

CHAPTER 37
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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ARTICLE I. IN GENERAL

Sec. 37-1. Numbering of buildings

- (a) All premises shall bear a distinctive street number on the front and on the rear entrance of all buildings having an alley in the rear in accordance with and as designated upon the street numbering plat on file in the office of the city engineer, which plat or any revision thereof authorized by the city commission is hereby adopted and made a part hereof.
- (b) No person shall fail to place the correct number upon the front of any occupied premises, such number facing the street and adjacent to the principal entrance and in such position as to be plainly visible from the street. Numbers hereafter placed shall be not less than three (3) inches in height and shall contrast in color with the color of the building or background to which they are attached. (Gen. Code 1946, Ch. 1; 102; Code 1972, 1.22)

Charter reference – Authority to require numbering of buildings, 11.16.

Sec. 37-2. Street names; vacation of streets and alleys.

- (a) All streets shall be known and designated by the names applied thereto, respectively, on the map of the city filed with the city engineer, which map is hereby adopted and made a part hereof. The naming of any new street or the changing of the name of any street shall be done by resolution, which resolution shall amend the map.
- (b) Vacated portions of streets and alleys shall be eliminated from the map. The vacating of any street or alley shall be done by resolution, which resolution shall amend the map. (Gen. Code 1946, Ch. 1, 101; Code 1972, 1.21)

Charter reference – Vacation of streets, 11.2.

Sec. 37.3. Temporary street closings.

The engineer 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 such street, indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over such street except as the same may be necessary incidentally to any street repair or construction work being done 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 engineer. (Code 1972, 4.42)

Sec. 37-4. Utility poles.

Utility poles may be placed in such streets as the city manager shall prescribe and shall be located thereon in accordance with the directions of the city manager. Such poles shall be removed or relocated as the city manager shall from time to time direct. (Code 1972, 4.7)

Sec. 37-5. Awnings.

No person shall install any awning overhanging any public street or alley unless such awning is of a type that will permit rolling up, elevating or otherwise withdrawing at will, and no awning so installed shall have less than seven (7) feet clearance between its lowest projection and the surface of the public street or alley, nor shall it project into the alley or street more than nine (9) feet from the lot line of the premises adjacent thereto. (Gen. Code 1946, Ch. 5, 206)

Sec. 37-6. Maintenance of installations in streets.

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, sign, awning, wire, pipe, conduit, pole, sewer lateral up to the city main or other structure in, under, over or upon, any street which is adjacent to or a part of his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof, and to indemnify and save harmless the city against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during such ownership or control. (Gen. Code 1946, Ch. 5, 203.1; Code 1972, 4.8; Ord. of 11-6-78)

Sec. 37-7. Mixing cement on pavement.

No person shall mix any cement or concrete on any pavement in the city except in a box sufficiently tight so as not to let the cement or concrete run on such pavement. (Gen. Code 1946, Ch. 5, 203.3)

Sec. 37-8. Barricades for dangerous areas.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with approved warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three (3) feet apart, and parallel to the flow of traffic not over fifteen (15) feet apart. (Code 1972, 4.31)

Sec. 37-9. Permits and bonds.

- (a) Where permits are authorized in this chapter, they shall be obtained upon application to the engineer, upon such forms as he shall prescribe, and there shall be a charge of ten dollars (\$10.00) for each such permit. Such permit shall be revocable by the engineer for failure to comply with this chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the engineer or his duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the city in connection therewith, repair all damages done to the street surface and installations on, over

or within such street, including trees, and protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the following amounts, except as otherwise specified in this chapter:

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|--|-------------|
| (1) On account of injury to, or death of, any person in any one accident..... | \$50,000.00 |
| (2) On account of any one accident resulting in injury to, or death of more than one person..... | 100,000.00 |
| (3) On account of damage to property in any one accident | 10,000.00 |

- (b) A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the city clerk.
- (c) Where cash deposits are required with the application for any permit hereunder, such deposit shall be in the amount of twenty-five dollars (\$25.00), except as otherwise specified in this chapter, and such deposit shall be used to defray all expenses to the city arising out of the granting of the permit and work done under the permit or in connection therewith. Three (3) months after completion of the work done under the permit, any balance of such cash deposit unexpended shall be refunded. In any case where the deposit does not cover all costs and expenses of the city, the deficit shall be paid by the applicant. (Code 1972, 4.3; Ord. No. 561-87, 5-26-87)

Sec. 37-10. Removal of encroachments by city; assessment of costs.

