

CHAPTER XIV. STREETS, ALLEYS AND SIDEWALKS

- Article 1. Sidewalk Construction, Maintenance
- Article 2. Street, Alley Excavations
- Article 3. Streets, Alleys, Sidewalks Generally
- Article 4. Trees, Shrubs and Hedges
- Article 5. Railroads

ARTICLE 1. SIDEWALK CONSTRUCTION, MAINTENANCE

14-101. SIDEWALKS CONSTRUCTED ACCORDING TO SPECIFICATIONS. All sidewalks constructed in this city shall be constructed according to the specifications adopted by the mayor and councilmen and on file in the city clerk's office.

14-102. SIDEWALKS CONSTRUCTED; SUPERVISION OF DIRECTOR OF PUBLIC WORKS. All sidewalks ordered constructed, reconstructed, or repaired by the mayor and councilmen of this city shall be constructed under the supervision of the director of public works except as provided in Section 14-104 of this article.

14-103. PROCEDURE. The mayor and council may by resolution order in any crosswalk and order any sidewalk reconstructed or repaired when in their judgment the same is necessary: Provided, That the mayor and council may order in a new sidewalk when in their judgment the same is necessary or they may order the same in upon the receipt of a petition signed by ten (10) citizens of this city, and it shall be the duty of the city clerk to serve a written or printed notice or cause such a notice to be served on the owner, or authorized agent for the owner of the property in front of which or adjacent to which the new sidewalks have been ordered constructed or sidewalks have been ordered reconstructed or repaired. If the sidewalk is not constructed within the time provided in the notice the same shall be done by the director of public works and the cost thereof levied against the property and certified to the county clerk to be collected the same as other taxes: Provided further, That notice shall be served on a nonresident property owner by publication in the city's official newspaper, or by posting in ten (10) conspicuous places within the city limits when the address of the owner or agent is unknown to the city clerk.

14-104. SIDEWALK CONTRACTORS GIVE SURETY BOND. Whenever the director of public works is unable to build any or all sidewalks which it becomes his duty to build, the same may be contracted for by the city to the lowest responsible bidder: Provided, That any person or firm who shall contract to build sidewalks for the city shall give a good and sufficient surety bond that he or they will construct the sidewalk according to specifications and in a manner acceptable to the mayor and council or their authorized agent and maintain the same in good condition under ordinary conditions for a period of one year from the completion of the work.

14-105. SIDEWALK MAINTENANCE AND REPAIR. All persons or entities owning land adjacent to public right-of-way or easement upon which there is located a sidewalk, are deemed and held responsible for the maintenance and repair of the sidewalk. (For technical specifications refer to Chapter 18, Section 2100.) Each year the director of public works shall report to the City Clerk all sidewalks which are in bad repair, and after proper notice has been issued and the failure to construct same by property owner, he shall in accordance with orders of the governing body cause the same to be constructed, certifying the cost of the construction to the City Clerk for placing upon the tax rolls. (Ord. 2002-06)

14-106. NOTICE TO REPAIR. Whenever the Director of Public Works or his authorized representative shall find that such public sidewalks are in need of repair or otherwise a safety hazard, the Director of Public Works shall report to the City Clerk, who shall issue notice to the owner of the property adjacent to the sidewalk, informing the owner of the required repair or maintenance of the sidewalk and the maximum time period of which the owner will be allowed to make such repairs, not to exceed sixty (60) days. Time

may be extended beyond the sixty day limit only if the following criteria are met: a) The February or March which may be deemed outside of season. b) A request is submitted, in writing, by the landowner within two weeks of notification of notice to repair and repairs are completed by April 30. (Ord. 2002-06)

14-107. FAILURE TO COMPLY WITH NOTICE- REPAIRS BY CITY. If the owner fails to comply with the requirements of the notice within the time specified in the notice, then the public works department shall proceed to have such repairs made by City forces performing such work or the governing body may contract with such competent person, company or corporation for the performance of such work. The actual construction cost of performing such work shall be reported to the City Clerk by the Director of Public Works. (Ord. 2002-06)

14-108. COSTS-ASSESSMENT TO ABUTTING LANDOWNER. The City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify the unpaid construction costs for the repair plus an administrative cost 5% of the unpaid construction cost for the repair to the County Clerk who shall extend the total of such certified and assessed cost on the tax roll of the county and the same shall constitute a special assessment against the lot or parcel of land abutting the sidewalk. The cost of such construction shall be paid from the general fund or other proper fund of the City; and such fund shall be reimbursed when payments therefore are received or when such assessments are collected and received by the City. (Ord. 2002-06)

ARTICLE 2. STREET, ALLEY EXCAVATION

14-201. PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to cut pavement or excavate in any street or alley of the city without a permit issued by the city clerk of the city. (Ord 870)

14-202. APPLICATION. Any person, firm or corporation finding it necessary to cut any sidewalk or pavement, or excavate in any street, alley or public property shall first file an application and bond with the city clerk. The application shall set out as follows:

- a) The location of the proposed cut or excavation;
- b) The purpose of the proposed work;
- c) The estimated time required to complete the work.

