

1391
Kippena City Ord 1391

ORDINANCE No. 1291

AN ORDINANCE relating to the construction and maintenance of oil storage tanks beneath the surface of the streets, alleys and public thoroughfares within the city of Albany, Oregon.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person, firm or corporation to construct, place or maintain any container, tank or receptacle for the storage of fuel oil, or any other oil product beneath the surface of the ground in any street, alley or other public thoroughfare within the City of Albany, Oregon, without first having obtained from the committee on streets and public property of said City a written permit for such purpose.

Section 2. That whenever any person, firm or corporation shall have been granted a written permit from the committee on streets and public property of the City of Albany, Oregon, to construct and maintain any ~~below the~~ container, tank or receptacle for the storage of fuel oil products beneath the surface of the ground in any street, alley or other public thoroughfare within the City of Albany, Oregon, such person, firm, or corporation shall place the same and all tubes or pipes connecting with the same, under ground, and two feet below the established surface grade of said street, alley or public thoroughfare; that such storage tank shall not be placed less than one foot from the basement or foundation wall of any building; that in making the excavation therefor said street, alley or public thoroughfare therein may not be obstructed more than one-half the width thereof, and said construction shall be made in a substantial, safe and workmanlike manner and be placed so as not to interfere with travel on or use of said streets, alleys or thoroughfares; that whenever any street, alley or thoroughfare shall be disturbed, torn up or excavated in any manner for the purpose aforesaid such person, firm or corporation making such excavation or disturbance shall without delay restore said streets, alleys or thoroughfares, including all streets, curbs and sidewalks adjacent thereto, to as good condition as the same was in before being disturbed or broken up; that thereafter and without delay, all debris caused or created thereby shall be removed; and the committee on streets and public property of the city of Albany, Oregon, or such other committee or official as the Council of said City shall designate, shall have the right to cause such person, firm or corporation, their successors or assigns, or any other person, who may own or be in possession of such storage tank, to remove the location of the same ~~if the same is found to be a nuisance or such removal is deemed to be in the public interest~~ ~~at the expense of said person, firm or corporation~~ ~~and the expense of such removal shall be borne by the owner thereof~~, provided that in no case shall any existing sewers, water pipes, conduits, ~~and~~ drains, or other property of the City of Albany, Oregon, or of any other person, firm or corporation, be disturbed or in any wise damaged thereby.

Section 3. That whenever any person, firm, or corporation shall have disturbed any street, alley or thoroughfare, or the sidewalks or curbs for the purposes as hereinabove set forth and shall have failed to replace the same in ~~the same condition~~ ~~before it was disturbed~~, or shall fail to remove any debris therefrom by reason of such disturbance, then and in such event the committee on streets and public property of the City of Albany, Oregon, may cause such work to be done as may be necessary to replace said street, alley, thoroughfare, sidewalk or curbing in good condition, and to remove such debris therefrom, the expense created by such work on the part of said committee to be borne by the person, firm or corporation that caused such disturbance and debris to be placed thereon, and the amount of such expense shall be recovered from such person, firm or corporation as in an action at law.

Section 4. Any such tank or container as may be constructed or operated under the provisions of this ordinance shall be equipped with shut-off valves on the exterior of the building connected with such tank or container. The Council of the City of Albany shall at all times have the authority to regulate in the public interests the rights and privileges hereby created, and to prescribe such further regulations for the installation and operation of any tank as the local condition of the same may require.

Passed the Council September 12th, 1928
Approved by the Mayor September 12th, 1928

Attest:
F.P. Nutting,
Recorder of the City of Albany, Oregon.

MARK V. WEATHERFORD,
Mayor.

STATE OF OREGON,
County of Linn

ss. I, F.P. Nutting, Recorder of the City of Albany, Linn/ County, Oregon, do hereby certify that the foregoing and annexed copy of Ordinance No. 1291 has been by me carefully compared with the original ordinance bill No. 1391, on file in my office, and that it is a true and correct copy of all of said ordinance bill 1391, passed by the Council September 12, 1928, and approved by the Mayor September 12, 1928.

WITNESS my hand and official signature and the seal of the City of Albany this 13th day of September, 1928.

F. P. Nutting
City Recorder.