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 chapter. The procedure for collection of such expenses shall be as prescribed in section 36-8 for single lot assessments. (Code 1972, 4.41)

Secs. 37-11 – 37-21. Reserved.

ARTICLE II. OBSTRUCTIONS

Sec. 37-22. Generally.

No person shall encumber, or in any way obstruct any street, sidewalk or alley, except as provided in this article. (Gen. Code 1946, Ch. 5, 208.1)

Sec. 37-23. Moving of buildings.

No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than eight (8) feet eight (8) inches or higher than thirteen (13) feet six (6) inches above the surface of the roadway, into, across or along any street, alley or other public places in the city without first obtaining a permit from the engineer. Such permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No house moving permit shall be granted until the applicant shall

post a cash deposit in the amount of one hundred dollars (\$100.00) and file a liability insurance policy as required by section 37-9. (Gen. Code 1946, Ch. 5, 208.2; Code 1972, 4.36)

Sec. 37-24. Construction machinery or materials.

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to such street, or for any other purpose, without first obtaining a permit from the engineer. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by section 37-9. (Gen. Code 1946, Ch. 5, 208.8; Code 1972, 4.21)

Sec. 37-25. Suspension of articles.

No person shall suspend or support in any manner any article or thing which will overhang any portion of a public street or alley except as otherwise provided herein. (Gen. Code 1946, Ch. 5, 208.9)

Sec. 37-26. Merchandise.

It shall be unlawful for any person, during the time his store or building is open for business, to suspend, place or set out for exhibition any goods, wares or merchandise directly connected with the business transacted by him, on the public sidewalk in front of the place of business, store or building owned, controlled or occupied by him. (Gen. Code 1946, Ch. 5, 208.10)

Sec. 37-27. Lowering objects by rope, chain or pulley.

No person shall raise anything from or lower anything to any street, alley or public place by means of rope, chain, pulley or similar device without first obtaining a written permit from the inspections department and providing protection for pedestrians using such street or alley. (Gen. Code 1946, Ch. 5, 208.12)

Sec. 37-28. 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 or sidewalk shelter shall be provided around such obstruction. (Gen. Code 1946, Ch. 5, 209.4; Code 1972, 4.22)

Sec. 37-29. Responsibility of abutting property owners.

Any person having the care, either as owner or occupant of any premises bordered by a public street or alley shall be liable to the city for any legal liability that may be adjudged against the city as a result of the placing of obstructions of any nature in such public street or alley by such person, his employees or agents. (Gen. Code 1946, Ch. 5, 208.13)

Secs. 37-30 – 37-40. Reserved.

ARTICLE III. EXCAVATIONS

Sec. 37-41. Permit.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the engineer. No permit shall be granted until the applicant shall post a cash deposit of two hundred dollars (\$200.00) in case of a pavement or sidewalk cut and of one hundred dollars (\$100.00) in other cases and file a liability insurance policy as required by section 37-9. (Gen. Code 1946, Ch. 5, 209.1; Code 1972, 4.4; Ord. No. 562-87, 5-26-87)

Sec. 37-42. Emergencies.

The engineer or city manager 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. (Gen. Code 1946, Ch. 5, 209.1; Code 1972, 4.5)

Sec. 37-43. Shoring.

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 1972, 4.32)

Sec. 37-44. Backfilling.