(Ord 870)

14-203. BOND. The cash bond shall be in the sum of Five Hundred Dollars (\$500.00) minimum and shall be conditioned that the applicant will properly barricade and protect the cut or excavation and that the applicant will indemnify and save harmless the city from any and all loss or damages and expense arising out of the applicant's work and the repair of the pavement. The bond shall be further conditioned that the applicant will pay the city for the cost of repaving or repairing the cut for a period of one year from the date of such excavation. The cash bond shall contain a sufficient sum to make the repairs in the event any defect or depression arises as a result of such excavation and the cash bond shall not be returned except on orders of the governing body of the city on a voucher duly presented for the refund. The voucher shall identify the exact cuts made for which the refund is presented.

(Ord 1165)

14-204. EXCEPTIONS. This article shall not apply to the employees of the city or the work performed under contract with the city. This article shall not apply to any public utility having or operating a public utility within the limits of the city.

(Ord 870)

14-205. INSPECTOR. The sum of five dollars (\$5) shall be charged and deducted from the cash bond to be paid to the city inspector, who shall supervise the work of restoring and filling the excavation, and he shall duly report to the city clerk any and all approvals. (Ord 870)

14-206. BARRIERS AND GUARDS. It shall be the duty of every person who shall have charge of the construction of any excavation or obstruction adjacent to or under any sidewalk or street of this city, during the progress of such work to cause such excavation to be securely guarded by a fence with at least three (3) strings of good six inch (6") boards nailed not less than eighteen inches (18") apart to posts firmly set in the ground or otherwise securely fixed in place. Such posts to be not more than six feet (6') apart and the top of the highest post shall be not less than four and one-half feet (4 1/2') from the surface of the sidewalk or street, and from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise to illuminate such excavation or obstruction with red lights sufficient in number and so placed as to show the full extent thereof.

14-207. REMOVING BARRICADES. It shall be unlawful for any person or persons to remove, throw down, run over or interfere with any barricade or barricades erected by the city or any contractor executing a municipal contract, placed to guard and protect any grading, paving, sidewalk construction or other public work.

ARTICLE 3. STREETS, ALLEYS, SIDEWALKS GENERALLY

14-301. LUGGED VEHICLES PROHIBITED. It shall hereafter be unlawful for any vehicle, truck, tractor, farm machinery equipped with lugs to be propelled, driven or towed over and on any paved street of this city without a special permit being specifically granted by the governing body in writing and authorized at a regular or special meeting.
(Ord 750)

14-302. TRASH AND DEBRIS. It shall be unlawful for any person to permit any trash or debris, dirt, rock or any material of any kind, to be dropped, thrown or scattered upon any paved street within this city.
(Ord 750)

14-303. BURNING TRASH OR OTHER MATERIAL. It shall be unlawful for any person to burn any leaves, trash or other material upon any public right-of-way of this city, where the street or thoroughfare has been paved, curbed and guttered.
(Ord 750)

14-304. MOLESTING UNFINISHED PAVING. It shall be unlawful to walk upon, drive or ride over or across any pavement, in course of construction before the same has been opened for public travel, any uncompleted grading, or sidewalk construction which has not been opened for travel.

14-305. GLASS, TACKS, NAILS IN STREETS. It shall be unlawful for any person to place, throw, or cause to be placed or thrown on any street, alley, sidewalk or other public property in this city, any glass, tacks, nails, bottles, or any other substances or things that might wound any person or animal or cut or puncture any pneumatic tire when passing over the same.

14-306. HAULING; MANURE, DIRT, ETC. It shall be unlawful for any person to haul over the streets or alleys of this city any loose material of any kind except in a vehicle having a tight box so constructed as to prevent the splashing or spilling of any of the substances therein contained upon the streets or alleys.

