

ORDINANCE NO. 1479**AN ORDINANCE TO REGULATE THE MAINTENANCE AND CONSTRUCTION OF WATER CONDUITS ALONG THE STREETS AND ALLEYS IN THE CITY OF BAKER, OREGON, USED OR CONSTRUCTED BY PRIVATE PERSONS OR CORPORATIONS IN SAID CITY.**

Be it ordained by the city of Baker:

Section 1. Any and all waterways, ditches or conduits now existing or wherein water has hereinbefore been or is now carried and conveyed in, along, or along the curb of, any street or alley in said city of Baker, and constructed or used by private corporations or persons hereinafter referred to as owners, or under their management or control, shall be subject to the regulations provided in this ordinance; and conduits for the water heretofore carried or conveyed in such waterways, ditches or conduits, may be provided and constructed and maintained upon conditions and in the manner provided in Sections 2, 3, 4, and 5 of this ordinance, and not otherwise.

Section 2. Whenever any such street or alley along or in which runs any waterway or conduit referred to in Section 1 of this ordinance is by the board of commissioners of said city of Baker, by resolution, ordered or proposed to be improved, graded or paved, it shall be the duty of the person, association of persons, or corporation, owning or claiming to own such waterway, ditch or conduit, who may desire to provide for a conduit for such water, within five days from the date of the first publication of such resolution to file with the city clerk of said city an application for the provision and construction of such conduit, which application shall be [in] conformity with the provisions of Section 3 of this ordinance; and in case where such resolution has heretofore been so passed and published and such improvement, grading or paving has not been commenced before the passage of this ordinance, it shall be the duty of such owner or owners, or those claiming to own such ditch, waterway or conduit along such street or alley, within five days from the date of service of notice of this ordinance as provided in Section 7 hereof, to file with said city clerk a like application for the provision and construction of such conduit, which application shall be [in] conformity with the provisions of Section 3 of this ordinance.

Section 3. The application mentioned in Section 2 of this ordinance shall apply and relate to the particular locality and course at and along which such applicant may desire such conduit to be constructed, and shall have reference and be subject to the general plans and specifications in this section described and provided for. Such application shall be in writing signed by the applicant or applicants, and shall contain a description of the course of such conduit, designated by reference to established streets, and shall state the points or places where the water to be conveyed in such conduit is desired to be used, and shall state the extent and purpose of such use and the quantity of water calculated to be used at such points or places; and shall contain an application for detail plans, specifications and estimates for such conduit at and along such particular course and places. At the time of filing such application the applicant shall deposit with the city clerk an application fee of \$2.00 and no application shall be deemed made or filed unless such fee is so deposited; and said application fee shall thereupon be placed in the general fund of said city. Said application shall further contain a covenant on the part of the applicant or applicants to the effect that all costs of the construction of such conduit, if thereafter constructed, shall be paid or caused to be paid, wholly by said applicant or applicants or their successors or assigns, and that all costs or expenses of thereafter maintaining or keeping in repair such conduit shall be paid or caused to be paid by said applicant or applicants or their successors or assigns, including any cost of repairing any damage to such street or alley caused directly by any such repair or maintenance of such conduit.

That plans and specifications in this ordinance referred to shall be as follows: In all cases where a space exists or shall be made to exist between the curb and the sidewalk along any such street such conduit shall be located on the inner side of the curb and between said curb and walk, and in all places where the sidewalk extends to and connects with said curb or shall be so constructed, said conduit shall be located on the inner side of such curb and under said sidewalk; provided, however, that whenever such location of such conduit shall at any particular place or course be found impracticable for the making use of the water to be conveyed therein, and whenever conditions are found to be such that such conduit at any particular place or course may be located elsewhere at less cost while at the same time insuring practical use thereof, the same shall be provided for in the detail plans and specifications above mentioned and hereinafter described. All such conduits installed between the sidewalk and curb or under the sidewalk shall and may be either concrete or vitrified pipe or galvanized or sheet iron pipe, either of which such applicant may select, and shall be of the capacity hereinafter set forth, and shall be

