

CHAPTER 93: STREETS AND SIDEWALKS

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§ 93.01 STREET OR SIDEWALK OPENING PERMIT.

(A) It shall be unlawful for any person to make any opening in the surface or pavement of any street, alley, sidewalk, or public way of the city unless a permit has been issued in accordance with the regulations of this chapter.

(B) A restoration of the opening is to be made in accordance herewith.
(1993 Code, § 31.01) Penalty, see § 93.99

§ 93.02 INFORMATION NECESSARY FOR A PERMIT.

Any person desiring to make any opening in the surface or pavement of any street, alley, sidewalk, or public way of the city shall make an application with the City Clerk on the form provided therefor. The application shall state the name of the applicant; the name of the street, alley, sidewalk, or public way of the city proposed to be opened; the kind of existing pavement thereon; the purpose of the proposed opening; and the exact size where located.

(1993 Code, § 31.02)

§ 93.03 STREET OR SIDEWALK OPENING PERMIT ISSUANCE.

The City Clerk may, in his or her discretion, refer any application to the City Engineer. The City Clerk or the City Engineer may issue a permit to make the opening described in the application, which permit shall state the name of the applicant; the name of the street, alley, sidewalk, or public way; the kind of pavement thereon; the purpose of the proposed opening; and the size where located when, in the opinion of the City Clerk, the size and location are practicable.

(1993 Code, § 31.03)

§ 93.04 ADDITIONAL APPLICATIONS.

If the applicant desires to open more street area than the original application provides, an additional application shall be required.

(1993 Code, § 31.04)

§ 93.05 RESTORATION AND INSPECTION.

(A) All persons to whom permits have been issued shall immediately, upon completion of the work connected with the opening, be required to restore the surface or pavement of the street, alley, sidewalk, or public way by removing from the opening all surplus dirt; and the opening shall be backfilled with bank run or pea gravel properly compacted and surfaced with the same type of surface material as the original surface in which the opening or cut was made. The restoration shall be done under the supervision or control of the Department of Public Works, and no other person shall have the authority to do any work or restoration.

(B) Upon the completion of resurfacing by the applicant or the replacement of the excavation and surface material, the applicant shall notify the City Clerk; and the City Clerk will instruct the Public Works Foreman to inspect the street replacement and report his or her findings to the City Clerk. If the Public Works Foreman reports that the replacement is satisfactory, the City Clerk shall surrender and cancel the bond hereinafter provided. If the Public Works Foreman reports that the work is unsatisfactory, the City Clerk shall inform the applicant in what respects the work is unsatisfactory and shall give notice to the applicant that the work must be completed within five days. If the applicant fails

or refuses to make the necessary repairs in the period provided, the city shall direct and order the repairs made and charge the cost against the bond posted by the applicant. The excess of the bond, if any, after the repairs have been paid shall be returned to the applicant.

(1993 Code, § 31.05) Penalty, see § 93.99

§ 93.06 PERMANENT BOND.

In the case of utilities which are making excavations and removing street surfaces periodically, a permanent bond may be posted and filed with the City Clerk as hereinafter stated, rather than posting bond in each individual case, if the utilities so desire.

(1993 Code, § 31.06)

§ 93.07 EMERGENCY OPENINGS.

In unforeseen emergencies and where the necessity of the public requires, it shall be allowed and permitted that an opening be made; however, in any case, an application for a permit shall be made by the person making the opening not later than 10:00 a.m. on the next business day following the emergency opening.

(1993 Code, § 31.07)

§ 93.08 BOND AMOUNTS.

(A) The bond to be posted by each applicant for permission to open a street and remove a portion of the surface material shall be as follows:

(1) Where the hole in the street will not exceed ten square feet of surface area, the bond amount shall be \$200;

(2) Where the hole in the street will not exceed 25 square feet in surface area, the bond amount shall be \$300;

(3) Where the hole in the street will exceed 25 square feet in surface area, the bond amount shall be \$400; and

(4) For a permanent bond to be posted by utilities and contractors, the amount shall be \$500.

