ORDINANCE No. 2114

_A ordinance of the City of Kent, regulating the use and occupation of, and the conduct of persons in or upon streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, parking strips, squares, triangle, school grounds, clay grounds, and other public places and grounds, and providing for the control thereon, and for the safety, comfort and convenience of the public in the use of the same, and providing penalties for the violation of its provisions._

THE CITY COUNCIL OF THE CITY OF KENT, DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person or persons to erect or maintain any such, elevator or other structure, or to deposit or leave any material, whether or not used or to be used in the erection, alteration, or repair of any building, in any public place, without complying with the requirements of this ordinance in relation thereto, and obtaining and having a permit therefor from the City Clerk.

Section 2. The person desiring the permit provided for in the preceding section shall make application therefor in writing setting forth the part or portion of any public place which he desires to occupy, clearly describing the obstruction which he wishes to place in such public place, and if upon such application the City Clerk shall be satisfied that such obstruction will not unduly interfere with the use of the said public place, he may in his discretion grant such permit for such reasonable time as the circumstances and exigencies of the case may demand.

Section 3. Such permit shall not authorize the obstruction of more than one-third of the street or avenue in any case, and in the event that such obstruction shall cover any sidewalk, temporary sidewalk shall be provided by the person taking out such permit, sufficient to accommodate the traffic.

Section 4. It shall be unlawful for any person to move any building along, over or through any public place, without complying with all of the provisions of this ordinance in relation thereto, and obtaining from the City Clerk a permit therefor.

Section 5. Any person desiring a permit to move any building, shall apply therefor in writing setting forth the location, size and general description, and the materials from which it is built, the route to be followed in moving the same, and the location after removal; also a description of the means and appliances for moving the same.

Section 6. The City Clerk shall fix a date not less than three days after the date of the application filing, for hearing the said application by the Street Committee of the City Council, and shall notify by mail any person or company having electric or other wires or conduits, or railway tracks that are likely to be crossed or disturbed by such removal, of the time and place of such hearing. Upon such hearing the said street committee shall hear and determine by all questions arising from such application, and may in its discretion, grant or refuse such permit either along the route designated in the application or such other route as to the said committee shall appear feasible and to the best interests of the persons concerned and the public.

Section 7. The City Clerk shall issue permit or refuse as he shall be directed to do by the said Street Committee.

Section 8. It shall be unlawful for any person to erect, construct or in any manner disturb or break the surface or foundation or other portion of any permanent pavement in any public place without complying with all of the provisions of this ordinance relative thereto, and obtaining and having a permit from the City Clerk so to do.

Section 9. Any person desiring a permit such as described in the preceding section, shall make application therefor to the City Clerk by writing describing with particularity the exact location where he wishes to disturb the paving, the nature of the work which he desires to do and its extent, and the city clerk shall cause an anti-
mate of the cost and expense of renewing the portion of the pavement disturbed, and the applicant for such permit shall deposit with the city treasurer an amount 20 per cent. in excess of the estimate, and take his receipt therefor, upon the production of which receipt the city clerk may grant and issue such permit, if in his judgment the same is reasonable.

Section 10. Upon the completion of the work, the person receiving the permit provided for in the preceding section shall replace the paving removed or disturbed with all foundations, concrete work and other portions thereof as good and as sound as before disturbed, which work shall be done under the supervision of the City Engineer, and when accepted by the city, the deposit made before receiving the said permit shall be returned; but if such person fail or refuse to replace the said paving as herein provided then the city shall proceed to cause the said work to be done, and deduct the cost thereof from such deposit, returning to the said person any part of the deposit remaining, if the cost of replacing the said paving be in excess of the amount of the deposit, the person to whose permit is granted shall pay the balance of the same.

Permanent pavement shall be held to mean any paving or at least in which stone, brick, wood blocks, concrete, pavement, bituminous or macadam forms a part of the covering surface or foundation.

Section 11. It shall be unlawful for any person to disturb the surface of any public place, dig up, cut, excavate or fill any such public place, construct or remove any allowed plank, gutter or plank road, or any other work in any public place without complying with the provisions of this ordinance in full letter and spirit and having a permit from the City Clerk therefor.

Section 12. Any person desiring a permit such as prescribed in the preceding section shall make application to the city clerk therefor, in writing, setting forth the nature and extent of the work and its exact location, all in detail, and a clear and accurate statement of the means and manner of doing the work.

Section 13. Before any permit shall be granted by the City Clerk the person asking for the same under the preceding section hereto, shall file a bond of indemnity to be approved by the mayor and clerk, in double the estimated cost of the work proposed, conditioned to save the city harmless from any damages or claims for damages of any kind arising from the said work, upon the default of such bond the city clerk shall cause the same to be paid out of the city funds and the city shall consult the city engineer or other city officials as he may deem necessary, and if he find that the said permit is asked in good faith for a reasonable purpose he may issue the same. Any permit issued under this section may be revoked for violation of its terms, or for violation of this or any other ordinance of the city, or for failure to comply with the reasonable rules and regulations of the city or its officers in the performance of the work under such permit.

