

Chapter 21

STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY¹

- Art. I. In General, §§ 21-1--21-15**
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ARTICLE I. IN GENERAL

Secs. 21-1. -- 21-15. Reserved.

ARTICLE II. STREETS

Sec. 21-16. Defined.

Street. The word “street,” for the purpose of this chapter, shall mean all of the land lying between property lines on either side of all streets, alleys and boulevards in the City.

(Code 1957, § 4.1)

Cross reference-Definitions and rules of construction generally, §§ 1-2.

Sec. 21-17. Obstruction Prohibited.

No person shall make any excavation in, cause any damage to, or place any article, thing or obstruction in any street in the City except under the conditions and in the manner permitted in this article.

(Code 1957, § 4.2)

Sec. 21-18. Permits and Bonds.

Where permits are authorized in this article, they shall be obtained upon application to the Director of Public Service and there shall be a fee as set by Council from time to time by resolution for each such permit. Such permit shall be revocable by the Director for failure to comply with this article, rules and regulations adopted pursuant hereto and the lawful orders of the Director or his duly authorized representative and shall be valid only for the period of time endorsed thereon. Where bonds are required by this article, the surety, or sureties shall be subject to the approval of the Director and such bonds shall be conditioned upon prompt completion of the work permitted, observance of all pertinent rules and regulations of the City, repair of all

¹ **Charter references**-Power over public ways, § 2.2(f); power to require abutting property owners to construct sidewalks, § 2.2(m).

Cross references-Any Ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the City saved from repeal, § 1-4(3); any Ordinance establishing or prescribing grades in the City saved from repeal, § 1-4(6); posting in streets, § 3-1; consumption of alcoholic liquor in public prohibited, § 4-2; dogs running at large, § 6-18; buildings and building regulations, Ch. 7; court, Ch. 8; spitting in public, § 16-5; offenses against public peace, § 16-96 et seq. ; offenses against public safety, § 16-121 et seq.; parks and recreation, Ch.17; traffic and motor vehicles, Ch. 22; utilities, Ch. 23; franchises, App. A.

damage done to the street surface and installations on or in such street and to save the City harmless for any damages which the City may become legally obligated to pay on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Such bond shall be available for the payment of any damages to public or private property and the payment of any personal injuries resulting from the work done under the permit or in connection therewith. A policy of insurance covering the risks last mentioned shall be acceptable in lieu of sureties on any bond.

(Code 1957, § 4.3)

Sec. 21-19. Street Openings.

No person shall make any excavation or opening in or under any street without first obtaining a written permit and furnishing a bond in a sum of not less than three thousand dollars (\$3,000.00). No permit shall be granted until the applicant shall post a sum, not in excess of one hundred dollars (\$100.00), sufficient to cover the estimated amount of fees for all permits and inspections for work to which such street opening is incidental, and for the cost of restoring the street in case the permittee fails to do so when required by the Director of Public Service. The unused portion of the sum so posted shall be returned to the permittee upon the completion of all work.

(Code 1957, § 4.4)

Sec. 21-20. Emergency Openings.

The Director of Public Service may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this article shall be complied with.

(Code 1957, § 4.5)

Sec. 21-21. New Paving; Water and Sewer Connections.

(a) Whenever the City Council shall determine by resolution to pave or resurface any street, the Director of Public Service shall, not less than twenty (20) days prior to commencement of construction, serve notice upon all public utilities requiring them to install all necessary underground work.

(b) When paving or resurfacing shall have been ordered or declared necessary by resolution of the City Council, the sewer and water connections as are necessary, shall be installed in advance of such paving or resurfacing, and the cost thereof shall be charged against the premises adjacent thereto, or to be served thereby, and against the owner of such premises. The expenses of the installation shall be a lien on the premises adjacent thereto, or to be served thereby, and shall be collected as provided in Section 20-12.

