

An Ordinance to prohibit excavating, grading, paving, leveling, repairing, sidewalking, crosswalking, or filling in any public street, highway, avenue or alley within the City Limits, without first obtaining a written permit to do so and giving a bond to replace the street in proper condition within the time specified in such permit; to provide a penalty for the violation thereof, and to ~~repeal~~ repeal Ordinance No. 37 of said City and all Ordinances and parts of Ordinances in conflict therewith.

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS DO ORDAIN AS FOLLOWS:

Section 1. Permit. "No person, firm, association, or corporation shall excavate, grade, pave, level, repair, sidewalk, crosswalk or fill in, in any public street, highway, avenue, or alley within the city limits of the City of Las Vegas, without first obtaining a written permit so to do from the Street Superintendent of the City of Las Vegas, which permit shall state the time within which such excavating, grading, paving, leveling, repairing, sidewalking, crosswalking, or filling shall be done.

Section 2. Bond. Any person, firm, association, or corporation obtaining a permit for any of the purposes designated in Section 1 of this ordinance shall, before renewing or in any manner changing the surface of the street, highway, avenue, or alley, execute to the City of Las Vegas a bond, to be approved by the Street Superintendent of the City of Las Vegas, in such sum as shall be designated by said Street Superintendent as necessary for the proper protection of said city, conditioned that the obligors of said bond will pay to the City of Las Vegas the amount of said bond, should the person obtaining such permit fail, neglect or refuse to complete the excavating, grading, paving, leveling, repairing, sidewalking, crosswalking, or filling in the public street, highway, avenue, or alley, for which such permit was obtained, within the time stated in said permit, or fail, neglect, or refuse to restore the street, highway, avenue, or alley in proper condition to the satisfaction of said Street Superintendent after the work provided for in said permit has been finished, and to keep the same in such condition for at least six months thereafter, reasonable wear thereof excepted, refilling any such excavation during such time, whenever and wherever it may sink or settle below the surface of the street, alley, sidewalk, highway, avenue or place, and without notice to do so from said Street Commissioner; provided, however, that instead of special bonds to cover particular work, any person, firm, association, or corporation intending to make excavations in public streets, alleys, or any public places in the City of Las Vegas may make and maintain with the City of Las Vegas a general bond in the sum of Two Hundred Thousand Dollars, which said general bond shall be conditioned and used for the same purpose as the special bond hereinbefore described in this section, covering all work to be done instead of any particular piece of work; and while such general bond is maintained at said sum of Two Hundred dollars, such person, firm, association or corporation shall not be required to make the special bond hereinbefore in this section provided, but shall be required to comply with all the other provisions of this Ordinance. Provided, however, that instead of executing the bond above-mentioned a deposit in money in the same amount may be made with said Street Superintendent, to be held under the same conditions as provided for such bond, except that when such excavation shall be refilled and the street, alley, sidewalk, highway, public square or place surface shall be restored as provided for herein, one-half of such deposit shall be returned and the other half of such deposit shall be retained for a period of six months after the completion of said excavation; and at the expiration of such time shall be returned to the person, firm, association or corporation so depositing the same; provided, further, that said Street Superintendent may use any part or all of such deposit in restoring and in maintaining, at a reasonable cost, such street, alley, sidewalk, highway,

public square, or place, as required in this section, whenever the person, firm, association or corporation making such excavation fails or neglects to comply with the requirements of said section.

Section 3. Whenever any excavation as mentioned in the preceding sections is made for the purposes of connecting a drain with a public sewer or repairing a drain connected with a public sewer, ~~the person, firm, association or corporation shall notify the City Plumbing Inspector of the place~~ before beginning such excavation, such person, firm, association or corporation shall notify ~~the City Plumbing Inspector~~ of the place where, and the time when such excavation is to be made, and such excavation and filling shall be made under his direction. In such cases the provisions of the foregoing sections and of this ordinance shall apply in all respects, except as to the making of the deposit and the execution of the bond as therein specified, no bond or deposit being required in such cases, but in addition to the penalty hereinafter in this Ordinance provided, the City may recover against the person, firm, association or corporation in a civil action in a Court of competent jurisdiction for all damage or injury, direct or indirect, which the City may suffer by reason of the failure, neglect or refusal of the person, firm, ~~association or corporation~~ making such excavation to strictly comply with the provisions of this ordinance.