Section 14. Any and all work done under the permit provided in the three last preceding sections shall be subject to the inspection of the City Engineer and of the Street Committee of the city council and shall be done in such manner as shall meet their approval.

Section 15. It shall be unlawful for any person to tear up, excavate or obstruct any public place in any manner and full or neglect to keep good and sufficient warning signs by day and red lights of sufficient size and brilliance to be seen for a distance of 100 feet in every direction from such obstruction, posted in the near vicinity thereof at night time.

Section 16. It shall be unlawful for any person to drag or haul any heavy timber, log or other heavy load over or across any public place in such a manner that the same shall come in contact with the surface of such public place, or to place the wheel of any vehicle in the manner known as "ditching", or to move any vehicle or anything other than the tire of such wheel or a smooth shoe shall come in contact with the surface of the streets.
Section 17. It shall be unlawful for any person to drop or cause to be dropped from any vehicle operated by him or under his control or charge, upon any public place, any oil, grease or other similar substance, or any gravel, dirt, sand, manure, sawdust, refuse or garbage of any kind, or any hay or vegetable substance whatever, except through unavoidable accident.

Section 18. It shall be unlawful for any person to load railway cars from, or unload the same into, any street, or other highway except an alley, or into any vehicle standing in such street or highway, or to load or unload any vehicle for conveying machinery, lumber, fuel, gravel, brick, tile, sewer pipe, or other timber or mineral products, or any merchandise of any kind in, on or from any street or other highway except an alley, when it is possible to do such loading or unloading from or on private property or an alley; provided that when it shall be impracticable to do such loading or unloading upon private property or an alley, the street committee of the city council may direct the City clerk to issue a permit for the same upon a street therein designated; provided further that this section shall not apply to the delivery of goods by retail merchants to their customers in the usual manner.

Section 19. It shall be unlawful for any person to ride, drive or lead any animal or propel a move any vehicle, except light carriages for children or invalids, along or across any sidewalk, unless for the purpose of necessarily crossing the same, or to create any sidewalk with a heavily loaded vehicle, or to actually prevent using such sidewalk with planing or any similar material, to allow any animal or vehicle to stand or remain upon any sidewalk, or to create or split wood or lumber, or break down or drag, or mix dirt or any other act upon any sidewalk which may endanger the same or obstruct the passage of pedestrians upon and over the same.

Section 20. It shall be unlawful for any person to operate, drive or propel any automobile, pedicab, or other vehicle, except one engaged in city service, or any animal, upon any paved or macadamized street in the city at a greater rate of speed than eight miles an hour, or upon any other street or other highway at a greater speed than 12 miles an hour, or upon street crossings and intersections in paved districts at greater speed than 5 miles an hour, or upon street crossings and intersections in other parts of the city at greater speed than 8 miles an hour.

Section 21. It shall be unlawful for any person to turn any rubbish, lumber, wood or other materials containing wire, nails or other metallic substances, in any public place.

Section 22. It shall be unlawful for any person to place or cause to be placed any firewood, coal, charcoal or merchandise in any public place except while resting the same in or out of the felling, preserving, or breaking into ball, or throwing ball, stone or other missiles in any public place.

Section 23. It shall be unlawful for any person or persons to haul, drive or in any manner to propel or cause to be driven or propelled, except upon, across or along any paved street or sidewalk, or any paved portion of any public place, any carriage, traction engine, or other heavy vehicle borne upon wheels having CXells or sprockets or other device upon the tread of its tire, intended to grip the earth, or any vehicle of any kind weighing with its load to exceed five tons, without protecting such vehicle or sidewalk by laying tarred or similar covering, or other sufficient protection of sufficient width and length and thickness to distribute the weight of such vehicle over at least 60 square feet of the surface of such pavement, and of such width and form a good and substantial track for said vehicle. The words "public place," as used in this ordinance shall be held and construed to mean and include streets, avenues, alleys, places ways, boulevards, sidewalks, drives, parking strips, squares, triangles, playgrounds, school grounds, parks, and all other public grounds and
places of any and all kinds.

Section 27. Any person who shall violate any of the provisions of
this ordinance, or shall fail or refuse to comply with its provisions
and conditions, shall be deemed guilty of a misdemeanor, and on convec-
tion shall be fined in any sum not more than one hundred dollars, or
imprisoned in jail not more than thirty days, and each by any person
shall continue to violate or fail to comply with such provisions,
shall be deemed and considered a separate offense, and in addition to
the penalty above provided for, the failure, neglect or refusal to com-
ply with the conditions and provisions of this ordinance shall be de-
ed a nuisance, which may be abated as by law provided.


Approved by the mayor Dec. 7, 1910.

M. M. Mottrie
Mayor.

Attest

L. E. Opara
City Clerk.