

TITLE 6

SIDEWALKS AND STREETS

Chapter 6-1: Grades and Widths of Streets

Chapter 6-2: Street Excavations

Chapter 6-3: Sidewalk Maintenance

Chapter 6-4: Trees

CHAPTER 6-1: GRADES AND WIDTHS OF STREETS

6-1-1: Street Grades and Widths.

The grades and widths of all streets and curb and gutter in the city shall be established by the City Council before any construction thereof commences.

6-1-2: Hindering Street Improvements.

No person shall hinder, interfere with or obstruct any person lawfully constructing, grading, improving or paving any curb and gutter. Nor shall any person break, injure or tear up any curb, pavement or street unless authorized to do so by the City Council.

6-1-3: Designation of Avenues and Streets.

When any thoroughfare shall hereafter be laid out within the limits of the city, then the following criteria shall be used in determining whether the same shall be designated an "Avenue" or "Street." If the primary orientation of such thoroughfare is north and south, then the same shall be designated as an "Avenue" and if the primary orientation of said thoroughfare is east and west, then the same shall be designated as a "Street."

6-1-4: Mandatory Curb and Gutter.

All construction over 1,500 square feet or \$50,000.00 within the municipality, including but not limited to commercial, industrial and residential (including garage), shall have curb and gutter installed on all borders of the lot or tract adjacent to an avenue, road or street within twelve months after completing the construction on the premises. All new curb and gutter shall be similar in form and type to existing curb and gutter adjoining or near the premises, if any there be, and the payment thereof shall be the sole responsibility of the landowner.

CHAPTER 6-2: STREET EXCAVATIONS

6-2-1: Application and Bond for Excavation Permit.

Any person desiring to make any excavation in any of the public alleys, streets or other public places of this city shall first make application to the Building Inspector. The application shall state where such excavation is to be made, and the extent thereof, and which lot or lots adjoin same, and for what purpose the excavation is to be made. The applicant shall post a good and sufficient bond to be approved by the Finance Officer in the sum of \$1,000.00 before such a permit is issued unto any person. The bond shall be conditioned upon the requirement that the applicant shall fulfill all obligations provided herein. Only one bond is necessary as long as the bond is in full force and effect. If the Building Inspector finds the application in proper order and in conformity with the provisions herein after careful examination, and the said bond has been properly posted, then a permit may be issued unto the applicant by the City Council.

6-2-2: Excavation Exemptions.

No utility company which has been by contract or franchise granted a right to use the alleys, streets or other public ground shall be required to furnish a bond for making excavations in any public place or right of way. However, all other sections of this chapter relating to excavations and public right of ways shall be binding upon such companies.

6-2-3: Excavations in Public Right of Ways.

It shall be unlawful for any person to make or cause to be made any excavation across, in, on or under any alley, sidewalk, street or other public ground or to remove any concrete, earth, gravel, paving, soil or other material therefrom without first having obtained a permit from the City Council.

6-2-4: Excavations Near Streets.

It shall be unlawful for any occupant, owner, or person of any lot or parcel of land within the city limits to make or cause to be made any excavation of said lot or parcel of land unless the site is securely guarded so as to prevent the injury of any person or animals passing along alleys, sidewalks, streets or other public grounds.

6-2-5: Obstruction of Sewer Pipes or Manholes by Excavation.

No sewer pipes or manholes which are a part of the municipal sewer system shall be damaged in any manner during the process of making an excavation. Any damage caused by excavations shall be fully compensated for by the person to whom the permit was granted to make the excavation.

6-2-6: Barricades, Guards and Lights Required.

Any person receiving a permit to make an excavation adjoining or upon any alley, sidewalk, street, thoroughfare or public ground, or any person making an excavation on either private or public ground shall during the progress and continuance of the work erect, keep and maintain by day and night suitable barricades, guards, lights and signals so as to prevent injury of any animal, person or vehicles as a result of such excavation.

6-2-7: Stair Railing and Grates.

The owner of any building in the city having a stairway leading from an adjacent sidewalk to the basement or cellar of such building shall guard the stairway with a substantial railing not less than three feet high. The entrance to the stairway shall be at right angles to the street from which such entry is made, and any person who shall have any permanent opening in any sidewalk for the purpose of letting light into any basement or cellar or for any other purpose shall guard the same with a substantial cover.

6-2-8: Excavations Must Be Refilled.

The person to whom the permit was granted to make the excavation shall promptly restore the excavation by properly refilling it and maintaining it from time to time if the excavation settles in such a manner as to afford free and unencumbered passage for the public. Additionally, the person to whom the permit was granted shall completely restore the alley, sidewalk, street or other public place to the same condition as the same was before the making of such excavation as soon as possible and in no case longer than 30 days after the start of the excavation. Furthermore, the earth shall be thoroughly settled by compaction with water and machine compacting equipment in refilling any excavation that has been authorized. The refilling is to be made in such a manner that the surface when refilled shall not be any higher or lower than the original surface when the excavation was made and the settling, if any, will be at a minimum.

