

ORDINANCE NO. 391

AN ORDINANCE OF THE CITY OF REDLANDS, RELATING TO EXCAVATIONS  
UPON THE PUBLIC STREETS THEREIN.

The Board of Trustees of the City of Redlands do ordain as follows:

SECTION 1. It shall be unlawful for any person to make any excavation in any street, avenue or alley in the city of Redlands except upon a permit granted therefor by the Superintendent of Streets of said city.

SECTION 2. To obtain such permit, a written application shall be filed with said Street Superintendent, setting forth the name of the applicant, the place where such excavation is to be made, approximately the number of square feet of surface to be excavated, a statement that the applicant will restore such street or part thereof (under the supervision of the said Street Superintendent) as provided in this ordinance, and to as good condition as existed before the excavation, and otherwise keep and maintain the portion of such street, avenue or alley so excavated in such condition for at least six months next thereafter, reasonable wear thereof excepted, re-filling such excavations whenever and wherever they may sink or settle below the surface of the street, and without notice from such Street Superintendent so to do; and a further statement that the applicant assumes and will be responsible for any and all damages resulting from such excavation or from the failure to maintain the same as provided in this ordinance, and that such applicant will save and hold said city and each and every officer thereof harmless from any liability on account thereof; and with such application, there shall be deposited with said Street Superintendent, a sum of money equal to One Dollar for each square foot of surface to be excavated on paved streets; Fifty cents on macadamized streets; and Twenty-five Cents on all other streets; or in place thereof, a sufficient bond, to be approved by said Street Superintendent, in a penal sum of twice the amount necessary to be deposited in manner as aforesaid; provided, however, that any person who shall give a sufficient bond, so approved, in the penal sum of Five Hundred Dollars, shall not be required to make the deposit in money, or give a bond as hereinbefore provided, but such

bond so given, and approved in said penal sum of Five Hundred Dollars, shall apply to any and all excavation work upon any of such streets, avenues and alleys in said city that may be done by the principal of such bond until such time as the said Street Superintendent shall require the giving of a new bond, and upon notice being given to the principal of said bond, by the said Street Superintendent that a new bond is required by him, the bond theretofore given shall become inoperative and no further permit shall be issued, thereunder; provided, however, that if the excavation contemplated by such applicant shall exceed the said sum of \$500.00 upon the basis herebefore provided that said Street Superintendent may require of such applicant a bond in excess of said sum of \$500.00 and in such amount as he may deem necessary not exceeding double the amount of the cash deposit hereinbefore provided.

SECTION 3. Any bond given under this ordinance shall be signed by the applicant and two sureties, and shall recite that it is given for the faithful performance of the promises and agreements set forth in such application.

SECTION 4. Upon application being so filed and a deposit in money or a bond being given as hereinbefore required, it shall be the duty of said Street Superintendent to issue a permit to such applicant to make such excavation; and the money or bond so made or given shall be held by said Street Superintendent as a guarantee for the restoration of said street, avenue or alley or part thereof so excavated to as good condition as existed before such excavation as required by this ordinance; and upon said street, avenue or alley or part thereof being restored to such condition to the satisfaction of said Street Superintendent, one-half of the money so deposited shall be returned, and the other half shall be retained by said Street Superintendent for the period of six months after the completion of said excavation work as a further guarantee for the re-filling of such excavation in places where the same may sink or settle as hereinbefore provided, and at the expiration of said six months, the whole of such deposit shall be returned to said applicant, if he shall have fully complied with the terms of this ordinance.

SECTION 5. The work of restoration shall be prosecuted with due diligence to completion and if it shall not be so prosecuted or if such work shall not be accepted by said street Superintendent, he shall notify the person to whom such permit was issued to that effect and unless the said work is completed to his satisfaction within five days thereafter, the said Street Superintendent may cause said work to be done, paying the cost thereof out of such deposit, or if a bond shall have been given, then the said City may sue the principal and sureties upon such bond to repay the cost and expenses of restoring said portion of such street, avenue or alley so excavated to its former good condition.

SECTION 6. Whenever any excavation shall be made upon any public street, avenue or alley in said city, the person making or causing such excavation to be made shall re-fill the same, and finish the surface thereof in the manner required by specifications for such work on file in the office of the City Engineer of said city, and to which reference is hereby made and which specifications shall be deemed to be and are hereby made a part of this ordinance.

SECTION 7. It shall be the duty of said Street Superintendent to fully and faithfully carry out the ~~terms~~ terms and provisions of this ordinance and to cause the same to be enforced; and whenever he is informed that any excavation theretofore made by any person needs re-filling, it shall be his duty to notify the person who made such excavation to forthwith repair the same as required by this ordinance.

SECTION 8. Any person making any excavation in any public street, avenue or alley of said city or any part thereof, without first obtaining a permit as hereinbefore provided, shall be deemed guilty of a misdemeanor; and any person, after making such excavation, who shall fail, neglect or refuse to re-fill such excavations whenever and wherever they may sink or settle below the surface of the street within six months after the completion of such excavations, or who shall fail, refuse or neglect to restore such street as provided by this ordinance within five days after notice so to do by the said Street Superintendent, shall be deemed guilty of a misdemeanor; and any person found guilty of a misdemeanor as provided in this ordinance, shall upon conviction be punished

by a fine not exceeding Fifty Dollars or by imprisonment in the County Jail not exceeding ten days.

SECTION 9. All ordinances or parts of ordinances in conflict with this ordinance, including ordinance No. 332, are hereby repealed; provided, however, that such ordinance shall remain in full force and effect as to any person who shall have already made any excavations upon the streets of the City of Redlands.

SECTION 10. This ordinance shall be in force and effect from and after its passage.

Attest

Franklin City

President of the Board of Trustees  
of the City of Redlands.

I hereby certify that the foregoing ordinance was introduced for passage on the 6th day of June, 1906, and was thereafter passed at a regular meeting of said Board on the 20th day of June, 1906.

*Ex-Clerk*

ORDINANCE No. \_\_\_\_\_  
AN ORDINANCE OF THE CITY OF REDLANDS

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The Board of Trustees of the City of Redlands do ordain as follows:

Section 1.

ATTEST: \_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDENT OF THE BOARD OF TRUSTEES  
OF THE CITY OF REDLANDS

I do hereby certify that the foregoing ordinance was duly adopted by said board at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, by the following vote:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Dated \_\_\_\_\_ 190\_\_\_\_

\_\_\_\_\_  
CITY CLERK