duly warned of and protected from such dangerous obstruction.

Section 15;- Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and on conviction before the Police Judge shall be punished by a fine of not less than five (5) dollars nor more than twenty five (25) dollars; or by imprisonment in the City Jail not less than two (2) nor more than ten (10) days and in all cases where a fine shall be imposed under this Ordinance it shall be the duty of the Police Judge to adjudge that the offender stand committed to the City Jail, until such fine and costs of suit shall be paid, or in default of payment, for a number of days specified, and any person or persons who shall maintain or continue such violance after conviction of the first offense, shall for each day of such maintaining or continuing, be deemed guilty of a separate offense, and on conviction thereof shall be punished to the full extent of the fine or imprisonment provided in this Section.

Section 16;- Whenever any portion of a sidewalk is encumbered with ice the tenant or occupant of a building or of land adjoining a street whereon is such sidewalk, or in case there is no occupant of the whole of such building or of any such land the owner or other person having the care of the same shall cause such sidewalk to be made safe and convenient by removing the ice therefrom, or by covering the same with sand ashes or some other suitable substance within the first three hours of daylight after the formation of said ice.

Section 17;- That Ordinance No. 4092, entitled, "An Ordinance defining the manner of laying down gas and water mains." Ordinance No. 4347, entitled "An Ordinance designating the manner of filling trenches excavated for laying water, gas or sewer pipes." and Ordinance No. 717 entitled, "An Ordinance for the protecting of public sewers, and to provide for the manner of making connections therewith." be, and the same are hereby repealed.

Passed the Common Council February 4th 1891.

W. F. Matthews

Auditor and Clerk

Approved, February 5th 1891.

Van B. DeLashutt

Mayor.