

## **CHAPTER 3 STREETS, SIDEWALKS, & PUBLIC PROPERTY IMPROVEMENTS**

### Excavations

#### **3.101. Permit Required.**

No person, firm or corporation shall make an excavation in any street, alley or public grounds in the City without having obtained a permit from the Clerk-Administrator or such other person as the council may designate.

#### **3.102. Application for Permit.**

Any person desiring to make an excavation in the streets or other public place shall make application to excavate with the Clerk-Administrator. The applicant must attach the appropriate fee with the application before the Clerk-Administrator may issue a permit.

#### **3.103. Fees.**

The following fees shall be paid to the Clerk-Administrator prior to the making of any excavation in the City.

Bituminous streets, new water or sewer line	\$275.00
Bituminous streets, repair of water or sewer line	\$275.00
Gravel streets, any excavation	\$ 50.00

#### **3.104. Exceptions.**

- (1) Any excavations in Division Street will be made under the direction of the state highway department.
- (2) All soil cement streets, which require excavation, will be opened by an air hammer.

#### **3.105. Penalty.**

Any person violating any provision of sections 3.101 to 3.104 shall be guilty of a misdemeanor. In addition to any penalty assessed, any individual convicted of a violation of sections 3.101 to 3.104 shall pay all the required fees for excavation.

### Snow and Ice Removal

#### **3.201. Snow and Ice to be Removed.**

No owner or occupant of any property in front of which, or adjacent to which, a sidewalk has been constructed for the use of the public, shall allow any accumulation of snow or ice to remain upon the sidewalk later than 12 o'clock noon the day after the snow or ice has ceased to fall thereon. All snow or ice not removed as provided herein shall constitute a public nuisance.

#### **3.202. Removal by City.**

Any snow or ice, which is not removed in accordance with section 3.201., may be removed by the City at the expense of the owner or occupant of the adjoining property. The officer or employee in charge of such removal work shall keep a record of the cost of such work done opposite each

parcel of land.

**3.203. Recovering Costs of Removal by City.**

The cost of such removal may be recovered by the council, at its discretion either by (1) a civil suit against the owner or occupant of the adjacent property, or by (2) extending the cost of such as a special tax against the abutting property, which tax shall be certified to the county auditor for collection.

**3.204. Penalty.**

Any person violating any provisions of section 3.201. to section 3.203. shall be guilty of a misdemeanor.

Construction and Reconstruction  
of Roadway Surfacing, Sidewalks, Curbs, & Gutters

**3.301. Methods of Procedure.**

Abutting or affected property owners may contract for, constructing or reconstructing roadway surfacing, sidewalks or curbs and/or gutters in accordance with this Chapter, if approval is received and a payment arrangement is made through the Clerk-Administrator in accordance to guidelines established and/or references made for these procedures in this Chapter.

**3.302. Permit required.**

It is a misdemeanor to construct, reconstruct or remove a sidewalk, curb and/or gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the Clerk-Administrator.

Each application will be referred to the City Maintenance Supervisor who must approve the application before a permit is issued. Applications for such permits shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, date of beginning of work and the length of time required to complete the same. There is no cost for this permit because the City Council sees it as a management tool.

All such applications shall contain all agreement by the applicant to be bound by this Chapter with plans and specifications consistent with this Chapter established by the City. A permit from the City shall not relieve the holder from damages to the person and/or property of another caused by such work.

**3.303. Specifications and Standards.**

All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards established by the City and on file in the office of the Clerk-Administrator. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

**3.304. Inspection.**

The Maintenance Supervisor shall inspect all improvements. Any work in progress may be stopped if found to be unsatisfactory or not in accordance with the specifications and standards. Furthermore, any completed work not done according to all applicable specifications and standards shall be removed and corrected on the expense of the permit holder.

**3.305. Sidewalk Maintenance and Repair.**

- (1 ) Primary Responsibility. It is the primary responsibility of the owner of property, which is abutting any sidewalk, to keep and maintain such sidewalk in safe and serviceable condition.
- (2) Construction, Reconstruction and Repair. All construction, reconstruction or repair of sidewalks shall be done in strict accordance with specifications on file in the office of the Clerk-Administrator.
- (3) Notice - No Emergency. From the results of the annual sidewalk inspection, the Maintenance Supervisor will form a list of sidewalk sections that require repair or reconstruction. The owner of the abutting property in each case will be notified of the work that needs to be done. A timetable for repair will be worked out with the Maintenance Supervisor. A payment plan shall be arranged with the Clerk-Administrator. Besides verbal notification, a letter shall be mailed to the owner of record to confirm the work that needs to be done.
- (4) Notice –Emergency. When damage is found in a sidewalk section that constitutes an "emergency", in the opinion of the Maintenance Supervisor, the owner of the abutting property will be notified of the required repair or reconstruction. Such notice shall require completion of the work within fourteen (14) days. Besides verbal notification, a letter shall be mailed to the owner of record to confirm the work that needs to be done.
- (5) Failure of Owner to Make Repairs. If the owner of the abutting property fails to make repairs or accomplish reconstruction as required, the Maintenance Supervisor shall report such failure to the Clerk-Administrator who will bring the matter to the City Council. The City Council shall assess the matter for resolution. If necessary, the Council may order such work to be done under its direction and the cost assessed to the abutting property owner as any other special assessment.