

AN ORDINANCE TO REGULATE THE CONSTRUCTION, MAINTENANCE, AND USE OF MAINS, SERVICE PIPES, CONDUCTORS, CONDUITS, POLES OR OTHER APPLIANCES PERTINENT THERETO IN OR UPON ANY STREET, ALLEY, OR PUBLIC PLACE IN THE VILLAGE OF MARTIN; TO PROVIDE FOR PERMITS FOR SAME; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE VILLAGE OF MARTIN ORDAINS:

SECTION 1. Definitions:

PERSON. The word "person" as used in this ordinance shall mean "Person, firm, corporation, co-partnership, or association."

MAINS. A "main" as used in this ordinance shall mean a pipe placed in a public street, alley or public place, for the purpose of transmitting to service pipes natural or manufactured gas for illuminating and fuel purposes; or water for industrial, commercial, or domestic use.

SERVICE PIPES. A "service pipe" as used in this ordinance shall mean the pipe connecting the main with the consumer's premises.

CONDUCTORS. A "conductor" as used in this ordinance shall mean a wire or cable used for the purpose of conducting electrical energy, either high or low voltage.

CONDUITS. A "conduit" as used in this ordinance shall mean any duct through which wires or cables are run, and shall include those of tile or terra cotta, brick, fibre, or metal.

POLES. A "pole" as used in this ordinance shall mean any wood or metal pole upon which conductors are suspended, or upon which guys or supports are attached.

APPLIANCES. An "appliance" as used in this ordinance shall mean any valve, valve box, manhole, or other appurtenance used in connection with mains or service pipes and any guy wires, messengers, or braces used in connection with poles or conductors.

SECTION 2. Filing Plans.

All persons owning, constructing, maintaining, or proposing to own, construct, or maintain any mains, service pipes, conductors, conduits, poles or other appliances pertinent thereto in the Village of Martin, shall, within thirty (30) days following the effective date of this ordinance, file with the Village Clerk a plan or map, drawn to a scale not smaller than four hundred (400) feet to one inch, showing thereon by standard symbols, the location of all mains, service pipes, conduits, conductors, poles or other appliances owned by said person in the Village of Martin. Said plan or map shall remain a part of the permanent files of said village. In the case of electrical installations the provisions of Michigan Public Service Commission Order No. 1679 and amendments thereto, shall suffice.

SECTION 3. Permits.

Subsequent to the effective date of this ordinance, no person shall lay, construct, repair, extend or alter the location of any main, service pipe, or appliance pertinent thereto in any street, alley or public place in the Village of Martin before having obtained a permit therefor from the Village Clerk; and no person shall lay, construct, extend or alter the location of any conduits, conductors, poles or appliances pertinent thereto before having obtained a permit therefor from the Village Clerk. The provisions of this section shall not apply to service wire connections to serve a consumer where no additional poles are required. The provisions of this section shall not apply in the case of unforeseen emergencies.

SECTION 4. Application for Permit:

Any person desiring a permit under the provisions of this ordinance shall file an application therefor with the Village Clerk upon forms prepared by him for that purpose, and shall attach thereto a detailed plan with specifications showing the nature, object and location of the work for which a permit is desired. If, after examining the application, plans and specifications, the Village Commission shall have ascertained that the work proposed does not conflict with any existing or proposed structures, he shall issue a permit for the work described in the application. Where an examination of the application, plans, and specifications indicates that the work proposed will result in conflict with existing or proposed work by the municipality, the applicant shall be notified that a permit will not be issued and the reasons set forth in the notification.

SECTION 5. Fees.

The Village Commission may, by resolution, determine and fix fees and charges sufficient to meet the cost of the issuance of any permit required under the provisions of this ordinance, in which case no permit shall be issued until such fees or charges shall have been paid to the Village Clerk and his receipt therefor has been obtained.

SECTION 6. Public Liability and Property Damage Insurance.

Each person making application for a permit under the provisions of this ordinance agrees to do no injury to any pavement except as otherwise provided herein, nor to any sidewalk, parkway, shade tree, shrub, lawn or other like improvement in any public street, alley, or public place; nor injure or interfere with any sewer, water main, service pipe, conduit, or any other public or private appliance now or hereafter laid or constructed by any authorized person and shall fully indemnify and save harmless the Village of Martin from any and all claims and damages for which the said village might be made or become liable to pay by reason of the work authorized to be done under the permit. The person making application for a permit shall furnish to the Village Clerk satisfactory evidence of Public Liability and Property Damage Insurance in the sum of at the discretion of the Commission limits, or satisfactory evidence of financial responsibility.

SECTION 7. Mains, Service Pipes, Conduits and Cable Underground.

All operating and conducting mains, service pipes, conduits, and cables which are laid below the surface of the ground, in any street, alley or public place shall be thoroughly coated and wrapped or otherwise insulated in a manner satisfactory to the Village Commission to the end that it will satisfactorily withstand abrasion, corrosion and mechanical injury, and be impervious to water where deemed necessary. All of said mains, conduits and cables laid in streets, alleys, and public places shall be parallel to the axis of said street, alley, or public place and at such distance from center of same as shall be designated by the Village Commission, and of such reasonable depth as it may specify. All service pipes to consumers shall be connected only to the nearest main source of supply in the street, alley, or place nearest to said consumer. Wherever it becomes necessary to break an opening into a pavement, or to break a sidewalk, for the purpose of installing, repairing, or extending any main, service pipe, conduit, cable or appliance pertinent thereto, or to make any excavation in any street, alley or public place, the person doing said work shall maintain suitable barriers at place where work is being done, and said barriers shall be suitably lighted by night until such time as the pavement has been repaired and until excavation has been properly filled and the hazard removed. The work of patching or repairing holes cut in the pavement, sidewalks or driveway approaches shall be done by and at the expense of the person to whom the permit was issued. The backfilling of trench shall be done as soon as practicable after laying pipe, or making repairs to same, and it shall be compacted by mechanical compactor and the patching, as above referred to, shall be done with the same material as that removed and within forty-eight (48) hours after cutting has been done. All of the aforesaid work shall be done in a manner that is satisfactory to the Village Commission.

SECTION 8. Order for Removal

When any mains, service, pipes, conduits, conductors, poles or appliances laid or constructed under the provisions of this ordinance, or which may have been laid or constructed prior to the adoption hereof, interfere in any way with the use, improvement or alteration of any street, alley, or public place by the Village of Martin, the Village Commission may direct and order the removal of same, or such alterations in relation thereto as will obviate such interference; failure to do alter or remove the same shall be considered a violation of this ordinance.

SECTION 9. Village Department Exempt

The provisions contained in this ordinance shall in no way be construed as applying to or be binding upon any of the departments of the Village of Martin.

SECTION 10. Penalty.

Any violation of, or failure to comply with, the provisions of this ordinance shall be punishable by a fine of not to exceed One Hundred Dollars (\$100.00) and costs of prosecution, or by imprisonment in the County Jail for a period of not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 11. Saving Clause.

Should any phrase, sentence, clause or section of this ordinance be declared invalid by any Court of competent jurisdiction, such invalidity shall not be deemed to affect any other part or section of this ordinance, which shall continue in full force and effect.

SECTION 12. Repealing Clause.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 13. Effective date.

This ordinance shall take effect and be in force twenty (20) days after passage and approval.

Passed and approved this 20 day of January, 1963.

Signed Esther A. Kalsburg
Village Clerk

Approved A. H. Sat
Village President

This is to certify that on the 26th day of January, 1963 a copy of this ordinance was posted at the Martin State Bank, the Martin Post Office, and Geib's Service Station.

Esther A. Kalsburg