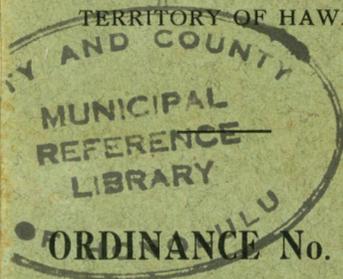


FOR REFERENCE<sup>69</sup>  
not to be taken from this room



OFFICE OF  
CITY AND COUNTY  
ENGINEER

CITY AND COUNTY OF  
HONOLULU. *Ordinances, etc.*  
TERRITORY OF HAWAII



*[Ordinance]*

REGULATING THE BREAKING UP,  
DIGGING UP, DISTURBANCE, UN-  
DERMINING AND DIGGING  
UNDER THE PUBLIC HIGHWAYS,  
STREETS, THOROUGHFARES, AL-  
LEYS OR SIDEWALKS AND  
OTHER PUBLIC PLACES AND IN-  
STRUCTIONS TO PERSONS DE-  
SIRING TO PERFORM WORK  
THEREUNDER.

TA730  
H6  
1921

FEB 15 '90 B9002091:19

Excavation \* Honolulu  
\* Ordinances  
TABLE OF CONTENTS. TA730  
HG  
1921

I. PROVISIONS OF ORDINANCE.

	Page.
A. Permit Required. (Sec. 1)...	3
1. Obtained from City and County Engineer .....	3
B. Application and Granting of Permit. (Sec. 2).....	3
1. Application to City and County Engineer .....	3
a. Bond may be required before permit is issued.	
2. Application to Board of Su- pervisors .....	4
a. When permit to lay un- derground wires for any telegraph, tele- phone or signal system is desired.	
C. Excavation, Manner of Mak- ing and Filling. (Sec. 3)..	4
1. Depositing excavated mater- ial .....	4
2. Provision for barriers ....	4
a. Permit holder responsi- ble for damage.	
3. Backfill .....	5
a. As soon as possible.	
b. Tamping.	
4. Opening in pavement with foundation .....	5
D. City and County Engineer to be Notified Upon Comple- tion of Refilling. (Sec. 4)..	5
E. City and County to Cause Restoration of Foundation and Surface. (Sec. 5).....	5

1. City and County Engineer has Foundation and Pavement restored ..... 5
  - a. Does not apply to street railway companies.
2. Backfill not Satisfactory.. 6
  - a. Excavated by order of the City and County Engineer.
  - b. Charged to permit holder.
- F. City and County to be Reimbursed. (Sec. 6) ..... 6
- G. Indemnification of City and County. (Sec. 7) ..... 6
  1. Permit holder responsible during construction ..... 6
  2. City and County to use same precautions while making repairs ..... 7
- H. Penalty for Violation of this Ordinance. (Sec. 8)..... 7
- I. Ordinance No. 15 Repealed. (Sec. 9) ..... 7
- J. Ordinance becomes effective. (Sec. 10) ..... 7

## II. GENERAL INSTRUCTIONS.

- A. Procedure to Obtain Permit. 8
- B. Execution of Work ..... 8

## ORDINANCE NO. 202.

### AN ORDINANCE REGULATING THE BREAKING UP, DIGGING UP, DISTURBANCE, UNDERMINING AND DIGGING UNDER THE PUBLIC HIGHWAYS, STREETS, THOROUGHFARES, ALLEYS OR SIDEWALKS AND OTHER PUBLIC PLACES IN THE CITY AND COUNTY OF HONOLULU AND REPEALING ORDINANCE NO. 15.

Be It Ordained by the People of the City and County of Honolulu.

#### SECTION 1. PERMIT REQUIRED.

No person including all city and county officials and employees other than those in the department of the City and County Engineer, firm or corporation shall in any manner or for any purpose, break up, dig up, disturb, undermine or dig under or cause to be broken up, dug up, disturbed, undermined or dug under, any public highway, street, thoroughfare, alley or sidewalk or any other public place in the City and County of Honolulu, without having first obtained a written permit therefor from the City and County Engineer.

#### SECTION 2. APPLICATION AND GRANTING OF PERMIT.

Any person, firm or corporation desiring the permit required in section 1 of this ordinance shall make application therefor to the City and County Engineer on a form prescribed by said Engineer. The said Engineer may prescribe in said permit the place where the work is to be done and as a condition precedent may require a bond to the City and

County of Honolulu to protect it against any and all claims for damage due to any work done under said permit.

If any person, firm or corporation desires such permit for the purpose of laying underground wires, for any telegraph, telephone or signal system, the application for such permit shall be made directly to the Board of Supervisors, and as a condition to the granting of such permit, the Board of Supervisors may require the applicant to furnish the City and County of Honolulu and place in position, conduit facilities for laying underground by the City and County of Honolulu of wires for any police, fire alarm and electric light systems for use by the City and County of Honolulu.