installed as follows: wherever concrete or vitrified pipe is so selected and used, all joints

shall be watertight, and shall be sunk to a depth that the top of such pipe shall in all cases be at least six inches below the ground, and shall in all cases be covered to at least such depth. Devices for diverting water from any conduit herein referred to shall be provided for in the detail plans, and specifications, as may be required by such applicants in such case. Wherever galvanized or sheet iron pipe is selected and used for installation between such sidewalk and curb or under such walk, the same shall be enclosed in concrete not less than two inches in thickness at any point, such concrete form to be practically square, enclosing such pipe, and shall be sunk to a depth that the top line of such concrete shall in all cases be at least six inches below the ground surface, and shall in all cases be covered to such depth.

All such conduits installed in the streets or in crossing streets, or in alleys or driveways used for driving vehicles, shall and may be either concrete or vitrified pipe or galvanized or sheet iron pipe, either of which such applicants may select, and shall be of the capacity hereinafter set forth, and shall be installed in such cases as follows: where galvanized or sheet iron pipe is so selected and used, the same shall be enclosed in concrete which shall be at least four inches in thickness at all points on each side and bottom of said pipe and not less than six inches at any point on the top of such pipe, such concrete to be practically rectangular in shape, and the whole shall be sunk to a depth that the top line of such concrete shall in all cases be at least six inches below the ground or street surface, and shall in all cases be covered to such depth; provided, however, that in all cases where such pipe is sunk to such depth that the top line of the pipe is two and one-half feet or more below the surface of the ground or street, the concrete enclosure shall not be required to be more than two inches in thickness.

Where concrete or vitrified pipe is so selected and used, all joints shall be water-tight, and in all cases where such pipe is not sunk to such depth that the top thereof is two and one-half feet below the surface of the street or ground, such pipe shall be enclosed in concrete which shall be not less than four inches in thickness at the bottom and sides of said pipe and not less than six inches in thickness at any point at the top of such pipe, such concrete to be practically rectangular in shape, enclosing such pipe, and the whole shall in such cases be sunk to such depth that the top line of said concrete shall be at least six inches below the surface of the street or ground or covered to such depth; and in all cases where such pipe is sunk to such depth that the top thereof is two feet and one-half below the street or ground surface no concrete shall be required to enclose the same.

A sump shall be placed at the intake of each pipe, in substantial conformity with the drawings and plans hereinafter referred to, and the same shall be protected by means of

an iron gate cover to prevent the inflowing of such solid substances as might clog the conduits or impair their use.

The volume of water to be carried in each respective conduit shall first be ascertained, and the size of the pipe shall thereupon be determined by calculating according to what is universally known as "Kutter's Formula", which is set forth in said drawings and plans hereinafter referred to, provided that no pipe shall be less than six inches in diameter.

Mortar, for joints, shall be made of one part, by volume of Portland cement, and two parts, by volume, of sand, and all joints shall be watertight. Pipes herein referred to shall be laid true to grade and line. Concrete herein referred to shall be one part, by volume of Portland cement, three parts, by volume, of sand, and five parts, by volume, of gravel or crushed stone; and all conduits constructed under the provisions of this ordinance shall be constructed under supervision of the city engineer, subject to approval by the board of commissioners of said city.

The drawings and general plans and specifications for such conduits, prepared by the city engineer and filed in the office of the city clerk on the 28th day of January, 1911, and endorsed "Plans and specifications for carrying irrigating water through streets of Baker, Oregon", are hereby approved and adopted subject to the provisions of this ordinance contained, and the same are hereby referred to as a part hereof.

