

ORDINANCE NO. 28

AN ORDINANCE REGULATING THE MAKING AND REFILLING OF EXCAVATIONS, THE MAKING OF FILLS IN PUBLIC STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC PLACES AND THE CUTTING AND REPLACING OF CEMENT CURBS AND SIDEWALKS.

The Board of Trustees of the City of Torrance, do ordain as follows:

SECTION 1.

It shall be unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavations in or under the surface of any public street, alley, sidewalk, curb or other public place, for the installation, repair or removal of any pipe, conduit, duct or tunnel, or for any other purpose, without first obtaining from the superintendent of Streets a written permit to make such excavations and making a deposit to cover the cost of inspection and of restoring such public street, alley, curb, sidewalk or other public place to its original condition, together with the incidental expenses in connection therewith, all as hereinafter in this ordinance provided. The Superintendent of Streets, before issuing such permit, shall require:

First: A written application therefor to be made and filed with said Superintendent of Streets wherein the applicant shall set forth the name and residence or business address of the person, firm or corporation making such application, and shall state in detail the location and area of each excavation intended to be made, and shall state the purpose for which the excavation is to be made and used;

Second: The presentation of a plat in duplicate showing the location of each proposed excavation and the dimensions thereof, and such other details as the Superintendent of Streets may require to be shown upon such plat; provided, that the filing of plats shall not be required when excavations are made for service connections for the location of trouble in conduits or pipes or for making repairs thereto; and

Third: That the applicant show legal authority to occupy and use, for the purpose mentioned in said application, the streets, alleys, sidewalks, or other public places where in the excavation is proposed to be made.

When such written application is for the purpose of excavating for a tunnel or other special structure, the said application shall be considered to include the application for necessary surveying to establish lines and levels, in conformity with the approved plan to be filed with the City Engineer.

No work shall be done on such tunnels or special structures until such lines and levels are deemed necessary by the City Engineer shall have been established and indicated at the site of the work.

The Board of Trustees shall adopt such regulations for the location, size and depth of such excavations as it may deem necessary for the public welfare.

SECTION 2.

It shall be unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavation, or to install or maintain, or to cause or permit to be installed or maintained, any tank, pipe, conduit, duct or tunnel, in or under the surface of any public street, alley, sidewalk or other public place at any location other than that described in the application and shown on the plats filed by such person, firm or corporation as required by the provisions of this ordinance; and the Board of Trustees may require such surveys as it may deem necessary to insure full compliance with this section.

SECTION 3.

When the application to excavate and the details shown upon the accompanying duplicate plats, when such plats are required, comply with the terms of this ordinance and the regulations of the Board of Trustees, the application and duplicate plats shall be approved by the City Engineer. After such approval, one of the duplicate plats shall be filed in the office of the City Engineer as a public record. The application and the other duplicate plat shall be filed with the Superintendent of Streets, together with special deposits as follows, to-wit:

For excavation or cutting of the following pavements or structures, a sum equal to:

- (a) Fifty-five (55) cents per linear foot for curb.
- (b) forty (40) cents per square foot for asphalt, bitulithic, brick, or concrete pavement.
- (c) twenty-five (25) cents per square foot for macadam pavement, cement sidewalk or cement gutter.
- (d) ten (10) cents per square foot for oiled or graveled surfaces.
- (e) three (3) cents per square foot for all earth surfaces not pav-

