

ORDINANCE NO. 4

DISTURBING ROAD-BED OR PAVEMENT

Section 1 No person or persons, firm, association or corporation shall alter or disturb the grade of any street, highway or public place within the Village of Island Park other than those streets, highways or public places having a concrete roadbed, nor shall any person or persons, firm, association or corporation disturb the pavement, other than concrete pavement, upon any street, highway or public place within the said Village, or dig up or excavate any such street or highway until said person or persons, firm, association or corporation, shall first obtain from the Board of Trustees of the Village of Island Park, a permit therefor, signed by the Mayor and countersigned by the Clerk, which permit shall be granted unless the person or persons, firm, association, or corporation desiring the same, shall deposit with the Clerk of said Village the sum of five (\$5) dollars to guarantee to properly restore the earth and pavement, take up or removed by them. Such work shall be done under the supervision of and in accordance with the directions of the Street Commissioner of said Village, leaving the surface thereof in the same condition substantially as before the excavation or digging was commenced.

Section 2 Upon completion of the work mentioned in the preceding section in accordance with the permit, to be evidenced by a certificate of the Street Commissioner, the Treasurer shall return to the applicant the sum so deposited.

Section 3. No person or persons, firm, association or corporation shall alter or disturb the concrete or cement on any street, highway or public place within the Village of Island Park, upon which is laid or constructed a concrete or cement pavement, nor shall any person or persons, firm association or corporation disturb any concrete or cement pavement on any street, highway or public place within the Village of Island Park, unless said person or persons, firm, association or corporation shall first obtain from the Board of Trustees of said Village a permit therefor signed by the Mayor and countersigned by the Clerk, which permit shall not be granted unless the person or persons, firm, association or corporation desiring the same shall first deposit with the Clerk of the Village of Island Park the sum of Two Hundred (\$200) Dollars to guarantee to restore properly the earth and pavement disturbed by them. Such work shall be done under the supervision of and in accordance with the directions of the Engineer of said Village.

Section 4. Upon completion of the work mentioned in the preceding section in accordance with the permit to be evidenced by a certificate of the Engineer of the Village, the Treasurer shall return to the applicant the sum so deposited.

Section 5. No person or persons, firm, association or corporation shall excavate under any concrete pavement in any street, highway or public place within the Village of Island Park, if such excavation extends more than three (3) feet from the edge of said pavement, unless such person or persons, firm, association or corporation shall first obtain from the Board of Trustees of said Village a permit therefor signed by the Mayor and countersigned by the Clerk, which permit shall not be granted unless the person or persons, firm, association or corporation desiring the same shall deposit with the Clerk of the Village of Island Park the sum of Fifty (\$50.00) Dollars to guarantee that the excavation shall be replaced properly to the satisfaction of the Engineer of said Village, and in no case shall the excavation be left open for more than twenty—four (24) hours.

Section 6. Upon completion of the work specified in the foregoing section in accordance with the permit, to be evidenced by a certificate of the Street Commissioner, the Treasurer shall return to the applicant the sum so deposited.

Section 7. Each and every permit issued in pursuance of the terms and provisions of this ordinance shall be at all times in possession of the parties actually prosecuting the work.

Section 8. In the event of the failure of the applicant to restore properly any earth or pavement disturbed by him within three (3) days after a notice by mail to such applicant from the Village Clerk of said Village, said earth and pavement shall be restored by the Village of Island Park and the cost thereof charged against such applicant.

Section 9. No permit Issued in pursuance of this Ordinance to any person or persons, firm, association or corporation, shall be construed to relieve any applicant for such permit of the duty to properly guard any such excavation by guard rails, signal lights and such other means as may be necessary to warn travelers of the highway of the danger to be apprehended from such excavation, nor shall any permit be construed in any manner to make liable the Village of Island Park for any negligence of such applicant in making such excavation.

Section 10. Every application for a permit as herein provided for in this Ordinance shall be in writing and signed by the applicant, and it shall be the duty of the Clerk of the Village of Island Park to have printed forms on which applications can be made, which forms shall contain a provision that in consideration of the granting of the permit, the applicant therefor shall save and keep harmless the village of Island Park from all damages caused by the negligence of such applicant in making such excavations or in not properly guarding the same.

Section 11. Any person or persons, firm, association or corporation violating any of the provisions of this Ordinance shall be liable for and forfeit and pay a penalty of not less than ten (\$10) dollars, nor more than twenty-five (\$25) dollars for each violation thereof, other than the disturbance of a concrete pavement, and any person or persons, firm, association or corporation violating any of the provisions of this Ordinance which shall involve the disturbance of a concrete pavement shall be liable for and forfeit and pay a penalty of not less than Fifty (\$50) dollars, nor more than One Hundred (\$100) dollars for each violation thereof for the use of said Village. Any violation of this Ordinance or any part thereof shall constitute disorderly conduct and any person violating this ordinance or any part thereof, shall be and is hereby declared a disorderly person.

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