14-307. HITCHING TO LAMP POSTS, TREES, ETC. It shall be unlawful for any person to hitch any animal to any lamp post, hydrant, water trough, drinking fountain, shrub or shade tree or to picket any animal in any of the streets, alleys, parks, or public grounds of this city.

14-308. HORSES, MULES; BREAKING. It shall be unlawful for any person to break or attempt to break any horse or mule on any of the streets, alleys or public grounds of this city.

14-309. OBSTRUCTING SIDEWALKS. It shall be unlawful for any person, firm or corporation to leave or allow to be left any implements, tools, boxes, merchandise, goods, trash cans, crates, corn poppers, peanut roasters, ice cream containers, advertising, or show cases on any of the sidewalks or other public ways of this city longer than is necessary for loading or unloading the same.

14-310. SIDEWALK, OBSTRUCTIONS ON SURFACE. It shall be unlawful for the owner of any property having a sidewalk adjacent thereto to permit any brick, stone or segment of the sidewalk to be raised above the established level of the sidewalk more than one-half inch (1/2"), in any manner which might catch the foot of a pedestrian or to permit any holes or depressions to occur in the sidewalk in which a pedestrian might drop or catch his foot in a manner liable to cause injury. Furthermore, it shall be the responsibility of the owner of any property having a sidewalk adjacent thereto to keep said sidewalk clear of any weeds, ice, snow, mud, grass clippings or other debris, such owner shall upon conviction thereof be fined not less than two dollars (\$2), nor more than fifty dollars (\$50), and each day that such owner shall refuse or neglect to abate the condition after notice from the City Clerk shall constitute a separate offense.
(Ord. 2002-06)

14-311. SIDEWALKS; EARTH WASHING THEREON. Whenever any lot or piece of land abutting on any sidewalk in this city shall become or remain in such a condition that earth or other substance therefrom shall accumulate on such sidewalk and the owner of such lot or piece of land shall refuse or neglect to place the same in such condition as to prevent such washing or accumulation on such sidewalk, such owner shall upon conviction thereof be fined not less than two dollars (\$2) nor more than fifty dollars (\$50), and each day that such owner shall refuse or neglect to abate the condition after notice from the city clerk shall constitute a separate offense.

14-312. SIDEWALKS, REMOVING SEGMENTS OF SIDEWALKS. Any person who shall loosen or remove any segments of sidewalk, brick, block or support from any sidewalk or crosswalk or any curbing or gutter shall upon conviction thereof be fined not less than two dollars (\$2), nor more than fifty dollars (\$50): Provided, that this section shall not apply to persons making repairs on any such sidewalk, gutter, curb, or crosswalk, or any person temporarily removing the same on account of building operations. (Ord. 2002-06)

14-313. SIDEWALK SIGNS. It shall be unlawful for any person to erect any sign or other structure for advertising or other purposes across or upon any street or sidewalk unless the same is eight feet (8') or more above the sidewalk or street: Provided, That no sign larger than three feet (3') by three feet (3') in size shall be constructed without the permission of the governing body first having been secured: Provided further, That all persons or firms desiring to construct signs or other structures weighing more than fifty pounds (50 lbs.) over any sidewalk or upon any building in this city, shall execute to the city a good and sufficient surety bond to hold the city free and harmless from any damage done to person or property, should such sign or structure fall, be blown down, or otherwise be dislocated.

14-314. RIDING VEHICLES ON SIDEWALK. Any person who shall ride or cause to be ridden upon the sidewalks of this city any vehicle bicycles and motorcycles, shall upon conviction thereof be fined not less than one dollar (\$1) nor more than twenty-five (\$25).

14-315. GRADE MARKS, REMOVING OR DEFACING OF LANDMARKS OR GRADE MARKS. It shall be unlawful for any person to willfully and maliciously remove any monument of stone or other durable material created for the purpose of designating the corner or any other point in the boundary of any lot or tract of land or of the city, or deface or alter the marks upon any tree, or other monument made for the purpose of designating any point in such boundary or cut down or remove any trees upon which any such marks shall be made for such purpose, with the intent to destroy such marks, or mutilate, deface, or destroy any permanent street mark or other point indicating mark established by the city, or deface, change, destroy, or injure any sign indicating the name of any of the streets of this city (not affixed to his

own property).

14-316. POSTING BILLS. It shall be unlawful for any person in this city to put up any handbills, advertisements, posters, show bills, or other sign on any building, pole, or property not his own, without permission from the owner thereof.

14-317. AWNINGS. It shall be unlawful to construct or install or cause to be constructed or installed any awning which is supported in whole or in part by posts or other supports set into the sidewalk, street, or parking.