(B) In the case of a permanent bond, if the amount is reduced by reason of the ordering of repairs to a street by the city and the cost is charged against the bond, the person posting the permanent bond will be required to reimburse the bond by the amount of the deduction made from time to time by reason of the reduction.

(1993 Code, § 31.08) (Ord. 97-02, passed 4-2-1997)

§ 93.09 SIDEWALK CONCRETE.

All sidewalks laid or constructed, either by original construction or reconstruction within the city, shall be constructed of cement concrete.

(1993 Code, § 31.09) Penalty, see § 93.99

§ 93.10 SIDEWALK WIDTH.

Sidewalks shall be made to conform in width with the other walks in the vicinity, but in no case shall any walk be less than four feet in width.

(1993 Code, § 31.10) Penalty, see § 93.99

§ 93.11 VARIANCES.

The Building Inspector is authorized in certain specific cases to grant a permit for the repair of an existing walk to be of the same material as the old sidewalk; however, the repair shall conform as nearly as possible to the provisions of this chapter, and all work so accomplished shall be subject to the approval of the Building Inspector.

(1993 Code, § 31.11)

§ 93.12 SIDEWALK CONSTRUCTION PERMIT.

Any permit allowing a property owner to construct or reconstruct a sidewalk within the city shall be issued by the Building Inspector in accordance with the plans and specifications set forth.

(1993 Code, § 31.12)

§ 93.13 CURB OPENING PERMIT.

No curbing within the city shall be cut for gutter openings without a permit first being obtained from the City Clerk, and the work shall be done under the supervision of the Public Works Foreman. No curbing shall be cut into a greater depth than one inch above street level, and no cut shall have a greater width than six inches.

(1993 Code, § 31.19) Penalty, see § 93.99

§ 93.14 DRIVING OVER CURBS.

It shall be unlawful for any person to drive any vehicle whatsoever over the curbing of any street that is improved with combined cement curbs and gutters within the city.

(1993 Code, § 31.20) Penalty, see § 93.99

§ 93.15 BLOCKING OF STREETS UNDER CONSTRUCTION.

(A) While under contract with the city, it shall be lawful for any contractor engaged in the construction or repair of any street, alley, or other public way within the city to block the street, alley, or other public way and to place thereon proper signs and signals for the purpose of showing that the street, alley, or other public way is closed to travel during the time as the proper performance of his or her work shall require.

(B) It shall be unlawful for any person to tear down or otherwise remove any sign or signal or to drive any animal or vehicle over any street, alley, or other public way after it has been properly blocked. (1993 Code, § 31.21) Penalty, see § 93.99

§ 93.16 STREET OBSTRUCTIONS.

It shall be unlawful for any person to encumber or obstruct any street or other public way of the city with any cart, wagon, automobile, or other vehicle or with any sand, dirt, stone, lumber, or any other article; however, this shall not apply to the use of streets or other public ways for building purposes when a proper building permit has been obtained. (1993 Code, § 31.22) Penalty, see § 93.99

§ 93.17 STREET OBSTRUCTION PERMIT.

(A) It shall be unlawful for any person to erect or cause to be erected; to remove or cause to be removed over a public street, alley, or other public place; or to improve or cause to be improved any house or other structure within the city limits without first obtaining from the City Clerk a permit to use and occupy the street or other public place for the purpose of depositing the materials necessary in the erection, removal, or improvement of the house or other structure.

(B) An application for a street obstruction permit shall be made in writing to the City Clerk. It shall state the name of the owner, the location of the premises, the character of the proposed structure and the material of which it is to be constructed, the contract price or an estimate of the cost if there is no contract, and the length of time for which the use and occupation of the street is desired.

(C) The use and occupancy of any street shall not be granted for a longer time than four months. It may be extended for good cause. The use of any street or alley shall not exceed one-third of its width. The use of any street or alley shall not be permitted except in the front of the premises to be improved. No materials shall be prepared in the street which can be prepared on the premises. The gutters shall not be obstructed. No obstruction shall be permitted to remain on a public street or alley during the night without a red light displayed during the hours of darkness.

(D) All surplus materials shall be removed immediately upon the completion of the work, and the street shall be put in good repair.

