

amended by
Ord. 14704-1672

ORDINANCE NO. 909
STREET SAFETY ORDINANCE
Ordinance No. 639

An ordinance of the City of Redlands, to be known as the Street Safety Ordinance, prescribing conditions and regulations under which:

- (1) An excavation, tunnel, or bore may be made in, or under the surface of any street;
- (2) Any facility or equipment may be constructed, erected, placed or repaired in, upon, along, across, under or over any street, or removed from any street;
- (3) A street betterment may be repaired, constructed, reconstructed, erected, or made, in, upon, along, across, under or over any street; or a street betterment in, upon, along, across, under, or over any street may be removed by or at the instance and request of the owner of the real property abutting said street where such street betterment is to be repaired, constructed, reconstructed, erected, made or removed;
- (4) A street improvement in, upon, along, across, under or over any street may be destroyed or removed;
- (5) An obstruction may be constructed, left, placed, or maintained in, upon, along, across, under or over any street;
- (6) A vehicle may be driven or operated over any curb or sidewalk located upon any street at a point other than where a driveway has been legally constructed;

Making the violation of any of the said conditions and regulations a misdemeanor;

And repealing, at the moment this ordinance takes affect, the following portions of ordinance number 788, City of Redlands, State of California; Chapter III, Sections, 7, 8, 9, 10, 11, 11a, 13, 14, 15, 16, 17, 18, 19 and Section 24; subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16.

Reinstituting, revising and recodifying street safety ordinances; adding certain ordinances or changes made necessary by new conditions.

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

SECTION 1. It is prohibited and therefore unlawful to:

(Obstructing Streets and Sidewalks)

(1) Obstruct the free passage or use of any portion of any roadway of any street or of any sidewalk, without first obtaining a permit to do so from the Street Superintendent; provided that nothing herein contained shall be deemed to prevent the obstruction of one-half ($\frac{1}{2}$) the width of any sidewalk, not exceeding two (2) hours in any one day for the receipt of or delivery of merchandise, nor to prevent any railroad engine or train car (s) from stopping or remaining upon any street for a period not exceeding three (3) consecutive minutes provided that any emergency vehicle shall have right of free passage, unobstructed right of way, at any time upon sounding of siren or warning device, red light flashed toward the operator of said obstructing vehicle, or by any means utilized to signify that an emergency does exist.

(Obstructions Across Ditches and Gutters)

(2) Construct or maintain any dam or obstruction in or across any public waste water or storm water ditch, channel, or gutter, in said city; or to construct or maintain over or across any such ditch, channel, or gutter any bridge, crossing or covering without permission

being first obtained from the City Manager.

(Irrigation and Storm Water to Be Controlled)

(3) Allow or permit any irrigation water (Except from Lawns), storm water drained from buildings or water drained from swimming pools to run upon or over the surface of any sidewalk in said city or upon or into the roadway of any street therein, except in the gutters thereof or properly controlled channels may be approved at the discretion of the City Manager.

(Oil on Streets)

(4) a. Place, cause or permit to be placed or discharged, any oil, petroleum, naphtha, liquid asphaltum, gasoline, kerosene, or any kindred substances, or water mixed with any such substances into any sewer, public or otherwise, or in or upon any street or sidewalk in said city, or upon any private property so that the same will or may run into or upon any such street or sidewalk, or to drive or permit or allow to be driven, run, or propelled any vehicle or machine carrying, in bulk or otherwise, any such substances, upon the streets of said city, unless the same shall be contained within such vehicle in such a manner that said substances cannot be spilled, dropped, leak or drip from said container, or from drip pans attached to said vehicle or container.

b. All vehicles traversing city streets carrying more than the normal amount of vehicular fuel for the normal operation of said vehicle and all commercial vehicles carrying explosives, explosive liquids or gases shall, at all times, carry fire extinguishers appropriate to the material carried, as approved by the Fire Chief or State Fire Marshall.

(Moving of Buildings)

(5) Move any building or structure upon any street without a permit first obtained from the City Manager, and then only in accordance with the terms and conditions stipulated by said permit, under Ordinance No. 872.

(Signs)

6. Erect or maintain any sign or sign device over or upon any street or sidewalk, or to paint, paste, or in any way affix any sign or poster or notice or advertisement upon any street, sidewalk, or private property, without the consent of the owner, in the case of public property, without the consent of the city council, provided that said sign or signs may be erected or maintained in accordance with applicable portions of Ordinance No. 887.

(Awning)

7. Erect or maintain over any sidewalk any awning, any part of which is less than seven (7) feet above the sidewalk. Awnings will be constructed in accordance with the provisions of the Uniform Building Code, adopted by said City of Redlands.

(Barbed Wire Fences)

(8) Construct or maintain any barbed wire fence or thorn bearing hedge along the line of any street in said City.

(Trimming of Trees)

(9) Permit the branches or foliage of any tree, plant, hedge or bush growing on private property to obstruct the free passage of vehicles in the roadway of any street or of pedestrians upon the sidewalk portion thereof, or to hang over such portion of sidewalk within seven feet of the surface thereof.

(Cutting Trees)

(10) Cut or permit the cutting of any tree or the roots or branches thereof, being or growing upon any street in said city, or to in any manner injure or impair the growth of life thereof, without first obtaining a permit to do so from the City Manager; as provided under Ordinances No. 874 and 891.

(Excessive Noise)

(11) Make or cause to be made any excessive or loud noise of any source or music upon any street within the city limits of this City, except as may be otherwise permitted by law, or by permit from the police chief.