14-318. THROWING IN STREET. It shall be unlawful for any person in this city to throw or bat any ball, stone, or other hard substance into, on, or across any street or alley or in any public place or at or against any building or vehicle or at or toward any person.

14-319. BLOCKING, DIVERTING TRAFFIC OR OTHER USE. The governing body deems it advisable to fully regulate the traffic or use of any paved street within this city, and may block such street or streets, divert or otherwise to control the use thereof by persons, vehicles or other use thereof.
(Ord 750)

14-320. ENCROACHMENTS UPON PUBLIC PROPERTY.

- a) It shall be unlawful for any person to obstruct in any manner any public street, public right-of-way, public highway, alley or sidewalk within the city.
- b) It is unlawful for any person to install, erect, construct, maintain or permit an encroachment structure, in, on, upon, under or over a public street, public highway, public right-of-way, or other public property.
- c) "Encroachment structures" shall include any tower, pole, pole line, pipe, pipe line, sign, poster, billboard, roadside stand, fence or any other object or structure.

(Ord 94-01)

14-321. MAINTENANCE OF UNIMPROVED RIGHT-OF-WAY; UNIMPROVED ALLEYS; AND UTILITY EASEMENTS. The maintenance of any unimproved alley, street right-of-way or utility easement shall be the responsibility of the abutting private property owner from the private property line to the centerline of the unimproved alley, street right-of-way or utility easement. "Maintenance" for purposes of this section shall include the mowing of any grass or weeds and the pruning or removal of any tree, shrub or other vegetative matter. (Ord 98-18)

ARTICLE 4. TREES, SHRUBS, HEDGES

14-401. PERMIT; TREE TRIMMING OR REMOVAL. It shall be unlawful for any person, firm, partnership or corporation to trim or remove any trees or bushes in the public right-of-way without first having obtained a permit from the city clerk of the city authorizing such trimming or removal prior to the commencement of such trimming or removal.
(Ord 872)

14-402. TREES; SHRUBBERY: DESTROYING. It shall be unlawful for any person to willfully injure or destroy any plant, tree or vine, the property of another, standing on or attached to the land of another, or to pick, destroy or carry away therefrom or in any way interfere with any part of the fruit thereof. The mayor may authorize a reasonable trimming of trees for service wires.

14-403. MULBERRY TREES; PLANTING, CUTTING. It shall be unlawful for any person to set out any mulberry tree in the street, parking ground or any public park of this city. Any person convicted of

violating any of the provisions of this section shall be fined not less than five dollars (\$5) nor more than twenty-five (\$25): Provided, That it is hereby made lawful for any property owner to remove from the street parking in front of his property any mulberry trees now growing which bear mulberries.

14-404. HEDGE FENCES: HEIGHT. It shall be unlawful for any person owning or controlling any hedge fence bordering on any street or sidewalk in this city to permit the same to grow to a height of more than three and one-half feet (3 1/2').

14-405. PUBLIC PROPERTY, DEFACING OR INJURING. It shall be unlawful to cut, carve, mark, etch or engrave any character, figure, letter of name upon any building owned, occupied or used by the city, or in any manner mar, deface or injure any trees, shrub, plant, vines, or any other public property, in, on, or around the grounds upon which such building is situated.

ARTICLE 5. RAILROADS

14-501. CROSSINGS, BLOCKING. No person or corporation operating or who may hereafter operate a railroad train into or through this city shall permit any train to remain across any street crossing or sidewalk of this city so as to interfere with the passage of vehicles and pedestrians for a longer period of time than ten (10) minutes. In case it is necessary for such train to remain standing for a longer period, it shall be uncoupled at such crossing and the cars separated so that vehicles and pedestrians may pass.

14-502. RAILROAD GROUNDS, CONDUCT ON. No person shall climb through or upon any car, or engine while the same is in motion, or through or upon any train which has been stopped temporarily, nor shall any person ride upon any engine or car while the same is in motion except regular passengers, railroad employees, and other authorized persons, nor shall any person remove from any railroad car any part thereof or any of the material being transported therein, nor shall any person loiter or loaf in any railway waiting room, or upon any platform for freight loading, and railroad property is hereby declared to be public property for the purpose of the enforcement of this article.

14-503. TRAINS, SPEED OF. It shall be unlawful for any person or corporation to operate a railroad train into or through the city at a rate in excess of fifty-five miles per hour (55 m.p.h.), nor in any manner which is dangerous to public safety.
(Ord 1372)