All trenches in a public street or other public grounds, unless approval is obtained from the city engineer to do otherwise, must be backfilled with a 1:12 mixture of concrete thoroughly rammed into place. (Gen. Code 1946, Ch. 5, 209.5; Code 1972, 4.6)

Secs. 37-45 – 37-55. Reserved.

ARTICLE IV. SIDEWALKS

Sec. 37-56. Permits.

No person shall construct, reconstruct, repair or remove any sidewalk except in accordance with the line, grade, slope and specifications established by the city engineer, and after first obtaining a written permit from the city engineer. (Gen. Code 1946, Ch. 5, 201.1; Code 1972, 4.62)

Sec. 37-57. Line and grade stakes.

The city engineer shall furnish line and grade stakes as may be necessary for proper control of the work on sidewalks, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the city engineer. Where it is necessary to replace the engineer's stakes disturbed or destroyed without fault on the part of the city, or its employees, a charge of one dollar per stake shall be paid. (Code 1972, 4.63)

Sec. 37-58. Specifications.

Sidewalks shall not be less than four (4) inches in thickness and expansion paper shall be placed in the joints. Sidewalks at driveway crossings shall be not less than six (6) inches in

thickness. All concrete used in sidewalk construction shall, twenty-eight (28) days after placement, be capable of resisting a pressure of thirty-five hundred (3500) pounds per square inch without failure. The city engineer may establish additional detailed specifications in addition hereto and not inconsistent herewith. (Code 1972, 4.64)

Sec. 37-59. Permit revocation.

The city engineer may issue a stop order to any permittee holding a permit issued under the terms of this article for failure to comply with this article, or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk, and the issuance of such stop order shall be effective until the next regular meeting of the city commission, and if confirmed by the commission, at its next regular meeting, such stop order shall be permanent, and shall constitute a revocation of the permit. (Code 1972, 4.65)

Sec. 37-60. Ordering construction.

The city commission may, by resolution, require the owners of lots and premises to build sidewalks in the public street adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the city clerk shall give notice thereof, in accordance with section 2-3, to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within twenty (20) days from the date of such notice. (Code 1972, 4.66)

Sec. 37-61. Construction by city.

If the owner of any lot or premises shall fail to build any particular sidewalk as described in the notice under section 2-3, and within the time and in the manner required thereby, the city manager 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 for single lot assessments in section 36-8. (Code 1972, 4.67)

Sec. 37-62. Maintenance by abutting property owners.

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe. (Gen. Code 1946, Ch. 5, 201.2; Code 1972, 4.68)

Sec. 37-63. Repair.

Whenever the city manager 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 such sidewalk of such determination which notice shall be given in accordance with section 2-3. Thereafter, it shall be the duty of the owner to place such 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 such sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this article, the city manager shall have such sidewalk repaired. If the city manager determines that the condition of such 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 such sidewalk adjoins and the owner of such

premises, and shall be collected as provided for single lot assessments in section 36-8. (Gen. Code 1946, Ch. 5, 201.3 – 201.5; Code 1972, 4.69)

Sec. 37-64. Snow and ice – Clearing required.

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. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks by 6:00 p.m. of the day following. (Gen. Code 1946, Ch. 5, 201.8; Code 1972, 4.70)

Sec. 37-65. Same – Failure to clear snow or ice.

If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, he shall be guilty of a violation of this section and in addition, the city engineer may cause the same to be cleared and the expense of removal shall become a debt to the city from the occupant or owner of such premises, and shall be collected as a single lot assessment under section 36-8. (Code 1972, 4.71)

Charter reference – Failure to remove snow, 10.26.

Secs. 37-66 – 37-76. Reserved.

Sec. 37-77. Permit.

No opening in or through any curb of any street shall be made without first obtaining a written permit from the engineer. (Gen. Code 1946, Ch. 5, 202.1; Code 1972, 4.15)

Sec. 37-78. Specifications.

Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (1) No single curb shall exceed twenty-five (25) 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) per cent of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty (20) per cent 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 engineer. (Gen. Code 1946, Ch. 5, 202.3; Code 1972, 4.15)