(Merchandise on Sidewalks)

(12) Block or obstruct or make unsafe for travel on the sidewalk or streets of said city with merchandise for sale, storage, display or advertisement, or refuse and debris, or containers therefor, or to install or retain any appurtenances to buildings extending over public property unless specifically permitted herein.

SECTION 2. Following acts are prohibited without permit:

a. No person shall do or perform, or cause the doing or performing of any, of any number of, or all of the following, until and unless he has filed with the Engineer a written application, and secured from the Engineer a permit therefor, and until and unless he shall have complied with all of the conditions and regulations of this ordinance applicable thereto, except as hereinafter provided in subdivision (b.) of this section.

(1) Make any excavation, tunnel or bore in or under the surface of any street.

(2) Construct, erect, place, or repair any facility or equipment in, upon, along, across, under or over any street, or remove any facility or attached equipment from any street.

(3) Repair, construct, reconstruct, erect or make any street betterment in, upon, along, across, under or over any street or remove any street betterment from any street when such work is done or performed by or at the instance and request of the owner of the real property abutting said street where such street betterment is to be repaired, constructed, reconstructed, erected or made, or removed.

(4) Destroy or remove any street improvement in, upon, along, across, under or over any street.

(5) Construct, leave, place or maintain any obstruction in, upon, along, across, or over any street.

(6) Drive or operate a vehicle over any curb or sidewalk located upon any street at a point other than where a driveway has been constructed or otherwise provided.

b. (1) Subdivision (a.) of this section shall not apply in case of emergency when it is necessary for the preservation of life or property to do work immediately in, upon, along, across, under or over any street in the City, provided that the person doing such work shall file a statement of the necessity therefor, a drawing or plat as required by said subdivision (a.) and make a deposit as required by Section 7 hereof with the Engineer within eight (8) hours after beginning said work, or within four (4) hours after the office of the engineer is first open subsequent to beginning said work.

(2) A department of the City shall not be required to make application for or secure a permit from the Engineer to construct, erect, place, or repair a pole, pole line, tower,

crossarm or bracket, transformer, conduit junction box, wire, meter, meter box, valve, valve box, in, upon, along, across, under or over a street of the City or remove the same from a street of the City when such work does not interfere with, disturb, destroy or remove any street improvement.

SECTION 3. Form of application for permit:

Such written application, the form of which must have been approved by the City Manager, shall be on a form furnished by the Engineer or City Street Superintendent.

SECTION 4. Requirement for filing drawings, profiles and specifications:

a. If an applicant applies for a permit to do any work mentioned in paragraphs numbered (1), (2) or (3) of subdivision (a.) of Section 2 hereof, at the time of filing such application, the applicant also shall file with the Engineer a drawing or plat showing the proposed location, size and depth of an excavation, tunnel or bore to be made, the proposed location and elevation above or below the established grade of the center line of the street, and if below the street, the proposed elevation below the actual surface of the roadway, the character of the street improvement or street betterment, facility or equipment or work to be done as the case may be; provided, however, that the filing of such drawing or plat shall not be required when an application is filed requesting a permit to excavate in a street for the purpose of making a service connection when extending a lateral to a property line from a main duct line, or for the location of trouble in conduit or pipes, or making repairs thereto, or for any minor work of repair, reconstruction or excavation when the description of the work to be done in the application gives all the data required by this subdivision to be shown on a drawing or plat.

b. Additional maps or drawings will be submitted and approved as in paragraph (a.) of this section.

c. At the time any person applies for a permit for making a tunnel or bore in any street, he shall submit to the Engineer for approval, specifications setting forth the method proposed to be used in backfilling said tunnel or bore.

d. Any work done pursuant to paragraphs numbered (1), (2) or (3) of subdivision (a.) of Section 2 hereof shall be done and performed in accordance with the drawings, plans, profiles or specifications designated in the permit issued therefor.

SECTION 5. When permit may be issued:

If the proposed location of any street betterment, or facility or equipment to be constructed, reconstructed, erected, installed, maintained, operated or repaired, in, upon, along, across, under or over any street or removed from any street, and if the proposed location of any obstruction or temporary driveway to be constructed, left, placed or maintained in, upon, along, across or over any street by the applicant does not interfere (1) unreasonably with the use of the street for the purpose of travel, (2) with any proposed or contemplated use of the street by the City of Redlands or any of its departments, either above or below the surface of the street, for which plans have been prepared, or for which plans are in the course of preparation, which said plans have been authorized by the City Manager or the legislative body of the City, (3) with personal property lawfully in, upon, along, across, under or over streets, and otherwise complies with the applicable provisions of this ordinance or any other ordinance of the City germane thereto, in force and effect at the time such application is made, the Engineer shall approve such application and issue a permit or permits therefor; provided, however, that the Engineer shall not issue any permit when the proposed manner of doing the work would be detrimental to the public welfare.

SECTION 6. Limitation and reservation on rights granted by any permit.

a. Nothing in this ordinance contained, and no fact, circumstance or inference arising therefrom shall be deemed or considered to grant any franchise, right or privilege in, over or under any street of the City.

b. Nothing in this ordinance contained shall be construed or taken to exempt, or as a contract right exempting a permittee from complying with any ordinances now in force, or which may hereafter be adopted.

c. Every permit for work in, upon, along, across, under or over a street shall be granted subject to the right of the City, or any other person entitled thereto, to use that part of such street for any purpose for which said street may lawfully be used.

