

ORDINANCE NO. 50

AN ORDINANCE REGULATING THE USE OF STREETS AND ALLEYS OF THE CITY OF BROOKINGS, OREGON; PROHIBITING THE DIGGING OF HOLES OR UNAUTHORIZED EXCAVATIONS UPON, IN, OR TO SAID STREETS AND ALLEYS; PROHIBITING THE CHANGING, ALTERATION OR DESTRUCTION OF SAID STREETS OR ALLEYS OR THE SURFACE THEREOF; PROHIBITING THE OBSTRUCTION OF ANY OF SAID STREETS OR ALLEYS; PROVIDING FOR A SYSTEM OF PERMITS FOR WORK AND CONSTRUCTION WORK UPON SAID STREETS AND ALLEYS; PROVIDING PENALTIES; AND DECLARING AN EMERGENCY.

The City of Brookings does ordain as follows:

SECTION 1. No person, firm or corporation nor any employee, agent, or representative of any such person, firm or corporation shall dig a hole, or holes, or make an excavation or excavations in or upon any street or alley of the City of Brookings; change, alter or destroy the surface of any such street or alley; obstruct the reasonable use of such street or alley by the public or the regular flow of vehicular or pedestrian travel over and upon such street or alley; or cause, or attempt to cause, any or all of the same to be done by any other person, firm, corporation, employee, agent, or representative whomsoever, without first having applied to the City Council and having first received from the said City Council, or its duly appointed and authorized official, its consent and permission therefore and thereto.

SECTION 2. The City Superintendent of Streets of the City of Brookings is hereby named and designated as said duly appointed and authorized official, as such official is named and referred to in Section 1, and to such effect the said City Superintendent of Streets is hereby delegated with full power and authority to act for the City Council in the matter of such consent and permission.

SECTION 3. Any person, firm or corporation or any other person named or referred to in Section 1 shall, before digging a hole, making an excavation, changing, altering, destroying or obstructing, upon, to or in any street or alley of the City of Brookings, for any cause or purpose whatsoever, shall make written application to the City of Brookings, addressed to the City Superintendent of Streets of Brookings, applying in said application for the permission and consent of the City of Brookings so to proceed. Such applicant shall, in its or his said written application, set forth therein the reason or reasons upon which the said application is based, the purpose to be accomplished for which Ordinance No. \_\_\_\_\_

said application is made and the period of time to be covered in the accomplishment of said purpose.

SECTION 4. Any person, firm or corporation making such application as is set forth, mentioned and referred to in Section 3, shall at the time and place of filing such application deposit with the said City Superintendent of Streets a cash deposit, or a duly certified check, cashiers check or bank draft, drawn upon or against some Oregon Banking Institution and payable to the City of Brookings, or order, in the sum of not more than One Hundred Dollars (\$100.00), as a guarantee and pledge to said City of Brookings, by said applicant, against any and all loss, damage or expense that may thereafter arise from or be caused by said applicant, its agents or employees in the accomplishment of the purpose or purposes contained in said application by said applicant. The total of the sum of money here paid to the City of Brookings shall be, immediately upon the receipt thereof, deposited in the Treasury of the City of Brookings and there so held until the City Council shall, by appropriate action, return the same or any part thereof to the applicant so paying the said money to the City of Brookings.

SECTION 5. The City Superintendent of Streets shall, within seven (7) days from the date of the filing of said application with him, either affirm or deny the application aforesaid providing, however, that in the event said application is denied by said city official, the said applicant shall have the right to, within seven (7) days from and after the date of said denial, appeal to the City Council from the decision of said official.

SECTION 6. Every applicant who has applied to the City of Brookings, under the conditions and provisions hereinabove in this Ordinance set forth, shall fully and completely perform all work and construction necessary to accomplish its purpose or purposes set forth in its application strictly within the time limit therefore as the same is set forth within and contained within its or his application aforesaid and in the event that said applicant shall fail or refuse to so complete its said work and construction upon any street or alley of the City of Brookings, such person, firm or corporation shall be guilty of a misdemeanor under this ordinance, provided, however, the City Council may, in its discretion extend such time limit for a period of not more than thirty (30) days in any one extension.

SECTION 7. In the event that any applicant, hereinabove named, shall fail to complete its or his work or construction aforesaid within the time limit set forth therefore in its or his application upon any street or alley of the City of Brookings, the City of Brookings may enter upon and into such work and construction and complete the same at the cost and expense of the City of Brookings and thereafter compute the full sum of the said cost and expense and thereafter commence action against any person, firm or corporation, who has made application to the City of Brookings as hereinbefore set forth, in any court having jurisdiction over said action or said person, firm or corporation, for the recovery

of the sum of said cost and expense, or any part thereof, from said person, firm or corporation.

SECTION 8. Any person, firm or corporation, or any of his or its employees, agents or representatives who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and any person, firm or corporation who has made application to the City of Brookings as hereinbefore set forth and who is guilty of a misdemeanor as set forth and defined in Section 6, shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment and confinement in the City Jail for a period not exceeding six (6) months, or by both.

SECTION 9. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Brookings and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Read by title and in full this 11<sup>th</sup> day of August, 1953.

Read a second time by title this 11<sup>th</sup> day of August, 1953.

Read a third time by title and passed by the Council this 11<sup>th</sup> day of August, 1953.

Authenticated this 11<sup>th</sup> day of August, 1953.

Robert D. Simnick Mayor.

Passed by the Council the 11<sup>th</sup> day of August, 1953.

Gladys Kaniick Recorder.