ed, oiled or graveled, provided, that no deposit shall be less than Seven Dollars and fifty cents (\$7.50) for each permit for surfaces which have been paved with asphalt, bitulithic, concrete or brick pavement; Three Dollars and seventy-five cents (\$3.75) per permit for all other paved surfaces or curb; Two Dollars and fifty cents (\$2.50) per permit for all graveled or oil surface; also provided that any person, firm or corporation intending to make any excavation in any public street, alley or other public place, may make and maintain with said Superintendent of Streets a deposit of Three Hundred Dollars (\$300.00), which shall permit the issuance of permits for excavations up to one thousand (1,000) square feet per month; a deposit of Twelve Hundred and Fifty Dollars (\$1,250.00), which shall permit the issuance of permits for excavations up to five thousand (5,000) square feet per month, which general deposit shall be used for the same purpose as the special deposit described herein before, in this section, and while such general deposit is maintained, such person, firm or corporation shall not be required to make the special deposit hereinbefore in this section provided for, but shall be required to file a written application for a permit for each such excavation, and file duplicate plats showing the location thereof, as in this ordinance provided, and to comply with all other provisions of this ordinance; provided, however, that a permit to excavate for the purpose of making a house connection to a sewer an additional fee of One Dollar (\$1.00) shall be required for each such connection to cover the cost of inspection thereof.

No sanitary sewer shall be laid except upon permission issued by the Superintendent of Streets. A fee to cover any surveying, if such is necessary to give the proper grades, shall be collected by the Superintendent of Streets.

For a permit to excavate for the purpose of constructing a tunnel or other special structure, when in the judgement of the Board of Trustees, surveys or special inspections are deemed necessary, an additional fee of fifty cents (50c) per square foot of horizontal construction of such tunnel excavation shall be required to cover the cost thereof.

SECTION 4.

Upon receiving a written application as provided in Section 1 of this ordinance, and one of the duplicate plats when such plats are required, each bearing the approval of the City Engineer, and the general or special deposit required by Section 3 hereof, the Superintendent of Streets shall issue a written permit to make such excavation and shall open and keep open an account thereof; provided, however, that the Superintendent of Streets shall not issue such permit unless the applicant has legal authority to occupy and use, for the purpose mentioned in the application, the streets, alleys, sidewalks or other public places covered by said application; and provided further, that said Superintendent of Streets shall not issue any permit to make any excavation for the purpose of installing any tank, pipe, conduit, duct, tunnel, or other structure, in any public street, alley, sidewalk or other public place, at any parallel point in, upon or along any portion of any such public street, alley, sidewalk or other public place for which a permit to excavate for any or all of such purposes has been issued and is still in force and effect; except permits for house connections or for the necessary repairs to any tank, pipe, conduit, duct, tunnel or other structure, and excepting permits to excavate in, upon and along that portion or side of such street, alley, sidewalk or other public place, lying between the center line thereof and the property line, for which a permit to excavate has been issued and is still in force and effect.

Such permit shall state whether the work to be done is covered by a general or a special deposit, and, if a special deposit, shall state the amount thereof and shall be a receipt therefor. It shall also specify the person, firm or corporation, to whom the same is issued, the street, alley or other public place and the particular portion or portions thereof to be excavated and the extent of such excavations.

Every permit for making a house connection to a sewer, or for making repairs to the same shall become and be void unless all work to be done pursuant thereto shall be done and the excavation refilled in the manner required by this ordinance, within sixty (60) days after the date of such permit; provided, however, that the Superintendent of Streets may grant an extension of time for a period not exceeding thirty (30) days for the performance of such work and the refilling of such excavation whenever the Superintendent of Streets shall deem that good cause exists

therefor; and provided further, that if any such extension of time be granted such permit shall become and be void unless all such work shall be done and such excavation refilled in the manner required by this ordinance, prior to the expiration of such extension of time; and provided further, that any excavation made for the purpose of making a house connection to a sewer shall be refilled in the manner required by this ordinance, within three (3) days after inspection of the pipe by the Superintendent of Streets, if a pipe be laid, or within three (3) days after the date of the permit, if no pipe be laid, and nothing herein contained shall be deemed or construed to allow a longer period of time therefor.

If any person, firm or corporation shall fail, refuse or neglect to complete the making of any house connection to a sewer or to refill any excavation within the time required by this section, or within the period of any such extension of time, if any such extension be granted, then the Superintendent of Streets shall complete the refilling of such excavation in the manner required by this ordinance and the City of Torrance shall retain the cost of such refilling from the special deposit made for such excavation, if a special deposit shall have been made, or in case a general deposit is maintained as provided in Section 3 of this ordinance, the said City shall retain such amount from such general deposit.