SECTION 7. Permit fee and deposit required.

Before the Engineer shall issue any permit to any person other than any department of the City, he shall collect from the applicant therefor the following:

a. A permit fee per job of: *amended by Ord. 1170*

(1) One Dollar (\$1.00) where all of the work to be done and performed by the permittee thereunder will be completed in seven (7) calendar days from date of issuance of the permit therefor.

(2) Two dollars (\$2.00) where all of the work to be done and performed by the permittee thereunder will be completed in not less than eight (8) calendar days, but not exceeding thirty (30) calendar days, from date of issuance of the permit therefor.

(3) Three dollars (\$3.00) where all of the work to be done and performed by the permittee thereunder will be completed in not less than thirty-one (31) calendar days, from date of issuance of the permit therefor.

(4) Charges will be made for:

a. Making any excavation, tunnel or bore, an amount of money estimated by the Engineer to be equal to the cost and expense of:

(1) Inspection and supervision of said work by the Engineer.

(2) Refilling such excavation, tunnel or bore as herein provided.

(3) Restoring the street surface excavated to as usable, safe, durable and good condition as existed prior to the making of such excavation, tunnel or bore.

(4) Any other act or work of the Engineer incidental thereto.

b. For destroying or removing any street improvement or for repairing, constructing, reconstructing, erecting or making or for removing any street betterment or for constructing, erecting, placing or repairing any facility or equipment an amount of money estimated by the Engineer to be equal to the cost and expense of:

(1) Inspection and supervision of said work by the Engineer.

(2) Any other act or work of the Engineer incidental thereto.

(3) Restoring the street surface likely to be injured or damaged thereby to as useful, safe, durable and good condition as existed prior to the construction, leaving, placing or maintaining of such obstruction or making such temporary driveway.

c. For constructing, leaving, placing or maintaining any obstruction or making any

temporary driveway, an amount of money estimated by the Engineer to be equal to the cost and expense of:

- (1) Inspection and supervision of said work by the Engineer.
- (2) Removing said obstruction or temporary driveway.
- (3) Restoring the street surface likely to be injured or damaged thereby to as useful, safe, durable and good condition as existed prior to the construction, leaving, placing or maintaining of such obstruction or making such temporary driveway.
- (4) Any other act or work of the Engineer incidental thereto.

Inspection and supervision of the Engineer shall be charged for at the rate of \$1.50 per hour or fraction thereof of time necessarily consumed in such inspection or supervision.

d. A charge of five dollars (\$5.00) for connecting a house sewer to a public sewer at a point where no special "Y", "T" or spur branch has been previously installed, in addition to other costs. *amended by Ord. 1470*

e. No charge shall be made for any private property which has been specially assessed to pay the costs and expenses of the construction of such improvement.

SECTION 8. Fee increased if work done before securing permit. *amended by Ord. 1470*

In the event a person does or performs or causes the doing or performing of any of the acts mentioned in paragraphs numbered 1 to 6 inclusive of subdivision (a.) of Section 2 of this ordinance without securing a permit therefor, except in case of emergency as herein provided, the amount of the fee herein provided for such work shall be increased an additional five dollars (\$5.00) and the payment of such additional amount of fee shall not excuse or in any way interfere with the enforcement of any of the provisions hereof.

SECTION 9. City departments shall be liable for expenses of Engineer.

a. When the Engineer issues a permit to any department of the City, said department shall be liable for and shall pay the Engineer his expenses in connection with any work he may do as the result of the issuance of said permit, in the same amount as any person is required to pay pursuant to the provisions hereof, except that each department shall not be required to pay any permit fee, or make a special or general deposit.

b. Monthly the City Manager shall send a bill to any or all of the departments of the City securing permits from the Engineer pursuant to the provision herein during the preceding calendar month for all work done, materials furnished, reasonable rental value of equipment used, and incidental expenses of the City in connection with said permits.

c. After any such bill has been approved, audited and allowed, the general fund of the City shall be credited with the amount thereof.

SECTION 10. General deposit may be made of bond filed. *amended by Ord. 1470*

Any person intending to do any work in, on, over or under any street, may make and maintain with the Engineer a general deposit which shall be used for the same purpose or purposes as the charges required in Section 7 of this ordinance. A general deposit may be made on the following basis:

- (1) \$30.00 for 20 square feet or more of street surface affected by the doing or performing of work in any calendar month.

(2) \$40.00 for 31 square feet and not more than 40 square feet of street surface affected by the doing or performing of work in any calendar month.

(3) \$1000.00 for 41 square feet or more of street surface affected by the doing or performing of work in any calendar month.

In lieu of making said general deposit such person may file with the Engineer a bond payable to the City of Redlands, executed by such person and by a surety company, conditioned that if such person fails to pay the bill for the reasonable cost and expense of the work done and performed by the Engineer pursuant to the provisions of this ordinance, then the surety will pay the same to the amount of such bond. Such bond and the surety thereon must receive the approval of the City Manager or City Attorney of the City of Redlands before the same shall be accepted by the Engineer. The amount of said bond shall be determined on the basis used for determining the amount of a general deposit. Immediately upon the reduction of the obligation of such surety by payments made thereon, such bond shall be renewed and at all times maintained in the full amount herein required.

SECTION 11. Action to be taken by Engineer when deposit or bond insufficient.

In the event that the estimated amount of any charges, special or general deposit shall prove to be insufficient, the Engineer must cause the work done pursuant to the provisions of said permit to be stopped until such additional sum is deposited as will equal the estimated cost and expense.

