

ORDINANCE NO. 111

AN ORDINANCE RELATING TO THE FILLING OF STREET CUTS, HOLES OR PILLS, PROVIDING FOR WORK, AND PENALTY FOR VIOLATIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MILLS, NEW JERSEY:

9-3-1 *Excavating In Streets*

SECTION 1. Hereafter no person, firm or corporation, property owner, utility or public utility board shall dig any hole, pit or trench in any street or pavement of the Town of Mills without first having filed in the office of the Town Clerk a statement showing the work to be done and the location, and without having paid to the Town Treasurer an inspection fee in the sum of \$1.50 and secured a permit from the Street Commissioner therefor, except permits issued 48 hours after commencement of any cuts applicant shall pay \$4.50.

SECTION 2. Provided, however, that in case of an emergency where it is necessary to dig any hole, pit or trench in any street or pavement without a permit, then, and in such case of an emergency, any person, firm or corporation, property owner, utility or public utility board shall, within forty-eight (48) hours from the beginning of the time of digging any hole, pit or trench in any street or pavement, file in the office of the Town Clerk a statement showing the work done or to be done, together with the location, and pay to the Town Treasurer an inspection fee in the sum of \$1.50 and secure a permit therefor; for a permit after the said 48 hours, applicant shall pay \$4.50.

9-3-2 *Safety Measures*

SECTION 3. Any person, firm or corporation or utility or public utility board making such cut, trench or hole in any street or alley, shall, while such work is in progress, maintain thereat a barricade at least 30 inches high for the purpose of protecting the public from driving or walking into such cut, and such barricade shall contain in letters at least four (4) inches high the name of the person, firm, corporation, utility or utility board making such cut and such barricade shall be maintained until such cut, hole or trench is completely filled and made safe for travel, and each such person, firm or corporation, utility or utility board making such cut shall place and maintain a warning light on such barricade at night.

9-3-3 *Time Limits*

SECTION 4. ALL SUCH WORK REQUIRING NEW HOLES, CUT OR PILL SHALL BE COMPLETED AND FILLED THE SAME CALENDAR DAY TO THE SATISFACTION OF THE STREET COMMISSIONER BY THE PERSON, FIRM OR CORPORATION, PROPERTY OWNER, UTILITY OR PUBLIC UTILITY BOARD MAKING SUCH CUT, AND THE WORK THEREIN SHALL BE THOROUGHLY AND SOLIDLY TAMPED AND REPELLED.

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AND THE PAVEMENT OR SURFACING SHALL BE REPLACED AND PATCHED WITH MATERIAL EQUAL TO THE FORMER SURFACE, AND LEFT IN AS GOOD CONDITION AS THE SAME WAS BEFORE SUCH EXCAVATION WAS MADE, SMOOTH AND OF THE SAME ELEVATION AND SLOPE AS THE ORIGINAL SURFACE.

9-3-7 Repairing Faulty Work

SECTION 5. And in case such a hole, cut or fill shall within 16 months rise more than one inch above adjacent ground or sag more than one inch below the adjacent ground, said person, firm, or corporation shall, upon demand, repair the same.

SECTION 6. Any person, firm, corporation, utility or utility board making any such cut, hole or trench in any street or alley of the Town of Mills without complying with this ordinance or in any way violating the terms hereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ten dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and each day said violation continues 48 hours after receipt of notice, will be considered a separate offense.

9-3-5 Bonds

SECTION 7. For the protection of the public, out of state persons, firms, corporations who have not carried on their business within the Town of Mills for one year prior to making application for a permit, will post a \$1,000.00 bond, guaranteeing faithful performance of this ordinance.

SECTION 8. Should any sentence, clause, paragraph, section or provision of this ordinance be decided by a Court of competent jurisdiction to be invalid, such shall not affect the validity of this ordinance as a whole or any part thereof, other than the particular sentence, clause, paragraph, section or provision of this ordinance so held to be invalid.

APPROVED AND PASSED THIS 4 DAY OF May 1956

Sign Floyd Wilcox
Mayor

Seal

Attest: Marianne Spencer
Town Clerk

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I, the undersigned, Town Clerk of the town of Mills, Wyoming do hereby certify that the foregoing is a true and correct copy of Ordinance number One Hundred Eleven, entitled: "An Ordinance Relating to the Filling of Street Cuts, Holes, or Fills," etc. approved and passed by the Town Council of the said Town of Mills at a Regular Meeting thereof, held on the 4 day of May, 1956, and that the ayes and nays were taken and entered upon the journal of the said Town Council.

Marianne Spencer
Town Clerk

I, regularly appointed and qualified Town Clerk of the Town of Mills, Wyoming and acting in that capacity, do hereby certify that signed, attested, sealed and certified copies of this Ordinance (Number 111) approved and passed as certified above, were, following its enactment by the Town Council, by me posted up in three public places within the Town of Mills for a period of ten days as required by law, and that this Ordinance did take effect and become in force as a legal ordinance of the Town of Mills, the 4 day of May, 1956.

Marene Reed
Town Clerk