The street surface, curb, sidewalk or gutter excavated or damaged shall be replaced by the Superintendent of Streets from the deposit of the firm or corporation making the excavation and the cost of such work shall be retained by the City.

Whenever an excavation is made by tunneling under the surface of a street or alley, the Board of Trustees shall adopt such regulations and require such special inspections as it may deem necessary for the full compliance with this section.

SECTION 5.

All excavations shall be filled in the following manner:

The trench shall be filled to within not less than one (1) foot from the surface and shall then be thoroughly flooded, and the material settled by poling or with shovels. If so directed by the Superintendent of Streets the filling shall be settled with water at not more than two (2) intermediate depths. After the material has been allowed to settle, it shall be filled to the surface of the street. All excavations shall be promptly refilled in the most workmanlike manner, and surplus material removed without delay. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of these regulations, or with any regulations of the Superintendent of Streets governing the refilling of excavations.

The top surface of the backfill shall conform closely enough to the level of the adjoining street surface and shall be compacted so that it is hard enough and smooth enough to be safe for traffic to pass over it at any legal rate of speed. The permittee shall maintain the surface of the backfill safe for traffic until the pavement has been repaired by the Superintendent of Streets and shall assume responsibility for all accidents which may occur due to vehicles crossing the site of the excavation at a legal rate of speed, until the pavement has been so repaired. If it is impracticable to maintain the surface of the backfill in safe condition for traffic then the permittee shall maintain barriers and red lights around it until the pavement has been repaired.

SECTION 6.

It shall be the duty of every person, firm or corporation making any excavation in any public street, alley or other public place, to maintain safe crossings for vehicle traffic at all street intersections and safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any such excavation is made across any public street or alley, at least one safe crossing shall be maintained at all times for vehicles and pedestrians. Free access must be provided to all fire hydrants and water gates. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. If the street is not wide enough to hold the excavated materials without using part of the adjacent sidewalk, the person, firm or corporation by whom the excavation is made shall erect a tight board fence upon and along such sidewalk and keep a passageway at least six (6) feet in width open and along such sidewalk. All gutters shall be maintained free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb

at the gutter line. Whenever a gutter crosses an intersecting street an adequate water-way shall be provided and at all times maintained.

It shall also be the duty of every person, firm or corporation making any excavation in any public street, alley or other public place, to place and maintain barriers at each end of such excavation and at such places as may be necessary along the excavation to prevent accident, and also to place and maintain lights at each end of such excavation and at distances of not more than fifty (50) feet along the line thereof, from sunset each day to sunrise of the next day, until such excavation is entirely refilled; and it shall be unlawful for any person firm or corporation to fail, refuse or neglect to comply with any requirement contained in this section.

SECTION 7.

After such excavation is commenced, the work of making and refilling the same shall be prosecuted with due diligence and so as not to obstruct the street or other public place or travel thereon more than is actually necessary therefor.

SECTION 8.

The Superintendent of Streets shall cause a statement showing the amount due the City from every person, firm or corporation for any work performed by the City pursuant to the provisions of this ordinance to be mailed to every such person, firm or corporation or to his, its or their agent in the City of Torrance, on or before the 10th day of any month, for any and all such work performed during the previous calendar month. The amount due the City as shown by any such statement shall be paid by every such person, firm or corporation to the City, on or before the last day of the month in which any such statement is mailed, as herein provided. In case of a special deposit the balance shall be returned within thirty (30) days after the street surface has been replaced by the Superintendent of Streets. The said City shall deduct the cost of any work done or repairs made by the Superintendent of Streets, as herein provided, from any and all deposits then on hand belonging to or that may hereafter be made by any person firm or corporation under the provisions of this ordinance.

SECTION 9.

The first of each month the Superintendent of Streets shall deposit in the City Treasury all moneys received by the said Superintendent of Streets pursuant to this ordinance during the preceding month.

SECTION 10.

All moneys refunded pursuant to the provisions of this ordinance shall be paid upon demands audited and paid in the same manner as other demands against the city are audited and paid.