Whenever any application in this section mentioned shall be so filed, for detail plans, specifications and estimates for such conduit in any particular locality therein set forth, the board of commissioners shall without delay cause such detail plans, specifications and estimates to be prepared and filed in the office of said city clerk, the same to be subject to and in conformity with said general plans and specifications herein above mentioned and in this ordinance provided. When such detail plans, specifications and estimates as shall be approved by said board of commissioners shall have been so filed, the same shall by resolution be adopted by said board; and thereupon, if such applicants desire such conduit to be constructed, said applicants may cause such conduit to be constructed in conformity with said general and detail plans, specifications and estimates and the provisions of this ordinance; provided, however, before the construction thereof is commenced, the owners thereof, or their contractor therefor, shall execute and file in the office of said city clerk a bond with good and sufficient surety or sureties, for the benefit of whom it may concern, in a

sum equal to the estimated cost of such conduit, conditioned upon the construction of such conduit in conformity with said plans and specifications and the provisions of this ordinance, and such bond shall be subject to approval by said board. In the event of failure to so construct said conduit and within the time herein provided, said city of Baker, at its

option, upon resolution adopted by said board, may complete such construction, and the cost of such completion shall in such event be paid by said applicants in each case, or their successors or assigns, and the principal and surety or sureties on said bond shall in such event be deemed liable thereon to said city of Baker.

Said conduits shall in all cases be so constructed as to not hinder or interfere with or impair the public use and utility of any such street or alley. (Section 3, as amended by Ordinance No. 1526, passed August 15, 1911)

Section 4. No conduits for conveying of water shall be constructed in any such public street, lane or alley within the corporate limits of said city of Baker without authority thereto first obtained as in this ordinance provided; and any person violating any of the provisions of this section shall, upon conviction thereof before the police judge of said city, be punished by a fine of not less than \$10.00 nor more than \$100.00.

Section 5. Said city of Baker shall in no event be liable for the cost of construction, maintenance or repair of any such conduit, nor shall the cost of construction thereof in any manner be assessed against any property liable for the cost of such improvement, grading or paving of such street or alley.

Section 6. Any owner or owners or persons having an interest in any such waterway, ditch or conduit mentioned in Section 1 of this ordinance who shall fail or refuse to file said application as provided in Sections 2 and 3 of this ordinance, or any owner or owners or persons claiming an interest in such waterway, ditch or conduit who shall fail or refuse to in any or all things comply with the terms and requirements of this ordinance, shall conclusively be deemed by such failure, conduct or refusal to have abandoned such street or alley for such waterway, ditch or conduit purposes, and the improvement, grading or paving of such street or alley may thereupon, at the option of said city, be made without reference to such waterway, ditch or conduit.

Section 7. It shall be the duty of said city clerk, within five days after this ordinance goes into effect, to prepare and certify a copy of this ordinance, and to cause said certified copy to be thereupon forthwith served upon the owner or owners of those claiming to own such waterway, ditch or conduit mentioned in Section 1 of

this ordinance, now existing along any street or alley heretofore ordered to be improved, graded or paved, where such improvement has not been commenced prior to the passage of this ordinance, and proof of service of said copy shall be made by affidavit filed in the office of said city clerk immediately after service of said copy.

Section 8. All ordinances or parts of ordinances, insofar as same are in conflict

with this ordinance, are hereby repealed.

Section 9. Inasmuch as open ditches now exist along streets and alleys heretofore ordered to be improved, and such improvement is about to be commenced, and inasmuch as said improvement cannot be made as ordered and necessary and said ditches still remain as now existing, and inasmuch as said open ditches in said public thoroughfares are a menace and a danger to the peace, health and safety of said city of Baker, and the provisions of this ordinance is for the purpose of providing a remedy against said danger and to provide means for establishing safe and sanitary conduits for the water in said ditches, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its approval by the mayor.

Passed by the board of commissioners for the city of Baker, Oregon, this 18th day of April, 1911.

Approved by the mayor of the city of Baker, Oregon, this 18th day of April, 1911.