SECTION 12. Must show authority to use and occupy street.

The applicant of any permit authorized to be issued pursuant to the provisions of this ordinance shall show to the satisfaction of the Engineer a lawful right to use and occupy the streets of the City for the purpose and at the location mentioned in the application.

SECTION 13. Engineer may make changes in application for permit.

The Engineer may make such changes in said application as to the location, size and depth of any excavation, tunnel or bore as he may deem necessary for the protection of the streets wherein such excavation, tunnel or bore is to be made, or as in his judgment are necessary for the proposed purposes thereof, and may make such changes as to location, size or character of an obstruction, street betterment or temporary driveway constructed, erected, made, left, placed or maintained, in, upon, along or across, under or over any streets as in his judgment are necessary to comply with good engineering and workmanship, to prevent undue interference with travel upon the streets, or danger to the safety of persons using the same, and may make such changes as to location, or elevation above or below the surface of the street of any facility or equipment to be constructed, erected or placed as in his judgment are necessary to prevent undue interference with travel on the streets or danger to the safety of persons using the same.

SECTION 14. Lines and grades to be secured from Engineer.

Any permittee, before doing any work in the streets of the City pursuant to any permit issued in accordance with the provisions hereof, if required by said permit, shall secure from the Engineer the lines and grades approved by him for doing said work, and shall conform thereto in doing and performing said work.

SECTION 15. Permit to be kept on job while work in progress.

The permittee shall keep the permit at the site of the work at all times while any work is in progress, by retaining the same on his person or delivering it to the foreman or person in charge of the actual doing or performing of the work authorized by said permit.

SECTION 16. Work shall be diligently carried on.

After any work in connection with any excavation, obstruction, facility or equipment, or street betterment is commenced, by the holder of any permit as herein provided, the work of accomplishing the purpose thereof shall be diligently carried on and completed by him in a manner that shall not obstruct the street or any travel thereon more than is absolutely necessary.

SECTION 17. Inspection and supervision by Engineer.

a. All work done in the streets shall be done under the direction and to the reasonable satisfaction of the Engineer. From time to time, or at such time as he deems necessary, as the work progresses, he shall inspect all work done or performed pursuant to any permit issued by him.

b. Any permittee of any permit issued hereunder, excepting any department of the City of Redlands, shall notify the Engineer 24 hours in advance of starting or commencing any work to be done or performed thereunder, and before refilling any excavation, tunnel or bore, in order that the Engineer may procure and assign an inspector to inspect the same, or in order that he may lay out any portion of said work. No work shall be done or any excavation, tunnel or bore refilled until such notice shall be given and authority is given therefor by the Engineer.

SECTION 18. Requirements for making temporary driveway.

a. Before any Vehicle shall be driven or operated over any sidewalk or curb at any point other than where a driveway has been constructed, such sidewalk and curb at the point where said vehicle is to be driven or operated over same, shall be adequately protected by wood planking in such a way as to fully protect said sidewalk or curb from danger or injury. The outside ends of all planks so used shall be evenly adjusted and beveled in such manner as to render passage thereover as easy and safe as possible. All portions of the street and sidewalk so protected at all times shall be kept open and clean and passable for pedestrians.

b. Such planks shall be maintained only during the life of the permit issued therefor. The maintenance of said planks over said curb and sidewalk after the expiration of said permit shall be unlawful, and is hereby declared to be a public nuisance and may be abated by the City at any time thereafter by removing the same without notice to the permittee, and the cost and expense of removing said planks shall be collected from the permittee in any manner authorized by law.

SECTION 19. Warning lights or torches and signs required.

a. Every person making an excavation in any street or causing the same to be made, or constructing, leaving, placing or maintaining an obstruction in any street, or causing the same to be constructed, left, placed or maintained shall place and maintain torches or red lights from sunset of each day to sunrise of the next day, until such excavation is entirely refilled or such obstruction is removed, or as long as poor visibility renders it dangerous to remove or extinguish said warning devices.

(1) Along the side of such excavation or obstruction at an angle to the street line, at distances not more than three (3) feet apart, but there shall be placed and maintained not less than three (3) such torches or red lights on such side, and

(2) Where such excavation is within a street intersection torches or red lights shall be placed and maintained on each side thereof at distances not more than three (3) feet apart, but there shall be placed and maintained not less than three (3) such torches or red lights on each side, and

(3) Along the side of such excavation of obstruction parallel to the street line, at distances of not more than twenty-five (25) feet apart.

(4) Where red lanterns are used as a warning, they shall be maintained in such condition so as to be visible from a distance of three hundred (300) feet.

b. Every said person shall place and maintain barriers at each side of such excavation or obstruction at an angle to the street line and at such other places as directed by the Engineer at all times until such excavation is entirely refilled or such obstruction is removed. Such barriers shall be not less than two and one-half ($2\frac{1}{2}$) feet high and shall display on the front thereof in letters not less than four (4) inches high the word or words: "Excavation," or "Obstruction," or "Danger," or "Street Closed," or "Detour," or "Dangerous but Passable," or any other word or words appropriate to the particular purpose for which the barrier, a plan of which has been approved by the Engineer, may be used. Provided, further, that every such person shall use the type of barrier as may be specified by the Engineer.