SECTION 11.

It shall be unlawful for any person, firm or corporation to install, or to cause or permit to be installed, any service pipe or main pipe, conduit, duct, tunnel or other structure, except manholes, culverts and catch basins, in any public street, alley or other public place at a distance of less than two (2) feet below the established grade of the gutter of such public street or alley, or less than two (2) feet below the surface of such other public place.

SECTION 12.

It is hereby made the duty of every person, firm or corporation owning, using, controlling or having an interest in pipes, conduits, ducts or tunnels under the surface of any public street, alley, sidewalk or other public place, for supplying or conveying gas, electricity, water, steam, ammonia or oil in, to or from the City of Torrance, or to or from its inhabitants, or for any other purpose, within ninety (90) days after the passage of this ordinance, to file in the office of the City Engineer a map or a set of maps, each drawn to a scale of not less than two hundred (200) feet to one (1) inch, which said map or set of maps shall show in detail the exact location, size, description and date of installation, if known, of all mains, laterals, services and service pipes, and of all valves, pressure regulators, drips, manholes, handholes, transformers, chambers or other appliances installed beneath the surface of the public streets, alleys, sidewalks or other public places in the City of Torrance, belonging to, used by or under the control of such person, firm or corporation, or in which such person, firm or corporation has any interest. It shall also be the duty of every such person, firm or corporation to file, within fifteen (15) days after the first day of January of each and every year, a corrected map or set of maps, each drawn to a scale of not less than two hundred (200) feet to one (1) inch, showing the complete installation of all such pipes and other appliances, including all installations made

during the previous year to and including the last day of such year.

Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any public street, alley or other public place, or the use thereof, is abandoned, the person, firm or corporation owning, using, controlling or having an interest therein, shall within thirty (30) days after such abandonment, file in the office of the City Engineer, a statement in writing giving in detail the location of the pipe, conduit, duct, tunnel or other structure so abandoned. Each map or set of maps filed pursuant to the provisions of this section shall show in detail the location of all such pipes, conduits, ducts, tunnels or other structures abandoned subsequent to the filing of the last preceding map or set of maps.

It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to file any map or set of maps at the time and in all respects as required by this section.

SECTION 13.

It shall be unlawful for any person, firm or corporation to make, or to cause or permit to be made, any excavation in any unimproved public street, alley, or other public place for the purpose of removing soil or gravel therefrom, or to remove or to cause or permit to be removed therefrom any soil or gravel without first obtaining a permit in writing from the Superintendent of Streets. A deposit to cover the cost of any necessary surveys or costs of inspection, supervision or repair, shall be made before the permit is issued.

SECTION 14.

It shall be unlawful for any person, firm or corporation to make or cause or permit to be made any fill in any unimproved public street, alley or other public place, for the purpose of placing or to cause or permit to be placed thereon any soil or gravel without first obtaining a permit in writing from the Superintendent of Streets. A deposit to cover the cost of any necessary surveys or costs of inspection, supervision or repairs shall be made before the permit is issued.

SECTION 15.

None of the provisions of this ordinance shall apply to any work done or to be done in, along or upon any public street, alley or other public place pursuant to any law of the State of California providing for the improvement thereof or to any work done or to be done in, along or upon any such street, alley, or other public place pursuant to any contract for improvement authorized by the Board of Trustees, provided that the provisions contained in Section 6 of this ordinance shall apply to all such work, and to all excavations to be made in, along or upon any public street, alley or other public place, and provided further that the provisions contained in Section 5 of said ordinance shall apply to all such work and to all excavations made or to be made in, along or upon any public street, alley, or other place whenever the specifications for said work so provide.

SECTION 16.

That any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Ten (\$10.00) Dollars, nor more than Three Hundred (\$300.00) Dollars or by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by both such fine and imprisonment.

Each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this ordinance is committed, contained or permitted by such person, firm or corporation and shall be punishable therefor as provided by this ordinance.

SECTION 17.