6-2-9: Failure to Comply With Excavation Requirements.

If at any time after the issuance of any permit for the making of an excavation as provided for herein the Building Inspector shall find that the work for which the said bond was given and posted does not stand a satisfactory test or has not been properly or timely refilled, maintained and restored to its original condition, then the Building Inspector shall have authority to replace the excavation in satisfactory condition and the person to whom the permit was granted or their bondsmen shall be required to make full restitution for the cost thereof unto the city.

CHAPTER 6-3: SIDEWALK MAINTENANCE

6-3-1: Ice and Snow Removal.

It shall be the duty of every occupant or owner of the premises within the city to remove all ice and snow from the sidewalk abutting said premises as soon after same has accumulated as can reasonably be removed, and in case of failure of the occupant or owner, or either of them, to remove such ice and snow as soon as it can reasonably be removed, the mayor of the city may hire the same to be removed at the expense of the city and the costs so incurred by the city for removing such ice and snow shall be charged to the owner of the abutting property and shall be certified by the City Finance Officer as a special assessment levied and taxed against the lot or parcel on which the sidewalk abuts, and the special assessment shall be collected by the County Treasurer as other assessments and taxes made by the city for the benefit of the city provided that the mayor shall not hire anyone to remove such ice or snow from the sidewalk without first giving notice at least three hours beforehand to the occupant or owner of the premises (if it is occupied or if the owner resides in the city) of his intention to hire said ice and snow removed from said sidewalk.

No snow shall be removed by anyone onto an alley, or street, or adjoining property.

6-3-2: Snow Removal Fees on Sidewalks.

If it is necessary for the city staff to remove snow from any sidewalk within the municipal limits, then a fee shall be assessed by the city, against the property owner. The fee shall be assessed per hour, using the current expense of equipment use rate schedule.

6-3-3: Riding Bicycle on Sidewalks.

It shall be unlawful for any person or persons to ride any bicycle upon any of the sidewalks on Third Avenue unless such person is physically handicapped as determined by a licensed physician.

6-3-4: Signs Projecting Over Sidewalks.

It shall be unlawful for any person or persons to place or suspend any show board or sign of any description whatsoever from any structure so that the same shall project from the front or wall of said structure more than four (4) feet over any sidewalk or onto the adjoining street except municipal lights.

6-3-5: Sidewalk Awnings.

It shall be unlawful for any person to erect any awning over any sidewalk or public street within the limits of the City unless such awnings be elevated at least seven feet at the lowest part thereof above the top of the sidewalk or street, and said awnings shall not project over the sidewalk to exceed three-fourths of the width thereof, and said awnings shall be supported without posts by iron brackets or by iron framework or by an iron and wood framework attached firmly to the building so as to leave the sidewalk wholly unobstructed thereby.

CHAPTER 6-4: TREES

6-4-1: Boulevard Defined.

A "boulevard" is that area between a sidewalk and curb, or that area between where a sidewalk and curb would normally be constructed.

6-4-2: Owners May Plant Trees.

Any lot owners abutting on any street or streets of the City shall have the power and right to plant trees in a boulevard along the borders of their respective lot, provided such planting complies with all City ordinances and regulations. No flowers, gardens, hedges, shrubs, vines or anything except lawn grass or trees shall be planted on a boulevard. However, all existing hedges and shrubs on boulevards shall be trimmed to a height of thirty (30) inches as measured from the gutter level of the street.

6-4-3: Kinds of Trees.

The kinds of trees that may be planted in a boulevard are American Elm, Hackberry, Honey Locust, Green Ash and hard or soft Maples.

6-4-4: Tree Line.

A tree may be planted in a boulevard provided the tree is planted an equal distance between the sidewalk and the curb line and there is a minimum of twenty-five (25) feet between the trees.

6-4-5: Existing Trees.

Trees which have been planted earlier in good faith which are now healthy in condition are to remain untouched unless a tree or trees are a hazard or nuisance or if the owner consents to their destruction.

6-4-6: Planting Trees at Intersections.

No trees shall be planted in a boulevard within twenty-five (25) feet of an intersection. All trees planted earlier within such an area shall be trimmed so there is no obstruction to traffic.

6-4-7: Infested or Overhanging Trees.

The City shall have the power to destroy trees in the boulevards if infested by disease or by injurious insects and such destruction is necessary for the protection of other trees. No person shall permit their tree branches to become a hazard or nuisance to either garbage disposal equipment or street maintenance. It shall be the duty of the property owner to keep all trees and overhanging branches trimmed to a clearance of fifteen (15) feet over sidewalks and streets.

6-4-8: Violations.

Any corporation, firm or person or persons which plant trees on a boulevard in a manner other than as provided herein is hereby declared guilty of a misdemeanor and is punishable by a fine as provided in these ordinances and the trees so planted are declared to be a nuisance and shall be removed accordingly at the expense of the adjoining landowner.