SECTION 20. Regulation for use of street.

a. No person shall make any excavation in any street without maintaining safe crossings for vehicular traffic at all street intersections and safe crossings for pedestrians at intervals of not more than 200 feet.

b. If any excavation is made across any street, at least one safe crossing shall be maintained at all times for vehicles and pedestrians.

c. Free access must be provided to all fire hydrants and water gates.

d. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to travel. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the person by whom the excavation is made shall erect a tight board fence upon and along such sidewalk and keep a passageway at least five (5) feet in width open and along such sidewalk.

e. All gutters shall be maintained free and unobstructed for the full length of the adjacent curb, and for at least one (1) foot in length from the face of such curb at the gutter line. Whenever a gutter crosses a street intersection an adequate water way shall be provided, and at all times maintained, provided when good cause is shown therefor, the Engineer may permit any permittee to place in the gutter next to the curb metal pipe of such inside diameter as will permit the free passage of all storm water in lieu of maintaining the gutter free and unobstructed as herein provided.

SECTION 21. Depth of facility or equipment in the street.

a. It shall be unlawful for any person to construct, erect, install or lay or cause or permit to be constructed, erected, installed or laid any facility or equipment below the surface of the roadway, or to dig or make any tunnel or bore or other structure except manholes, vaults, valve boxes, culverts and catch basins, in any roadway a distance of less than thirty (30) inches below the actual surface of the roadway measured from said surface to the nearest point to such property, tunnel or bore, as the case may be.

b. Where, however, such depths are impracticable due to extraordinary circumstances, the applicant of any permit shall secure the approval of the Engineer in person as to the suitable depth or location of said property, tunnel or bore, and the same shall be placed in conformity with such approved location or depth, and in a manner satisfactory to the Engineer.

SECTION 22. Regulations as to certain structures in the street.

a. All manholes, vaults, traps, catch basins or other structures, shall be so capped and covered as to be flush with the surface of the street, and shall not interfere in any way with the use of the streets for the purpose of travel.

b. The permittee shall not lay, construct, erect or install in the streets of the City any vent pipe from any vault, manhole or other structure of the permittee except in the manner and at the location or locations prescribed or approved by the Engineer.

c. A person shall not install or connect a pipe connection known as a "Y" branch in the top of any main line sewer of the City without first securing the written approval of the Engineer.

d. Structures constructed below the surface of the street, such as gasoline or oil storage tanks, or basement walls, shall not be placed or constructed under any portion of any sidewalk or street parking lying between the outer curb line and any point in such sidewalk or street parking four (4) feet distant from such outer curb line, or under any alley within five (5) feet of the center line thereof, provided, however, that the City Council of the said City may issue a special permit to construct such sub-structures under sidewalks and street parkings contrary to the provisions of this section when unnecessary hardship or unreasonable property loss otherwise would result.

SECTION 23. Requirements for refilling excavation.

a. On completion of the work provided for in said permit, the permittee shall cause to be refilled in a workmanlike manner any excavation and or cause to be removed any obstruction in said street, and it shall be unlawful for any person to fail, refuse or neglect to comply with this requirement.

b. The refilling of all excavations shall be made in the following manner, to-wit:

The dirt or earth removed shall be replaced and carefully tamped in layers not exceeding four (4) inches in thickness and each layer shall be well flooded with water and allowed to stand until the water has seeped away before the next layer is put on, and the top layer shall be flooded with water and tamped, although the same may be less than four inches in thickness. The top of the dirt or earth placed in said excavation shall not exceed two inches above the surrounding surface of the street.

c. The top surface of the dirt or earth refilled in any excavation shall conform sufficiently to the level of the adjoining street surface and shall be compacted so that it is hard and smooth enough to be safe for traffic to pass over at the legal rate of speed. If the top surface of said dirt or earth cannot be maintained in such condition, the permittee shall maintain barriers and torches or red lights around it as herein provided until the surface of the street has been restored to such condition as would permit the safe passage of travel thereon and the use thereof.

d. The permittee may use either a hand or mechanical tamper weighing not less than one pound per square inch of face, and satisfactory to the Engineer. If, after any excavation has been refilled as herein provided, and the dirt or earth placed in the excavation settles so as to bring the surface of said refilled material below the surrounding surface of the highway, the permittee shall refill the excavation with dirt or earth and keep the same so refilled until the surface of said street has been restored by the City.

e. If, in the opinion of the Engineer, soil, climatic or other conditions are such that a more compact refilling of excavations may be secured by employing methods other than specified in this section, the Engineer shall so advise such permittee, and in such instance he permittee shall use the method of refilling excavations prescribed by the Engineer.

SECTION 24. (Engineer will refill excavation and remove obstruction on failure of holder of permit to do so.)

If any person making any excavation in or constructing, leaving, placing or maintaining any obstruction on any street shall fail to refill such excavation or remove such obstruction or temporary driveway, in the manner and within a period of time satisfactory to the Engineer the Engineer may do or complete said work of refilling or removal, and the permittee for whom said excavation was made or obstruction was placed, shall be liable to the City of Redlands for the doing of the work so done by the Engineer, and the Engineer shall charge the cost of such work done by him to the person obtaining the permit, or for whom the work was done.

SECTION 25. (Hours per day work shall be prosecuted in a certain district when found by Engineer to unreasonably interfere with travel.)

When the doing or performing of any of the things mentioned in paragraphs numbered 1 to 6 of subdivision (a.) of Section 2 hereof, in any of the streets of the City shall unreasonably interfere with travel thereon and the Engineer so finds, he shall notify the permittee to that effect, and thereafter such work shall be prosecuted diligently for a total period of not less than fifteen (15) hours each calendar day from midnight to midnight, except holidays and Sunday.

