

CHAPTER 93: STREETS AND SIDEWALKS

Section

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§ 93.01 EXCAVATING AND DIGGING ON PUBLIC RIGHT-OF-WAY.

(A) No person, firm, or corporation shall do or cause to be done any excavating or digging in, along, or across any public street, alley, thoroughfare, or right-of-way, whether paved or unpaved, improved or unimproved, of the city, for any purpose whatsoever, except after first obtaining, after making application thereof, a permit from the Clerk-Treasurer of said city and subject to any limitations, restrictions, and requirements as set forth on said permit and which permit shall only be issued upon satisfaction of requirements as set forth herein.

(B) Any permit may be issued by the Clerk-Treasurer of the city only after any applicant shall first make written application and shall post satisfactory cash or permit bond in an amount to be determined by said Clerk-Treasurer, and being not less than \$1 for each lineal running foot of the route to be transversed by the proposed excavation or tunneling as shall be determined by said Clerk-Treasurer from the sketch, diagram, plat, or drawing as attached to the written application required from the proposed permittee.

(C) Provided that such permit may be issued with said above referred to cash or permit bond posted to guarantee that the applicant shall quickly and in workman like manner replace the surface with the same as or nearly the same as possible, similar material in the same or better condition that such surface was prior to such tunneling or excavation. Further, that should any person, firm, or corporation desire that such replacement of any such excavation be restored and replaced by said city instead of such applicant, then in such event, said city may at its discretion allow permit to be issued accordingly, but provided that the applicant pay in advance, a charge of \$1.50 a lineal running foot for any such access way as may be excavated or tunneled through or under paved or improved right-of-way and \$0.50 for each foot thereof upon or along unimproved right-of-way.

(D) It is further provided that all such excavations shall be done and performed at the least possible width and that all permits must be obtained in advance of any such work and contain sketches, diagrams, plats, or drawings attached to such application as will enable said city to determine the location, width, depth, and lineal footage thereof.

(Prior Code, § IV-1-1)

(E) Any person, firm, or corporation making cuts in pavements, curbs, sidewalks, or excavations in the streets, alleys, or sidewalks of the city by authority of permits issued as aforesaid, shall comply with the following backfill specifications.

(1) The backfill around the one foot over the sewer tile, water pipe, gas line, or conduit shall be carefully placed in six inch layers (loose measurements) and each layer thoroughly tamped with proper tools which will not injure or displace the tile or pipe. The remainder of the trench backfill shall be thoroughly tamped in six inch layers, using suitable materials. If B-Borrow sand is used it also must be thoroughly tamped.

(2) On presently hard-surfaced streets, a minimum of three-inch H.A. Base or Binder is required. If the street has been resurfaced with hot asphalt concrete, the top two inches shall be H.A.C. Concrete to blend with the street in place. On secondary streets, with compacted aggregate base, a minimum of compacted aggregate base will be required with two inches of H.A.C. for a surface. The attached drawing further illustrates the requirements for primary streets and secondary streets and alleys and is hereby incorporated into this section.

(3) The failure of any permit holder to comply with the backfill specifications shall be cause for refusal by the city to issue further permits for work to the applicant.

(4) (a) The permit applicant agrees to be responsible for repair and restoration of any cut, which settles, and which in the opinion of the Street Commissioner requires additional work to repair and/or restore. The Street Commissioner will notify the applicant of his or her decision that the cut needs repair or restoration and the applicant will be given five days after being notified in which to complete the repair or restoration.

(b) If the applicant fails to complete the repair or restoration within five days of being notified by the Street Commissioner, the city may repair or restore the cut themselves and seek reimbursement from the applicant of all costs for material and labor incurred by the city.

(Ord. 15-1964, passed 9-15-1964; Ord. 2001-5, passed 2-12-2001) Penalty, see § 93.99

§ 93.02 DAMAGE TO CITY STREETS.

It shall be unlawful for any person or persons to operate any vehicle, motor or horse drawn, that has wheels or tracks with lugs, cleats, heavy chains, or rough surface that damage the surface of any street or streets, over or upon any street within the corporate limits of the city.

(Prior Code, § IV-1-2) (Ord. 5-49, passed - -1949) Penalty, see § 93.99

§ 93.03 UNOBSTRUCTED SIDEWALKS.

(A) Sidewalks shall remain unobstructed to pedestrian traffic for a distance of six feet from the curb except as provided in division (B) below.

(B) A license or permit may be obtained by businesses or other organizations for use of the six-foot sidewalk area for events by making application to the Clerk-Treasurer. Such application shall describe the purpose of the event, the sponsors and participants thereof, and the duration of the event. Further, application shall show proof of liability insurance in the minimum amount of \$300,000.

(Prior Code, § IV-3-6) (Ord. 85-7, passed 6-10-1985) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any firm, person, or corporation who shall violate any part of § 93.01 or fail to comply with the terms of any right-of-way permit as provided herein, shall forfeit the cash bond or permit bond as posted and in addition for violating any of this section shall, upon conviction for such violation, be fined not less than the sum of \$10 nor more than \$200 plus costs.

(Prior Code, § IV-1-1)

(C) Any person or persons who shall violate any of the provisions of § 93.02 shall, upon conviction, be fined in any sum not exceeding \$100.

(Prior Code, § IV-1-2)

(D) Any person violating § 93.03 shall be guilty of infraction and, upon conviction, be punished by a fine not exceeding \$500.

(Prior Code, § IV-3-6)

(Ord. 5-49, passed - -1949; Ord. 85-7, passed 6-10-1985)