



ORDINANCE NO. 270

AN ORDINANCE REGULATING STREET EXCAVATIONS IN THE CITY OF REXBURG, COUNTY OF MADISON, IDAHO, ESTABLISHING A SYSTEM OF SUPERVISION THEREOF AND DECLARING AN EMERGENCY THEREFOR.

WHEREAS, The City of Rexburg has constructed a sewerage system within certain districts of the City and a water system in certain parts of the City, and

WHEREAS, It is necessary to connect private property with said sewerage system, and

WHEREAS, In making such connections it is found necessary at times to make excavations in streets of said City.

NOW THEREFORE, BE IT ORDAINED, By the Mayor and City Council of the City of Rexburg, Madison County, State of Idaho:

SECTION I: It shall be unlawful for any person, persons, firm or corporation to excavate in any street or alley in said City unless a written permit for such street excavation is obtained from the City Engineer.

SECTION II: No permit for any street excavation shall be issued until written application therefor has been made to the City Engineer, signed by the party making the excavation or by the party at whose instance it is to be made, or until the applicant has filed with the City Clerk a bond of indemnity to the City, the sureties to be approved by the City Council, conditioned that the person making the excavation will erect and maintain about said excavation and until the street is restored to its normal condition, sufficient guards, signals, barricades and lights, to prevent an accident, and will, as soon as may be after the completion of said works, restore said street to the same condition in which it existed prior to said excavation and will remove rocks, dirt and rubbish from the street and will save the City harmless from any and all claims, liabilities, demands or damages from any and all injuries to person or property arising in any manner out of, or by reason of any such excavation. Such bond shall be in the sum of \$5,000.00 for excavations in all streets,

PROVIDED, HOWEVER, that wherever paving or macadam, dirt or rock is removed in the process of any street excavation, such paving or macadam, dirt or rock, must be replaced under the direction and to the satisfaction of the City Engineer and at the expense of the party making the excavation,

PROVIDED FURTHER, that in excavating through asphalt or cement the excavation shall be cut perpendicularly at the side and ends from the surface, the full length and width of all excavations to the necessary depth. On top of the backfilling there shall be placed six inches of stone or concrete flush with the pavement and in all cases, whether the excavation is made through asphalt or otherwise, in backfilling the material used for the purpose shall be thoroughly tamped and a sufficient quantity of water used to properly settle the material so used, and after completing an excavation and backfilling, all dirt, rock and rubbish shall be removed from the street,

PROVIDED FURTHER, that failure on the part of any person, firm association or corporation to comply with any of the provisions of this Ordinance shall be a sufficient reason for the City Engineer refusing a permit to excavate in the streets of the City,

PROVIDED FURTHER, that no excavation shall be permitted to remain open in any street of this City for a longer period than ten days. If this provision is violated the City Engineer may fill up any such excavation at the expense of the person making the same.

SECTION III: Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine in the sum not exceeding One Hundred Dollars or by imprisonment in the City jail for a period not longer than thirty days. The Court may, in imposing a fine, enter as a part of the judgment, that in default of the payment of the fine the defendant may be imprisoned in the City jail for a period not exceeding thirty days.

SECTION IV: WHEREAS, An emergency exists, this Ordinance will take effect and be in force from and after its passage, approval and due publication.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 1921

John L. Ballif, Jr.

Mayor

ATTEST: _____
G. E. Liljenquist
City Clerk