SECTION 26. (City shall restore improved surface of street except a street betterment.)

a. By and through the Engineer only, the City shall restore the improved surface of any street except a street betterment in which any excavation has been made or which has been injured or damaged in any way by the doing or performance of work under any permit issued hereunder to as useful, safe, durable and good condition as existed prior to the making of such excavation or the doing of such work.

b. Such work shall be done with City labor, materials and equipment. The Engineer shall cause such work of restoration of the improved surface of the street to be commenced as soon as practicable after the work of the permittee has been completed, and shall thereafter diligently carry on said work until completed.

SECTION 27. (Records to be kept by City Accountant.)

Upon information furnished by the Engineer, the City Accountant shall keep an accurate record of the amount expended by the City for labor, materials, the reasonable rental value of the equipment used by the City in doing or performing said work, and all incidental expenses in connection therewith. The record or records so kept shall be in the form and of the form and of the character designated and determined by the City Accountant and City Manager, subject to the other provisions of this ordinance.

SECTION 28. (Bill for reasonable costs and expenses of work done and performed to be submitted by the City Accountant.)

a. Prior to work done or performed, or to be done or performed by the permittee pursuant to any permit issued hereunder the City Accountant shall prepare and deliver a bill for the reasonable cost and expense of the work to be done and performed by the Engineer, to the permittee there for as per charges herein before listed.

b. If the permittee made a special deposit at the time of the issuance of said permit, within ten (10) days after the delivery of said bill, the City Accountant shall prepare a demand on the City for any difference between the amount of such special deposit and said bill, if the said bill is less than the special deposit. Said demand shall be presented to the proper officers of the City for approval, auditing and allowance as in the case of other demands against the City.

c. The decision of the Engineer as to the quantity, amount or cost of any work done by him or under his direction and supervision shall be final and conclusive on the permittee.

SECTION 29. (Street betterment removed or destroyed must be replaced.)

It shall be unlawful for any person destroying or removing, or causing to be destroyed or removed, any street betterment, or any portion thereof, to fail, refuse or neglect for a period of twenty (20) days after written notice from the Engineer to construct or cause to be constructed erected or made in place thereof such street betterment of the same quality and appearance as the one removed or destroyed, and the same shall conform as nearly as practicable to the specifications therefor when constructed.

SECTION 30. (When permit shall terminate.)

a. Every permit for making a house connection to a sewer, or for making repairs to the same, shall terminate within fifteen (15) days after the date of issuance, provided that any excavation made for the purpose of making a house connection to a sewer shall be refilled in the manner required by this ordinance within three (3) days after the date of commencing such work, and within one (1) day after final inspection of the pipe, if any, by the Engineer, and nothing in this ordinance contained shall be construed to allow a longer period of time therefor.

b. If any person shall fail, refuse or neglect to complete the making of any house connection to a sewer, or to refill any excavation therefor within the time required by this section, the Engineer shall complete the refilling of such excavation in the manner required by this ordinance, and the Engineer shall charge and retain the cost of such refilling from the deposit made at the time of securing the permit therefor.

c. If the work provided for in any permit is not completed within the time prescribed herein, such permit shall be cancelled and the City shall retain the permit fee therefor.

SECTION 31. (Revocation of permit)

a. Any permit issued under the provisions of this ordinance may be revoked by the Engineer on approval of the City Manager:

(1) At any time it may become necessary for the City to construct any sewer, water main, pipe line or conduit, or other public work of any kind along, in, or through the excavation constructed or maintained under authority of such permit, and the City shall have the right to use any portion of any such excavation for the construction and maintenance of any such sewer, water main, pipe line, conduit or other public work or improvement.

(2) If the permittee shall fail, neglect or refuse to comply with any of the conditions of the permit issued to him, or of any of the terms or conditions of any ordinance now in force or hereafter adopted by the City in the exercise of its police power during the term hereof, and if such failure, neglect or refusal shall continue for more than three (3) days after demand by the Engineer, for compliance therewith, then, and in that event, the Engineer, in addition to all rights and remedies allowed by law to the City, thereupon may revoke said permit.

b. In the event that it becomes necessary for the Engineer, with the approval of the City Manager, to revoke a permit in accordance with the provisions of this section, the City, its officers and employees, shall not be held liable for any damage that may accrue therefrom, and the permittee, by the acceptance of said permit, expressly releases the City, its officers and employees as in this section provided.

SECTION 32. Refunding of permit fee or special or general deposit or release of surety on bond.

a. Where any permit fee or special deposit has been (1) paid more than once, or (2) illegally, erroneously or wrongfully paid or collected, ninety per cent (90%) of such permit fee and one hundred per cent (100%) of such special deposit may be refunded by the

City where a claim therefor, made on a form furnished by the City Accountant, duly verified by the person paying such fee or special deposit, his attorney, duly authorized agent or guardian, or his executor or administrator, shall have been filed with the City Accountant within thirty (30) days after the expiration of said permit setting forth the name and address of the claimant, the amount and date of the payment sought to be refunded, and the reason or ground upon which the claim for refund is based, and said claim has been approved by the Engineer.

b. Where any permit fee or special deposit has been paid and no work has been done under the permit issued therefor, no refund shall be made of such permit fee, but one hundred per cent (100%) of such special deposit may be refunded by the said City in the manner put forth in subsection (a.) hereof.

