

PART 14

STREETS, SIDE WALKS AND PUBLIC WORKS

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§ 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

A. The owner of any premises abutting on any street of this city shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Subsection A of this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the city. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense.

§ 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

§ 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon

the sidewalks, parkways, streets and alleys of the city any goods, wares, articles of merchandise or any other obstruction, and leave same thereon; or to use the same as a place to carry on a business or trade.

§ 14-104 **UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.**

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the city in any manner so as to interfere unduly with pedestrian traffic thereon, or to use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon.

§ 14-105 **UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.**

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the city any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind.

§ 14-106 **UNLAWFUL TO PLAY ON STREETS.**

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the city, except as may be authorized by ordinance.

§ 14-107 **WATER FROM FILLING STATIONS AND OTHER BUSINESSES.**

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way.

§ 14-108 **OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.**

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area.

§ 14-109 **STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.**

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, culverts, drains, ditches or gutters.

§ 14-110 **INJURING STREETS AND ALLEYS.**

It is unlawful for any person to willfully or maliciously dig up, remove, displace or otherwise injure or destroy any street, avenue, alley, bridge, culvert, passage way over any ditch, drain or water course, or any private way, bridge or culvert of this city.

§ 14-111 REPAIR OF SIDE WALKS, DUTY OF OWNERS, OCCUPANTS.

A. All repairs shall be made subject to the approval of the building official or building official. He shall require like standards of material and construction as in the case of new or original sidewalks; provided that, he may approve repairs made with the same materials and construction as in the old work, when in his judgment, the conditions warrant the same.

B. All sidewalks out of repair shall be replaced with good material and be well laid so as to correspond with the rest of the sidewalk. In case such sidewalks have settled so as to make depressions or have become raised above the grade of the sidewalk as established by the building official, the repair shall be made in such manner as to be of the same grade as the rest of the sidewalk.

C. Whenever the building official or his designee deems it necessary for the public safety to repair any sidewalk in the city, he may give notice to the owner or occupant of the abutting property to make the necessary repairs. If the owner or occupant fails to make the repairs within the time specified in the building official's notice, the building official shall cause the matter to be heard at a hearing of the city council to determine whether the sidewalk is in need of repair to protect the health and safety of the community. At least ten (10) days notice of this hearing shall be given to the owner of the property by certified mail with return receipt requested at the address shown by the current year's tax rolls in the county treasurer's office. If the property owner cannot be located as shown by the return receipt, notice may be given by publication one time not less than ten (10) days prior to any hearing or action by the city council. The owner of the property may give his written consent to the city authorizing the repairs to be made. By giving such written consent, the owner waives his right to a hearing by the city council. If the city council at the hearing scheduled on the matter determines that the sidewalk is in need of repair, the city's agents are granted the right of entry on the property for the repairs and performance of the necessary duties as a governmental function of the city. The city shall determine the actual cost of such repairs and any other expenses as may be necessary in connection therewith, including the cost of notice and mailing. The city clerk shall forward by certified mail with return receipt requested to the property owner at the address specified herein a statement of such actual cost and demanding payment. If payment is not made within thirty (30) days from the date of mailing the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer of the county in which the property is located and the same shall be levied on the property and collected by the county treasurer as other taxes as authorized by law. The cost and interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost shall be fully paid.

§ 14-112 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in § 1-108 of this code,

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OTHER PROVISIONS

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§ 14-201 STREET OPENINGS.

A. All openings made in the public streets or alleys to install plumbing must be made as carefully as possible and all materials excavated from the trenches shall be removed or placed where the least inconvenience to the public will be caused.

B. All openings must be replaced in precisely the same condition as before the excavation started and all rubbish and materials must be removed at once, leaving the street or sidewalks clean and in perfect repair.

C. All openings shall be marked with sufficient barriers. Flares or red lamps shall be maintained around the opening at night and all other precautions shall be taken by the plumber or excavator to protect the public from damage to person or property.

§ 14-202 CONDITION OF SIDEWALK.

It is unlawful and an offense for any person to permit the sidewalk in front or side of his premises to be or continue in a broken or unsafe condition so as to endanger life and limb of any person traveling on or across the same.

§ 14-203 OPEN DOORS ON STREETS.

It shall be unlawful and an offense for any person to leave or keep open any cellar door, man-hole, or grating of any kind, or upon any street or sidewalk, or, permit the same to be left open or kept open.

§ 14-204 BUILDING MATERIAL ON STREETS.

Every person who shall use or occupy any part of the street or avenue within the city for building material shall cause one or more red lights to be kept burning from sunset to sunrise on the front and at each side and in such manner as to give notice of danger to all possible means of approach, so long as such material or obstruction remains. Those who fail to comply with any of the provisions of this section shall be guilty of an offense.

§ 14-205 EXCAVATIONS ON STREET GUARDED.

All excavations upon the front or side of any lot, adjoining the street or avenue or alley or under any sidewalk in the city, shall be securely and properly guarded and protected by the person or persons having charge of the same, so as to prevent the same being or becoming dangerous to life or limb. Failure to do so shall be an offense.

§14-206 REMOVING SIDEWALK MATERIALS.

It shall be unlawful and an offense for any person to Injure, remove or displace any earth, stone, gravel, sand or other material forming a part of any public highway or street or alley, sidewalk or road or cross walk within the corporate limits of the city, without permission from the mayor and city council to do so.

§ 14-207 LOADING AND UNLOADING; OBSTRUCTING STREETS.

It is an offense for any person to obstruct or encumber by fence, buildings, construction and improvements of any kind whatever, boxes, stands, structures or otherwise, or in any manner to obstruct any of the public highways, streets, alleys, roads, city easements, sidewalks or crosswalks within the corporate limits of the city. Nothing herein contained shall prohibit the loading or unloading of any goods, or material whatever without needless delay. Any person occupying any building for business shall have the privilege of using three (3) feet of the sidewalk immediately in front of and contiguous to such building during the day. It is the duty of the police chief or any of his officers having knowledge of such violation to notify the persons so offending, if he can be found, to immediately remove any such obstruction or encumbrance placed or made by him upon any public highway, street, alley, road, city easement, sidewalk or crosswalk within the city limits, contrary to the provisions of this chapter. If such person does not immediately remove an obstruction or encumbrance, or if such person cannot immediately be found, then the police officer or deputy or other authorized person shall remove such obstruction or encumbrance.

§ 14-208 PENALTY.

Any person, firm or corporation who violates any provision of this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in § 1-108 of this code.

§ 14-209 PERMIT REQUIRED FOR BORING PUBLIC STREETS AND WAYS.

A. It is an offense for any person to bore under, alter the subsurface, or change in any way a public street, alley or way without securing a permit from the clerk and approval of the city staff to make such bore or change. This requirement shall not apply to any person or firm acting under direct supervision of the city. A fee shall be paid for the permit in the amount established by the city council. Franchised public utilities are required to secure the permit for city record purposes but are exempt from paying the fee.

B. Engineering plans shall be provided for each such crossing with ties to land lines and physical features. All lines shall have a minimum cover of three (3) feet in the ditch line and must clear any existing line by one foot minimum outside to outside. The contractor doing the work must provide a one year maintenance bond to the city covering the work. The contractor is responsible for all repair or replacement, barricades, public notices, and safety devices covering the work. He shall have an approved plan from the city and notify the city at least seventy-two (72) hours in advance of construction time before beginning the work.

C. The city inspector is to be notified as indicated above and shall have a representative on site during the work. All pipelines crossing city streets shall be bored unless specific permission in writing is obtained from the city in advance using other standard details. (Added 3-11-2010 by Ord. No. 2010-02)

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