The City Clerk shall certify to the passage of this ordinance by a unanimous vote and cause the same to be published once in the Torrance Herald.

Approved: JAMES M. FITZHUGH, President of Board of Trustees. Attest: ALBERT H. BARTLETT, City Clerk.

I hereby certify that the foregoing ordinance was passed by the Board of Trustees of the City of Torrance by the unanimous vote of all the members of said Board present, there being five members present, at its meeting of July 5, 1922.

ALBERT H. BARTLETT, City Clerk of the City of Torrance (Seal)

STATE OF CALIFORNIA COUNTY OF LOS ANGELES, SS. I, Albert H. Bartlett do hereby

4th DISTRICT C. OF C. MEET IN SAN PEDRO

Fifty representatives from twenty-three chambers of commerce of the Fourth Supervisorial District met in San Pedro last Thursday night, following a dinner served at the Cafeteria, and discussed several projects of vital interest to all the cities represented.

After the dinner the party adjourned to the hall where the program opened by a community sing, with Lou Johnson, secretary of the Wilmington C. of C. officiating at the piano, and W. E. Mellinger, secretary of the Hermosa Beach C. of C. acting as song leader. When the party were all in good spirits, the president, George Proctor, of Torrance, opened the business meeting with a short talk on the aims and purposes of the organization. Following this the secretary, Alfred Gourdiere of Torrance, proceeded with the regular order of business. An answer to the resolution sent to E. G. Lewis at the last meeting congratulating him on the successful underwriting of the Palos Verdes estates, was read, in which Mr. Lewis stated that the interests of his project and the Fourth Districts were closely interwoven, and that it was the spirit of cooperation shown which would result in building a greater Southern California.

Secretary Pomeroy of the Redondo C. of C. reported the progress of his committee in securing the extension of several city streets to the harbor district. Capt. Hanson of San Pedro also spoke on this feature; he stated that a right-of-way has been secured on Western Ave. Normandie and Vermont as far south as Ocean Ave. The extension of these streets will be of great help in solving the traffic problems.

Another point reported on at this meeting which will be of interest is that the postoffice department has established a railway mail route through the bay cities. The mail car will make four round trips daily, and thus will greatly simplify the service, as mail from one of the cities on the route to another will now not have to go thru Los Angeles. Cities on this route will include Long Beach, Wilmington, San Pedro, Torrance, Redondo and Gardena.

One of the most important talks of the evening was made by Frank Merriam, assemblyman from Long Beach, on the State highway situation. He told the members that although \$75,000,000 has been spent recently for the highways, on account of the heavy trucking they were being ground to pieces with in four or five years. He also stated that the Highway Commission is asking for another \$63,000,000 bond issue to be floated, and that most of this, instead of being used to build new roads, will go for repairing highways that have been in use only a few years. He urged the people to demand that when new boulevards are installed they shall be of thicker, more durable materials, so that they will withstand the wear and tear of heavy traffic.

Following his talk, which was enthusiastically received, George Preston, secretary of the Harbor City C. of C. and member of the San Pedro chamber, introduced a resolution endorsing the project of the Santa Fe railroad to run a line to the harbor. It was voted almost unanimously to accept this resolution.

The next meeting of the association will be held at Redondo Villa, August 10.

certify that the foregoing Ordinance of the City of Torrance, being Ordinance No. 28, was regularly introduced and read at a regular meeting of the Board of Trustees of the City of Torrance, on the 28th day of June, 1922, and thereafter on the 6th day of July, 1922, at a regular meeting of said Board, the same was duly passed and adopted by the following vote: AYES: Trustees, Gilbert, Nash, Proctor, Fitzhugh. NOES: Trustees, None. Absent: Trustees, Stone. and was on said date duly approved by the President of the Board of Trustees, and attested by the City Clerk of said City.

In Witness Whereof I have hereunto set my hand and affixed the Official Seal of said City, this 5th day of July, 1922.

ALBERT H. BARTLETT, City Clerk of the City of Torrance, California. (Seal)

Torrance Fiesta, August 15-19. After you have read this paper—pass it along.