(E) No person shall fence in or otherwise obstruct any sidewalk, street, or public place.
(1993 Code, § 31.23) Penalty, see § 93.99

§ 93.18 REMOVAL OF OBSTRUCTIONS.

It shall be illegal for anyone not properly authorized to remove an impediment or structure obviously located to block traffic from a street within the city under the process of repair or construction or blocked for any other necessary reason, such as the repair of sewer lines, gas lines, and water mains, or to drive any vehicle over a street blocked to traffic for the purpose of facilitating repairs or construction.
(1993 Code, § 31.24) Penalty, see § 93.99

§ 93.19 REPAIR OF SIDEWALKS.

(A) Any property owner owning real estate within the city, including all new subdivision installations, which front or abut on a dedicated street within the city is ordered and directed to have constructed or to construct cement or concrete sidewalks. These shall be built in front of, along side of, and in the rear of the property in accordance with the plans and specifications set forth in this chapter. Any property owner with improper or defective sidewalks now existing or laid abutting his or her property is ordered to repair or replace the sidewalks and to place them in good condition and repair. The Building Inspector is authorized to direct, by written notice, that any property owner with defective or out-of-repair sidewalks repair them within a period of time set by ordinance.

(B) The following sidewalk conditions are determined to be contrary to the general welfare and require the sidewalk blocks in the condition to be repaired or the condition to be alleviated, as directed by the City Building Inspector:

- (1) Any block having a crack or cracks in it more than five-eighth of an inch wide;
- (2) Adjoining blocks or portions thereof whose edges differ vertically by more than five-eighth of an inch;
- (3) Blocks that have holes in them five-eighth of an inch or more in diameter or are cracked or broken so that pieces are missing or loose;
- (4) Blocks having depressions, reverse cross-slope (sloping away from the street), or below curb grade so as to impound mud or water;
- (5) Blocks having a cross-slope in excess of three-fourth of an inch vertical per one-foot horizontal;
- (6) Blocks that cause an abrupt change in the longitudinal grade of the sidewalk;
- (7) Blocks that are raveled, i.e., the surface is severely cracked; and

(8) Blocks containing stumps, private sign, posts, or other unauthorized obstructions in the sidewalk space.

(C) Sidewalks will be inspected by the City Building Inspector as prescribed by City Council. Property owners will be notified in writing that repairs shall be commenced within 30 days and completed within 60 days of the date of the mailing of the notice to the last known address of the persons according to city records. Receipt of the notice will be presumed conclusively unless and until notification of a change of address of the owner is received by the city.

(D) Within the time set forth in division (C) above, any person thereby affected shall commence and complete the sidewalk repairs in an orderly and workmanlike manner in accordance with applicable subdivision regulations for the installation of sidewalks and the cost of the repairs shall be born by the persons responsible under division (A) above.

(1993 Code, § 31.25) (Ord. 92-15, passed 12-16-1992) Penalty, see § 93.99

§ 93.20 ONLY GRASS MAY BE GROWN BETWEEN STREETS AND SIDEWALKS.

(A) No one shall plant or grow anything, including plants, shrubs, and trees, within the area between the street and sidewalks, except ordinary lawn grass.

(B) In the event anyone wishes to plant anything other than lawn grass in the area, they may do so only with the consent of City Council, which shall not be unreasonably withheld. An application for permission may be obtained from the City Clerk during normal business hours and will be addressed at the next City Council meeting.

(C) All trees and shrubs which are planted in the aforementioned area as of 4-1-1990, may remain where they are planted. All other plantings are subject to removal. In the event a tree dies, it may be replaced without authority from City Council.

(D) In the event anyone plants anything other than lawn grass as aforesaid, the city will remove same forthwith at owner's expense.

(E) This section shall take effect after its passage and publication according to law.
(Ord. 90-02, passed 4-18-1990) Penalty, see § 93.99

§ 93.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be fined in an amount of not more than \$500. All fines collected for violations of this chapter shall go to the Street Fund.
(1993 Code, § 31.99) (Ord. 92-18, passed 1-6-1993)