Section 4. In all cases where, at the time of the taking effect of this Ordinance a deposit shall be held by the Commissioner of Streets and Public ~~Plaza~~ Property under the provisions of said Ordinance No. 37 a bond, as provided hereunder, may be substituted for such deposit, the obligation of such bond to cover not only excavations made and covered by such deposit, but to cover also any excavations made after the date of such bond in connection with the work theretofore covered by such deposit.

Section 5. Every City officer, contractor, person, firm, association or corporation who shall make any excavation in any street, alley, sidewalk, highway, public square or place within the City of Las Vegas shall provide during every night, from sunset to daylight, while such excavation remains unfilled, either a sufficient light or temporary fence, or suitable obstruction around or in front of the same, in order to prevent animals, vehicles and persons from falling into the same.

Section 6. Any violation of the provisions of this Ordinance shall be punished by a fine of not to exceed Four Hundred Fifty Dollars (\$450.00), or by imprisonment in the City Jail not exceeding six months, or by both such fine and imprisonment.

Section 7. Ordinance No. 37 of the City of Las Vegas, entitled "An Ordinance regulating excavations in streets, alleys, sidewalks, highways, public squares, and places in the City of Las Vegas, and other matters relating thereto," approved March 5, 1913, and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8. This ordinance shall be in effect from and after its passage, adoption, and publication in Las Vegas Age, a daily newspaper printed and published in said City, for a period of one week (six issues).

Section 9. The City Clerk is hereby authorized and directed to have this Ordinance published as in Section 8 hereof provided.

Passed and adopted this 4th day of August, 1931 by the following vote: Commissioners Mundy & Thomas and His Honor the Mayor C. W. Cragin voting Aye. Mrs. None.
First reading July 21st, 1931. Second and final reading August 4th, 1931.

Approved this 4th day of August, 1931.

Attest:

W. B. Burns
City Clerk

C. W. Cragin
Mayor of the City of Las Vegas

Affidavit of Publication

STATE OF NEVADA }
County of Clark } ss.

C. P. SQUIRES, being duly sworn, disposes and says: That he is publisher of the LAS VEGAS AGE, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached ~~Publication Ordinance #112~~ *of the City of Las Vegas, Nevada*

was published in said newspaper for a period of **One Week**

from **Oct. 10th. 1931** to **Oct 16th. 1931.** inclusive
being the issues of said newspaper for the following dates to-wit:

Oct. 10, 11, 13, 14, 15, 16, 1931.

That said newspaper was regularly issued and circulated on each of the dates above named. That the legal charge for publishing the same was \$ **2.55.**

Signed

C. P. Squires

Subscribed and sworn to before me this *22nd* day of *October* 1931

C. D. Treece
Notary Public in and for Clark County, Nevada

My Commission Expires May 26, 1935.

ORDINANCE NO. 173

An Ordinance to prohibit excavating, grading, paving, leveling, repairing, sidewalk, crosswalking, or filling in any public street, highway, avenue or alley within the City Limits, without first obtaining a written permit to do so and giving a bond to replace the street in proper condition within the time specified in such permit; to provide a penalty for the violation thereof, and to repeal Ordinance No. 37 of said City and all Ordinances and parts of Ordinances in conflict therewith.

The Board of City Commissioners of the City of Las Vegas Do Ordain as Follows:

Section 1. Permit. No person, firm, association, or corporation shall excavate, grade, pave, level, repair, sidewalk, crosswalk or fill in, in any public street, highway, avenue, or alley within the city limits of the City of Las Vegas, without first obtaining a written permit so to do from the Street Superintendent of the City of Las Vegas, which permit shall state the time within which such excavating, grading, paving, leveling, repairing, sidewalk, crosswalking, or filling shall be done.