c. A general deposit, or the balance of a general deposit, may be refunded to the person making such deposit, his attorney, duly authorized agent or guardian, or his executor or administrator, at any time after fifteen (15) days after all sums due and owing the City have been paid or deducted from said general deposit, and after all permits issued to the person making such deposit have expired, and all work authorized by any permit issued to said person has been completed and accepted by the Engineer, when a claim therefor duly verified by the person making such general deposit, his attorney, duly authorized agent or guardian, his executor or administrator shall have been filed with the City, setting forth the name and address of the claimant, the amount and date of the payment of said general deposit, and when said claim has been approved by the Engineer.

d. The surety on a bond filed in lieu of a general deposit may be released from liability thereon at any time after fifteen (15) days after all sums due and owing the city have been paid, and after all permits issued to the person filing such bond have expired, and all work authorized by any permit issued to said person has been completed and accepted by the Engineer, when an application for release from such liability, duly verified by the principal and the surety, shall have been filed with the Engineer setting forth the name and address of the surety, and the date, number, and amount of said bond. The release of the surety from liability shall be affected by an order signed by the Engineer and approved by the City Attorney and the City Manager, which order shall be filed by the Engineer with the bond thereby released.

SECTION 33. (Duties of certain officers and employees of City)

a. It shall be the duty of the officers and employees of the City to report or cause to be reported to the Engineer any defect or defects actually known to such officers or employees in any improvement made in the streets.

b. It shall be the duty of the officers and employees of the Park Department to report to the Engineer any damage to any grass, plant or tree in any parking in any street of the City known to have been caused or where reasonable grounds exist for believing that the same was caused as the result of work done by any person holding a permit from the Engineer pursuant to the provisions of this ordinance.

c. The City Street Superintendent shall report immediately to the City Fire Chief and Police Chief any streets, that he has knowledge of by reason of permits issued or otherwise, that are blocked, obstructed or made unsafe for travel. He shall report to said officers when he has inspected said streets and finds them again open or safe for travel.

SECTION 34. (Duty of owner of real property to maintain street betterment upon street abutting his property.)

It shall be the duty of the owner of real property abutting a portion of a street improved by a street betterment, whether said street betterment was constructed, erected or made at the instance or request of such owner or any predecessor in interest of such

owner, or not, to maintain said street betterment on such portion of such street abutting such owner's real property in such condition that the same shall not endanger persons or property, and to maintain the same in a condition which will not interfere with the public convenience or safety in the use of such street betterment, save and except as to those conditions created or maintained in, upon, along, across, under or over said street by any person other than the owner under and by virtue of any permit issued hereunder or any right to them granted by law or by the legislative body of the City, and such persons shall be under a like duty in relation thereto.

SECTION 35. (Requirements when facility or equipment is abandoned.)

Upon abandonment of any facility or equipment located above or below the surface of the street, the owner thereof shall notify the Engineer in writing of such abandonment within not less than twenty (20) days thereafter; and if, in the opinion of the Engineer, said facility or equipment so abandoned should be removed the owner shall commence the removal of the same at the owner's own cost and expense within twenty (20) days after receipt of notice to that effect from the Engineer, or if, in the opinion of the Engineer, any work should be done in the streets for the purpose of insuring the restoration of improved surface of said street to a useful, safe, durable or good condition as the result of such abandonment, the City shall commence such work after twenty (20) days written notice to the owner to that effect from the Engineer and when the work is completed the City shall send a bill to the owner for the total cost and expense thereof, which shall be collected in any manner authorized by law.

SECTION 36. (Owner of facility or equipment required to change location thereof on notice from Engineer.)

a. In the event that during the period of time any facility or equipment is located in, upon, along, across, under or over any street the City shall change the grade, width or location of any street, or improve any street in any manner, including laying of any sewer, storm drain, conduit, water or other pipe, or construct any pedestrian tunnel or other improvement, and, in the opinion of the Engineer such work shall render necessary any change in the position or location of any facility or equipment in the street including the support thereof while such work is being done or performed, or the disconnecting or reconnecting thereof, the owner shall begin the work of doing any and all things to effect such change in position or location in conformity with such written instructions at his own cost and expense, within twenty (20) days after written notice from the Engineer and request to do so.

b. The City reserves the right for itself to lay, construct, erect, install, use, operate or maintain any type or description of improvements, below surface or above surface, in, upon, along, across, under or over the streets of the City. If the necessary location for such improvements conflicts with any facilities or equipment laid, constructed, erected, used, installed, operated or maintained or not, the owner, at his own cost and expense, within (20) twenty days after written notice from the City Manager and request to do so, shall begin the work of changing the location of all facilities of equipment so conflicting with such improvements to a location in, upon, across, under or over the street, to be approved by the Engineer.

c. The City Engineer may grant in writing an extension of the time specified in this section for the commencement of work if in his opinion such extension of time is necessary.

SECTION 37. (City will do certain work if owner or permittee fails to comply with notice)

In the event any permittee, or owner of any facility or equipment shall fail to commence work in compliance with the written instructions of the Engineer or City Manager, provided for in this ordinance, within twenty (20) days after service of the same upon the permittee or owner or his local agent or manager or within a shorter time where the same

specifically provided for in this ordinance, (unless unable to comply with such instructions by reason of strikes, riots, acts of God or acts of public enemies) the Engineer shall cause the work required in said notice to be done and performed. When said work is completed the City Accountant shall send a bill for the cost and expense thereof to the permittee, owner or his local agent or manager. The cost of doing said work shall be considered the actual cost plus a reasonable charge for overhead. Said bill shall be collected in any manner authorized by law.