(c) The necessity for sewer and water connections shall be determined by the Director of Public Service, which determination shall be based upon the size, shape and area of each abutting lot or parcel of land, the lawful use of such land under the provisions of the zoning ordinance, the character of the locality and the probable future development of each abutting lot

or parcel of land. The Director shall give written notice of the intention to install such sewer and water connections and to charge the cost of the same to the premises to each owner of land abutting the street to be furnished with such connections as shown by the records of the city assessor in the manner provided for in Section 20-12. Any owner objecting to the installation of any such sewer or water connection shall file his objections in writing within seven (7) days after service of such notice, with the Director who shall, after considering each such objection made in writing, make a final determination of the sewer and water connections to be installed.
(Code 1957, §§ 4.6-4.8)

Sec. 21-22. Prohibited Openings.

No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of three (3) years after the completion of any paving or resurfacing thereof. If a street opening is necessary as a public safety measure, the Director of Public Service may suspend the operation of this Section as to such street opening.
(Code 1957, § 4.9)

Sec. 21-23. Curb Cuts.

No opening in or through any curb of any street shall be made without first obtaining a written permit from the Director of Public Service. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (1) No single curb cut shall exceed thirty (30) feet nor be less than ten (10) feet.
- (2) The minimum distance between any curb cut and a public crosswalk shall be five (5) feet.
- (3) The minimum distance between curb cuts, except those serving residential property, shall be twenty-five (25) feet.
- (4) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be forty-five (45) percent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20) percent of the lineal feet of street frontage in excess of two hundred (200) feet.
- (5) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.
- (6) All construction shall be in accordance with plans and specifications approved by the Director of Public Service.

(Code 1957, § 4.10)

Sec. 21-24. Obstruction by Materials and Machinery Incidental to Construction or Repair of Adjacent Building.

No person shall occupy any street with any materials or machinery incidental to the construction or repair of any building adjacent to the street or for any other purpose without first obtaining a permit and filing a bond of not less than three thousand dollars (\$3,000.00).
(Code 1957, § 4.11)

Sec. 21-25. Pedestrian Passage.

At least six (6) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings built to specifications supplied by the Director of Public Works, shall be provided around such obstruction.
(Code 1957, § 4.12)

Sec. 21-26. Safeguards.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with red warning lights. Warning lights perpendicular to the flow of traffic shall be not more than three (3) feet apart, and parallel to the flow of traffic not over fifteen (15) feet apart.
(Code 1957, § 4.13)

Sec. 21-27. Shoring Excavations.

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.
(Code 1957, § 4.14)

Sec. 21-28. House Moving.

No person shall move any house or other building more than twelve (12) feet in width, or more than twenty (20) feet in length, or more than thirteen (13) feet in height when loaded, onto or through any street in the City, except by and in accordance with special permission of the City Council. Before any house or building more than eight (8) feet in width is moved through any street, a permit shall be obtained in accordance with the building code of the City, which shall specify the route which must be used. No person shall use other than the permitted route.
(Code 1957, § 4.15)

Cross reference-Buildings and building regulations, Ch. 7.

Sec. 21-29. Additional Regulations.

The City Manager may make additional regulations pertaining to openings and excavations in the streets, curb cuts, street obstructions and house moving, which regulations shall be subject to the approval of the City Council. No person shall fail to comply with any such regulation.

(Code 1957, § 4.16)

Sec. 21-30. Removal of Encroachments.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him otherwise than in accordance with the terms and conditions of this article. The procedure for collection of such expenses shall be as prescribed in Section 20-12 upon not less than seven (7) days notice to such land owner in accordance with Section 20-12.

(Code 1957, § 4.17)

Sec. 21-31. Temporary Street Closings.

The Director of Public Service shall have authority to temporarily close any street, or portion thereof, when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He shall cause suitable barriers and signs to be erected on the street indicating that the same is closed to public travel. When an street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over the street except as the same may be necessary incidentally to any work being alone in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this Section without authority from the Director.

(Code 1957, § 4.18)

Secs. 21-32. -- 21-45. Reserved.

ARTICLE III. SIDEWALKS

Sec. 21-46. Defined.

