ORDINANCE NUMBER 220

AN ORDINANCE REGULATING STREET EXCAVATIONS AND THE APPLIANCE AND CLOSING OF PUBLIC STREETS, SURFACES AND OPENINGS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO DO ORDAIN AS FOLLOWS:

SECTION 1. It shall be unlawful for any person, firm or corporation, both public and private, to dig, open or cause to be dug or opened, any hole, ditch or trench for any purpose whatsoever, in any public road, street, square, park or alley of the County of Solano, except as authorized and provided for by this ordinance, and without first having procured a permit so to do, and furnished a bond, or cash deposit, as hereinafter provided.

SECTION 2. It shall be the duty of the Inspector of the Solano County Planning Commission, hereinafter called the "Inspector", and his deputies, to enforce all of the provisions of this ordinance, to issue all permits hereby required and provided for, and inspect and approve or disapprove all work performed pursuant to such permits and regulated by the provisions hereof.

SECTION 3. APPLICATIONS FOR PERMITS. Before any permit is issued by the Inspector pursuant hereto, there shall be filed with him, at the office of the Solano County Planning Commission, a written application for such permit, signed by the person responsible for the work proposed to be done, which applications shall set forth the following:

1. All dimensions of the proposed excavation or opening.
2. The type of work proposed and purpose of the same.
3. The exact location of said proposed work, indicated on a sketch attached to said application.
4. The name and address of the applicant, and of the owner of the private property for or on whose behalf said work is to be done.
5. The Road District in which said proposed work is to be done.
6. An agreement that applicant will at all times maintain barricades and warning signs and lights for the protection of the public around all excavations and obstructions in the county highways incidental to the proposed work, which signs shall be approved by the Inspector, and that he will be responsible for all damages to persons and property suffered by any person by reason of said work.
7. An agreement that the applicant will perform the work of refilling and resurfacing the county highway opened by him under such Permit within forty-eight hours after the installation of such fixtures or the doing of such work as the Permit may be granted for, unless an extension of time be granted by the Inspector for good cause shown by the applicant.

And all excavations opened by any person by authority of any Permit issued under the provisions of this ordinance shall be refilled and the highway resurfaced within forty-eight hours after the installation of such fixtures, or the doing of such work, as the said Permit is granted for; provided, however, that the Inspector, for good cause shown by the applicant, may extend said time for an additional period not to exceed another forty-eight hours.

Any period during which the work is delayed by an act of God, the public enemy, acts of the State, fire, floods, epidemics, strikes, freight embargoes, or severe weather, shall be added to the above limitations, provided applicant gives to the Inspector notice of any such condition as soon as the same occurs.

SECTION 4. CASH DEPOSITS AND BONDS. The Inspector, upon receiving such application in proper form, shall prescribe and fix the amount of the cash deposit or bond to be furnished by applicant in the manner hereinafter provided for, and when the cash deposit or bond shall have been received and approved by him, he shall thereupon issue a Permit for said work, which

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The amount of such cash deposit or bond shall be fixed in the following manner:

The principal of said cash deposit or bond shall be in an amount equal to the cost of the refilling and packing of the excavation and subgrade and the replacement of the wearing surface in accordance with the specifications for such work approved and adopted by the Board of Supervisors of the County of Solano, from time to time, by its resolutions, as estimated by the Inspector, but there shall be a minimum deposit of Ten Dollars ($10.00) cash.

Should the estimated cost of such work exceed Fifty Dollars, the applicant may at his option furnish a bond with two good and sufficient sureties, or with a corporate surety, which shall be approved by the Inspector conditioned that the applicant will faithfully do and perform all such filling and resurfacing required in accordance with the provisions of this ordinance and the said specifications of the County of Solano for the same.

Upon the completion of said work to the satisfaction of the Inspector any cash deposit shall be returned excepting the inspection fee of Three Dollars ($3.00) hereinafter provided for, and any bond furnished shall be exonerated.

In the event applicant shall fail, refuse or neglect to complete said work of filling and surfacing, the county may do the same and retain all cash deposit to pay the cost of the same, or recover such cost from the sureties' or applicant's bond.

SECTION 5. INSPECTION FEE. In all cases excepting where the county does the work, as hereinafter provided, there shall be deposited with the Inspector, together with the application hereinafter provided for, an inspection fee of Three Dollars ($3.00) which shall be paid to the Inspector and be retained by the County of Solano, and deposited in the County Treasury, to cover the cost of inspecting such work. Where a cash deposit is made in lieu of bond, said inspection fee shall be retained by the Inspector out of the same.

SECTION 6. WORK MAY BE DONE BY THE COUNTY. At his option the applicant may, after his application is on file, request in writing that the proposed work of refilling and restoration of surface be done by the county road crew, and if the Supervisor of the District, wherein the proposed work to be done is located, consents, then the applicant shall deposit an amount estimated by the Inspector as sufficient to cover the cost of the same, whereupon the county shall do said work, and no bond, cash or otherwise, nor any inspection fee, shall be required of the applicant.

SECTION 7. SPECIFICATIONS. On or before the date on which this ordinance goes into effect, the Board of Supervisors of the County of Solano shall by resolution adopt a code of specifications for the doing of the work of refilling and packing street and highway excavations and subgrades, and the resurfacing of streets and county highways by persons, firms or corporations granted Permits under the provisions of this ordinance, and may from time to time amend, change or modify the same by resolution, and thereafter no such work shall be done except in strict conformity to such specifications and the provisions of this ordinance.

SECTION 8. PENALTIES. It shall be a misdemeanor to violate any of the provisions of this ordinance, and any person, firm, or corporation convicted thereof shall be punished by a fine not to exceed the sum of $500.00, or by imprisonment in the County Jail of Solano County for a period not to exceed 180 days, or by both such fine and imprisonment, and each successive day that such violation continues shall be deemed to be a separate offense.

Any person, firm or corporation who shall fail or refuse to place barricades, and warning signs and lights around excavations as required and described in Subdivision 6 of Section 3 of this ordinance, shall be guilty of a misdemeanor, and be punished as herein provided.
SECTION 9. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Solano hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be held invalid.

SECTION 10. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. This ordinance shall be in full force and effect thirty days after its passage, and shall be published once on or before the eighth day after its passage in Vallejo Times-Herald, a newspaper printed, published and circulated in the County of Solano.

Dan Foley
Chairman of the Board of Supervisors of the County of Solano, State of California.

ATTENT:
Lewis Morrill
County Clerk and ex officio Clerk of said Board.

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The foregoing ordinance was regularly introduced, passed and adopted by the Board of Supervisors of the County of Solano, State of California, at a meeting of said Board held on the 28th day of April 1941, by the following vote:

AYES: Supervisors Danielson, Demmon, Schmeiser and Foley

NOES: None

ABSENT: Supervisor Brown

WITNESS my hand and official seal as Clerk of said Board this 28th day of April 1941.

Lewis Morrill
Clerk of said Board