

CHAPTER 42

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LUMBERPORT

THAT THE ORDINANCES OF THE TOWN OF LUMBERPORT BE AMENDED BY ADDING THERETO A NEW CHAPTER TO BE DESIGNATED AS CHAPTER XXII, TO READ AS FOLLOWS:

SECTION I: DAMAGING STREETS.

It shall be unlawful for any person to draw or drag over any of the paved, concrete or asphaltum streets, roads or alleys of the Town any saw logs, stones, iron or other heavy substance that may tend to loosen, displace or dislodge, crush or break any of the brick paving, concrete or asphaltum covering of said roads, streets or alleys or sidewalks there-alone, or to haul propel or move over any of said paved concrete or asphaltum covered roads, streets or alleys any wagon, sled drag or vehicle or traction engine or any other thing of such weight or load or having on its wheels such protuerances, corrugations or cogs as to break, crush, crack, dislodge or displace such brick paving, or concrete or asphalt covering or the coverings of manholes, water or gas boxes or other appliances within said roads, streets or alleys without properly timbering said roads, streets or alleys so as to prevent injuries thereto, nor shall any one move, haul or propel over any of such roads, streets or alleys having brick, concrete, or asphaltum covering any iron tired vehicle bearing carrying a load in excess of eighteen hundred (1800) pounds at a greater rate of speed than seven (7) miles per hour.

SECTION II: UNLAWFUL TO TAKE UP STREET COVERING WITHOUT PERMIT.

It shall be unlawful for any person to take up or remove any sidewalk, paving, concrete or asphaltum, macadam or other covering of any of the improved roads, streets or alleys, of the said Town without having first obtained a permit therefor as is hereinafter provided.

SECTION III: APPLICATION FOR PERMIT, BOND.

Any person disiring such permit shall make an application in writing to the Recorder of the Town, specifying the exact location at which the excavation is to be made and the purpose therefore and shall make and deliver to the said Recorder a performance bond in the amount of the cost of repair or replacement, as determined by the Town of Lumberport, or its designated representative. The said performance bond shall be ever renewing untill such time as it is released by the proper officials of the Town of Lumberport. The performance bond shall be conditioned for the Proper replacing of said brick, Portland Cement Concrete, or Bituminous Concrete Pavement covering and to repair and replace the same to the original thickness as found during the excavation, but in no case shall Portland Concrete be less than six (6) inches thick when it is the top course nor shall the Bituminios Concrete be less than three (3) inches thick when it is the top course. All Portland Cement Concrete Pavement or Bituminous Concrete Pavement shall have a mininum of four (4) inches of base stone placed under it. And to repair or replace the same at any time within a period of one (I) year from the date hereof, in case the same should settle or become out of alignment and to indemnity and save harmless the said Town for a like period of one (I) year against any suit or claim for damages any one may sustain by reason thereof.

SECTION III-A: EMERGENCY REPAIR.

Emergencies occuring after the Towns regular business hours or on weekends may be carried out by the owner, provided that the owner must make application and post performance bond at the next regular business day of the Town of Lumberport. The owner is to assume all liabilities and shall follow the all provisions of said ordinance during the emergency repairs.

SECTION IV: LEAVING EXCAVATIONS OPEN; BARRICADING; RED OR YELLOW LANTERNS; FLAGMEN.

It shall be unlawful for any one to leave open any excavation

made in any of the roads, streets or alleys of the Town over night without properly barricading the same and placing lighted red or yellow lanterns as a warning thereof.

SECTION V: OBSTRUCTIONS.

It shall be unlawful for any person to place upon any of the roads, streets, alleys, or sidewalks of the Town any substance obstruction, material or thing of any kind that may cause personal injuries or injuries to property or that may cause or endanger life, limb, person or property.

SECTION VI: SNOW AND ICE.

It shall be unlawful for any owner of a lot in the Town, or the agent in charge thereof, to permit snow and ice to accumulate on the sidewalks in front of or abutting upon said property for a period of more than twenty-four (24) hours after said snow or ice has fallen thereon, and if any owner of such lot or agent in charge thereof shall fail or refuse to remove any accumulation of snow and ice upon said property as aforesaid, in addition to other penalties the Town may remove or cause to be removed said accumulation of snow and ice, and the cost of removing said snow and ice shall be assessed against the owners of the property abutting on said sidewalks from which the same is removed, and shall be collected as provided by law.

SECTION VII: CURBING AND PAVING SIDEWALKS.

If the owner of any lot abutting upon any sidewalk or footway within the Town shall fail or refuse to curb, recurb, pave or repave the same, in the manner or within the time required by the Council, the Council may cause the same to be done at the cost of the Town and the expense thereof shall be assessed against such owner and collected in the manner provided by law.

SECTION VIII: REPEAL OF CONFLICTING ORDINANCES.

All existing ordinances of the Town of Lumberport are hereby repealed in so far as they may be inconsistent with the provisions of this ordinance.

SECTION IX: SEPARABILITY OF PROVISIONS.

It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION X: PENALTIES.

Any person convicted of the violation of any of the provisions of this Chapter shall be fined as outlined by State Codes, and directives, as amended.

EFFECTIVE DATE:

This ordinance shall take effect on the 1 day of February 1983.

This ordinance was passed on January 3, 1983. Not to become effective until the above date.

Attest:

Betty A. Husted, Recorder
Recorder

P. G. Wright
Mayor