Section 2. Bond. Any person, firm, association, or corporation obtaining a permit for any of the purposes designated in Section 1 of this ordinance shall, before renewing or in any manner changing the surface of the street, highway, avenue, or alley, execute to the City of Las Vegas a bond, to be approved by the Street Superintendent of the City of Las Vegas, in such sum as shall be designated by said Street Superintendent as necessary for the proper protection of said city, conditioned that the obligors of said bond will

pay to the City of Las Vegas the amount of said bond, should the person obtaining such permit fail neglect or refuse to complete the excavating, grading, paving, leveling, repairing, sidewalk, crosswalking, or filling in the public street, highway, avenue, or alley, for which such permit was obtained within the time stated in said permit, or fail, neglect, or refuse to restore the street, highway, avenue, or alley in proper condition to the satisfaction of said Street Superintendent after the work provided for in said permit has been finished, and to keep the same in such condition for at least six months thereafter, reasonable wear thereof excepted, refilling any such excavation during such time, whenever and wherever it may sink or settle below the surface of the street, alley, sidewalk, highway, avenue or place, and without notice to do so from said Street Commissioner; provided, however, that instead of special bonds to cover particular work, any person, firm, association, or corporation intending to make excavations in public streets, alleys, or any public places in the City of Las Vegas may make and maintain with the City of Las Vegas a general bond in the sum of Two Thousand Dollars, which said general bond shall be conditioned and used for the same purpose as the special bond hereinbefore described in this section, covering all work to be done instead of any particular piece of work; and while such general bond is maintained at said sum of Two Thousand dollars, such person,

firm, association or corporation shall not be required to make the special bond hereinbefore in this section provided, but shall be required to comply with all the other provisions of this Ordinance. Provided, however, that instead of executing the special bond above-mentioned a deposit in money in the same amount may be made with said Street Superintendent, to be held under the same conditions as provided for such bond, except that when such excavation shall be refilled and the street, alley, sidewalk, highway, public square or place surface shall be restored as provided for herein, one-half of such deposit shall be returned and the other half of such deposit shall be retained for a period of six months after the completion of said excavation; and at the expiration of such time shall be returned to the person, firm, association or corporation so depositing the same; provided, further, that said Street Superintendent may use any part or all of such deposit in restoring and in maintaining, at a reasonable cost, such street, alley, sidewalk, highway, public square, or place, as required in this section, whenever the person, firm, association or corporation making such excavation fails or neglects to comply with the requirements of said section.

Section 3. Whenever any excavation as mentioned in the preceding sections is made for the purpose of connecting a drain with a public sewer or repairing a drain connected with a public sewer, before beginning such excavation, such person, firm, association or corporation shall notify the City Plumbing Inspector of the place where, and the time when such excavation is to be made, and such excavation and filling shall be made under this section. In such cases the provisions of the foregoing sections and of this ordinance shall apply in all respects, except as to the making of the deposit and the execution of the bond as therein specified, no bond or deposit being required in such cases, but in addition to the penalty hereinafter in this Ordinance provided, the City may recover against the person, firm, association or corporation in a civil action in a court of competent jurisdiction for all damage or injury, direct or indirect, which the City may suffer by reason of the failure, neglect or refusal of the person, firm, association or corporation making such excavation to strictly comply with the provisions of this ordinance.

Section 4. In all cases where, at the time of the taking effect of this Ordinance a deposit shall be held by the Commissioner of Streets and Public Property under the provisions of said Ordinance No. 37 a bond, as provided hereunder, may be substituted for such deposit, the obligation of such bond to cover not only excavations made and covered by such deposit, but to cover also any excavations made after the date of such bond in connection with the work theretofore covered by such deposit.

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contractor, person, firm, association or corporation who shall make any excavation in any street, alley, sidewalk, highway, public square or place within the City of Las Vegas shall provide during every night, from sunset to daylight, while such excavation remains unfilled, either a sufficient light or temporary fence, or suitable obstruction around or in front of the same, in order to prevent animals, vehicles and persons from falling into the same.

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Section 9. The City Clerk is hereby authorized and directed to have this Ordinance published as in Section 8 hereof provided.

Passed and adopted this 4th day of August, 1931 by the following vote: Commissioners Mundy and Thomas and His Honor the Mayor, E. W. Cragin, voting aye.

Noes, none.

First reading July 21st, 1931. Second and final reading August 4th, 1931.

Approved this 4th day of August, 1931.

E. W. CRAGIN

Mayor of the City of Las Vegas.

Attest:

VIOLA BURNS,

City Clerk.

(City Seal)

Pub. Oct. 10, 11, 13, 14, 15, 16.