### SECTION 3. EXCAVATION, MANNER OF MAKING AND FILLING.

In doing any of the work specified in section 1 of this ordinance the paving material must be kept separate and deposited in a manner that will occasion the least inconvenience to the public with provision for proper surface drainage and or safe passage way for travel.

The permit holder shall provide on the work covered by the permit sufficient barriers, and lights from twilight to sunrise and necessary watchmen for the proper safety and protection of the public and the said barriers, lights and watchmen shall be such as will effectually prevent any accident in consequence of the work done under permit. The permit holder shall be responsible for all damages of every kind or nature suffered because of the work done by him.

The holder of permit shall as soon as practicable after finishing any work causing any opening in or under any public highway, street, thoroughfare, sidewalk or other public place, carefully refill the same, the earth being placed in layers not more than six (6) inches thick and thoroughly compacted with tampers weighing not less than twenty-five (25) pounds for a face area of not less than thirty-six (36) square inches, one tamper being used to every two shovels.

If the opening is in a pavement with a foundation, the compact shall be brought to the under surface of same, the remainder of the cut being covered or filled with loose material and turned over to the City and County for repaving. If no street surface is to be replaced the original surface shall be restored as nearly as may be and the cut sodded.

### SECTION 4. CITY AND COUNTY ENGINEER TO BE NOTIFIED UPON COMPLETION OF REFILLING.

Immediately upon the completion of the tamping and refilling of any opening as in this ordinance provided, the holder of the permit shall notify the City and County Engineer that work under the permit is completed, stating the number of permit and location of opening.

### SECTION 5. CITY AND COUNTY TO CAUSE RESTORATION OF FOUNDATION AND SURFACE.

Upon receipt of notice provided for in section 4 of this ordinance the City and County Engineer shall cause the proper repairs to be made to restore the foundation and surface to its orig-

inal or equally good condition, provided, however, that this section shall not apply to street railway companies having in their franchise the obligation to pave between and along their tracks.

Should it appear in the opinion of the City and County Engineer that any opening has not been refilled in accordance with this ordinance, he may cause same to be again excavated and refilled and the expense thereof shall be charged to and collected from the permit holder.

**SECTION 6. CITY AND COUNTY TO BE REIMBURSED.** The City and County Engineer shall cause bills for proper costs of resetting foundation and pavement or any other work made necessary by work done under the permit required by this ordinance to be sent to the holder of the permit. If the bills are not paid within thirty (30) days the accounts shall be placed in the hands of the City and County Attorney for collection.

**SECTION 7. INDEMNIFICATION OF CITY AND COUNTY.** The holder of permit shall indemnify and save harmless the City and County of Honolulu, the officers and agents thereof, from all claims, demands, suits, actions or proceedings of every name, character and description which may be brought against the City and County for or on account of any injuries or damages to any person, persons, or property received or sustained by any person or persons, firm or corporation by or in consequence of any act or acts of the holder of permit on work done under the permit.

The City while making repairs shall use every precaution required of the holder of permit as to barricades, lights, and watchmen for the safety of the public, but such action shall not relieve the holder of the permit from responsibility for accidents, should any occur.

**SECTION 8. PENALTY FOR VIOLATION OF THIS ORDINANCE.** Any person or persons, firm or corporation, who shall violate any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding two hundred and fifty dollars (\$250.00), or by imprisonment not exceeding three (3) months, or both such fine and imprisonment.

**SECTION 9.** Ordinance No. 15 is hereby repealed.

**SECTION 10.** This ordinance shall take effect from and after the date of its approval.

Introduced by

(s) CHAS. N. ARNOLD,  
Supervisor.

Date of Introduction:

Honolulu, Hawaii, May 3, 1921.

Approved this 11th day of October,  
A. D. 1921,

(S) JOHN H. WILSON,  
Mayor, City and County of Honolulu,  
T. H.

**II. GENERAL INSTRUCTIONS TO  
PERSONS, FIRMS OR CORPORA-  
TIONS DESIRING TO EXCAVATE  
PUBLIC THOROUGHFARES.**

1. Determine approximate length, width and depth of proposed opening and its exact location.
2. Obtain blank form of application in duplicate at the office of the City and County Engineer, Kapiolani Building, corner of Alakea and King Streets.
3. Fill in application form with all information required and file original of same with the City and County Engineer.
4. Obtain permit in duplicate from City and County Engineer.
5. Proceed with work in accordance with provisions of Ordinance No. 202, Sec. No. 3, pages 4 and 5.
6. Keep one copy of permit on job.
7. Notify City and County Engineer upon the form supplied of the completion of the work for which permit was granted.
8. City and County Engineer will cause work to be inspected and, if work is satisfactory, will restore pavement where required. If work is not satisfactory, the City and County Engineer will cause all excavated materials to be removed by employees of his department and the backfill made in accordance with the provisions of this ordinance.
9. The City and County will then render a bill to the permittee for all expenses incurred by the City and County in connection with the work for which permit was issued.
10. Pay bills promptly to City and County Engineer.

CITY AND COUNTY  
MUNICIPAL  
REFERENCE  
LIBRARY  
● HONOLULU