

ORDINANCE NO. 14

An ordinance requiring permit for excavation.

The Village Council of Forada do ordain as follows:

SECTION 1

It shall be unlawful for any persons, firm or corporation to dig or otherwise make an excavation in or on any property within the village limits of Forada owned by said person, firm or corporation, which changes the natural conformation of said property, without having first obtained a permit from the Village Council of the Village of Forada, which permit shall be granted by majority vote of said Council. Said permit shall be granted by the City Council upon application by the owner of said property, duly made in writing upon such form and in such manner as the Village Council shall prescribe, and shall be conditioned upon the applicant complying with such rules and regulations as may be hereinafter specifically set forth, or as may be required by the Village Council in connection with the issuance of said permit.

SECTION 2

If said excavation for which a permit is granted shall be over 1 foot in width, or over 12 inches in depth, said applicant shall be required as one of the conditions of issuance of said permit to provide a suitable fence, barrier or other safety guard around such excavation during the time the excavating is actually in the process of being completed, provided, that if the excavation is one which in the judgement and discretion of the Village Council is not or would not be dangerous to the general public, then may in their discretion issue said permit without requiring the erection of said fence or barrier. Provided further, that such fence, barrier or other safety guard need only be erected during the night time or during such time of the day as such excavation remains unattended.

SECTION 3

Excavation as used in the two preceding paragraphs shall not be construed to mean any natural tilling of the soil, or any digging therein where the material is merely loosened and remains in place.

SECTION 4

It shall be unlawful for any person, firm or corporation to have, or permit to remain, upon his or its property located or situated within the Village of Forada for a period of 24 hours, any unfilled or uncovered hole, well, basement or other excavation not being a part of the natural conformation of the land (except during such times as the same is in the process of construction in accordance with a permit granted therefore, or except during such times as the same is being repaired or otherwise worked on and the owner or his agent actually in attendance thereat), unless the person, firm or corporation has secured from the Village Council of the Village of Forada a permit therefor based upon reasonable grounds for said applicants inability to fill or cover the same within such period, which permit shall be granted by the Village Council only upon such showing and shall be conditioned upon the applicant agreeing to fill or cover such hole, well, basement or other excavation within a time to be agreed upon by the said applicant and the Village Council, or if no such time is agreed upon within a reasonable time thereafter, and, upon the applicant posting with the Village Council a cash or surety bond or other security,

in at least double the amount of the estimated cost of filling or covering said hole, well, basement or other excavation conditioned upon said hole, well, basement, or other excavation being so filled or covered.

Said well, hole, basement or other excavation shall be filled with earth or suitably covered or roofed over by a material of sufficient strength to protect the general public from danger thereof.

#### SECTION 5

The continuance of a violation of any of the preceding sections for a period of more than 24 hours, shall be considered a separate violation for each 24 hours period.

#### SECTION 6

Any person, firm or corporation violating the provisions of Section 1, 2, and 4 hereof shall upon conviction thereof, be punished by a fine of not less than \$5 nor more than \$100.00, together with the costs of prosecution.

#### SECTION 7

The provisions of this ordinance shall be severable and the invalidity of any one of said sections shall not affect any other section hereof.

#### SECTION 8

This ordinance shall be in force and effect from and after its passage and publication.

Joseph Kust, Sr., President

Attest: Frank Muzik, Village Clerk

Approved this 28 day of January, 1946.

Published this 31 day of January, 1946.