Sidewalk. The word “sidewalk,” for the purpose of this article, shall mean that portion of the street right-of-way designed for pedestrian travel.

(Code 1957, § 4.34)

Cross reference-Definitions and rules of construction generally, §§ 1-2.

Sec. 21-47. Specifications and Permits.

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the Director of Public Service, nor without first obtaining a written permit from the Director. Such written permit shall be prominently displaced on the construction site. A fee as set by the Council from time to time by resolution shall be charged for such permit. No permit shall be required for construction or repair of less than seventy-two (72) square feet of sidewalk.

(Code 1957, § 4.35)

Sec. 21-48. Ordering Construction.

The City Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the Director of Public Service shall give notice thereof, in accordance with Section 20-12, to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within thirty (30) days from the date of such notice.
(Code 1957, § 4.36)

Sec. 21-49. Construction by City.

If the owner of any lot or premises shall fail to build any particular sidewalk as described in said notice, and within the time and in the manner required thereby, the Director of Public Service is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided in Section 20-12.
(Code 1957, § 4.37)

Sec. 21-50. Sidewalk Maintenance.

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe.
(Code 1957, § 4.38)

Sec. 21-51. Sidewalk Repair.

Whenever the Director of Public Service shall determine that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk of such determination which notice shall be given in accordance with Section 20-12. Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven (7) days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair the sidewalk within the time limited therefore, or in a manner otherwise than in accordance with this article, the Director of Public Service shall have the sidewalk repaired. If the Director determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with such notice. The cost of repairs hereunder shall be charged against the premises which the sidewalk adjoins and the owner of the premises, and shall be collected as provided in Section 20-12.
(Code 1957, § 4.39)

Sec. 21-52. Sidewalks to be Cleared.

(a) The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining

such lot or premises within the time herein required. After any snow or ice shall cease to fall, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation.

(b) The first violation of Section 21-52(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$50 fine. The second violation of Section 21-52(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$100 fine. The third violation of Section 21-52(a) within thirty-six months shall be a civil infraction with a maximum penalty of a \$150 fine. The fourth violation of Section 21-52(a) within thirty-six months shall be a misdemeanor with a maximum penalty of a \$500 fine and/or 90 days in jail. The fines described in this Section shall be in addition to cost assessments, expenses, and/or damages assessed under the law.

(Code 1957, § 4.40; Ord. No. 195, § 14, 10-13-08)

Sec. 21-53. Failure to Clear.

If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time limit, or shall otherwise permit ice or snow to accumulate on such sidewalk, he shall be guilty of a violation of this article and subject to the penalties described in Section 21-52(b) of this Code. In addition, the Director of Public Service may cause the same to be cleared and the expense of removal shall become a debt to the City from the occupant or owner or such premises, and shall be collected as any other debt to the City.

(Code 1957, § 4.41; Ord. No. 195, § 15, 10-13-08)

Secs. 21-54. -- 21-65. Reserved.

ARTICLE IV. DESIGNATION OF STREETS

Sec. 21-66. Street Names.

All streets shall be known and designated by the names applied thereto on the map of the City known as the street plan, filed with the Department of Public Service. The naming of any new street or the changing of the name of any street shall be done by resolution, which resolution shall amend such map.

(Code 1957, § 1.20)

Sec. 21-67. Vacating Streets.

Vacated portions of streets and alleys shall be eliminated from the street plan map. The vacating of any street or alley shall be done by resolution, which resolution shall amend such map.

(Code 1957, § 1.21)

Sec. 21-68. Street Numbers.

All premises shall bear a distinctive street number on the front at or near the front entrance of the premises in accordance with and as designated upon the street plan map on file in the office of the Department of Public Service.

(Code 1957, § 1.22)

Sec. 21-69. Numbering Buildings.

The owners and occupants of all buildings in the City shall cause the correct numbers to be placed thereon in accordance with the street plan map. No person shall display other than the officially designated numbers on any house or building.

(Code 1957, § 1.23)