SECTION 38. (Permittee shall indemnify city and any officer or employee thereof.)

a. The permittee of any permit issued hereunder shall indemnify, save and hold harmless, against and from all damages, judgments, decrees, costs and expenditures which the City, or such officer or employee, may suffer, or which may be recovered from, or obtainable against the City, or growing out of or resulting from the exercising by the permittee of any or all of the rights or privileges authorized by said permit, or by reason of any act or acts of the permittee or its servants or agents, in exercising said authorization; provided, however, that such permittee shall have the right at its option to defend any suit that may be instituted against the City, or any officer or employee thereof, by reason of or growing out of or resulting from the exercise by the Grantee of any or all of the rights or privileges authorized by said permit, or by reason of any act or acts of the permittee, or its servants or agents, in exercising said authorization.

b. In the event the City, or any officer or employee thereof, suffers any damage, or any person makes claims against the City, or any officer or employee thereof, by reason of or growing out of or resulting from the exercise by the permittee of any or all of the rights or privileges authorized by said permit, or by reason of any act or acts of the Grantee or its servants or agents in exercising said authorization, the City, or such officers or employees thereof must give written notice thereof to the permittee as soon as practicable, but not less than five (5) days thereafter. In estimating the five (5) days above mentioned the first day shall be excluded and the last day included. Failure to give such notice shall not affect the liability of the permittee under subdivision (a.) of this section.

SECTION 39. At the moment this ordinance number 909, takes affect the following portions of Chapter III, ordinance number 788 are hereby repealed:

Ordinance No. 788, Chapter III, Section 7, 8, 9, 10, 11, 11a, 13, 14, 15, 16, 17, 18, 19 and Section 24; subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, of the City of Redlands, California

SECTION 40. (Construction of this ordinance).

a. The use of the singular number herein shall include the plural, and the use of the plural number shall include the singular.

b. It is the intention of the City Council of this city in adopting this ordinance to require all departments of the city using or occupying the streets of the city to comply with the provisions hereof except that such departments shall not pay the Engineer any deposit before securing permit and such department shall not pay any permit fee or any general or special deposits as herein provided.

SECTION 41. (Delegation of authority.)

Unless especially otherwise provided, deputies or assistants may perform the duties and have the authority of specified officers.

SECTION 42. (Definitions.)

h. The word "travel" shall mean vehicular, equestrian or pedestrian travel.

i. The word "vehicle" shall mean a device in, upon, or by which any person or property is or may be propelled, moved or drawn on the highway or street weighing in excess of one hundred (100) pounds.

j. The phrase "temporary driveway" shall mean the equipment required by this ordinance at the location upon any street designated in any permit issued hereunder authorizing a vehicle to be driven or operated over any sidewalk or curb at a point other than where a driveway has been constructed or maintained.

k. The word "person" shall mean any individual, firm, partnership, corporation, association, organization, business trust, and every department of the City of Redlands and every officer or employee of any of them while working in the course of his employment.

l. The word "engineer" shall mean the City engineer and superintendent of streets of the City of Redlands.

m. The phrase "incidental expenses" shall mean all expenses incidental to work authorized by any permit issued hereunder or incidental to inspection, supervision, or completion thereof, including a reasonable charge for overhead.

n. The word "work" shall mean any or all of the acts mentioned in paragraphs numbered one to six (1 to 6) inclusive of subdivision (a.) of SECTION 2 hereof.

o. The phrase "city equipment" shall mean any equipment owned by, rented, operated or controlled by the City of Redlands.

SECTION 43. (Exception to the application of this ordinance.)

a. The provisions of this ordinance shall not apply to any work done or to be done, in, upon, along, across, under or over any street pursuant to any street improvement law or street safety law of the State of California, law of the United States, or ordinance of the City of Redlands, providing for the improvement thereof or pursuant to any contract in which the City is a party and which has been authorized by the City Council of the City of Redlands, provided that the provisions of Section 23 shall apply to all such work unless the provisions of the specifications therefor are contrary to said Section 23.

SECTION 44. (Penalty for violation of the provisions of this Ordinance.)

a. Any person as principal, agent, officer, clerk or employee, who or which shall violate any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not more than \$500.00 or imprisonment in the City Jail, or the County Jail of the County of San Bernardino, for a period of not more than thirty days or by both such fine and imprisonment.

b. Each such person shall be deemed guilty of a separate offense for every calendar day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by such person, and shall be punished therefor as provided by this Ordinance.

SECTION 45. (Title.)

This ordinance shall be known as the "STREET SAFETY ORDINANCE."

SECTION 46. (Constitutionality.)

If any section, subsection, sentence, clause or phrase of this ordinance is for any

reason held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining portion of this ordinance.

SECTION 47. (Publication authorized and effective date.)

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published once in the Redlands Daily Facts, and thirty days after passage it shall take effect and be in force.

MAURICE CLAPP,
Mayor of said City.

ATTEST: HARRY R. WHALEY,
City Clerk

I do hereby certify that the foregoing Ordinance was duly adopted by said City Council at a regular meeting thereof held on the 18th day of August, 1949, by the following vote:

AYES: Councilmen Dike, Fletcher and Mayor Clapp.

NOES: None

ABSENT: Councilmen Danielson and Thornquest.

HARRY R. WHALEY
City Clerk