

CHAPTER 3

PUBLIC WORKS

ARTICLE V. STREET DEPARTMENT, STREETS, SIDEWALKS AND PUBLIC PLACES

Sec. 3-500. STREET COMMISSIONER.

The street commissioner shall have the responsibility for the maintenance, repair and improvement of the City streets, sidewalks and public places, and all other City property pertaining thereto, subject to the orders and ordinances of the City Council.

Sec. 3-501. BOUNDS OF PUBLIC PROPERTY GIVEN BEFORE CONSTRUCTION.

No person shall erect any fence, building or other permanent structure, or set in the ground any post, stone, marker, shrub, tree or other thing indicating possession or ownership under claim of right, nor excavate, fill or in any way alter the surface of land immediately adjoining any street or municipal land, without first having ascertained the bounds and grade of the same by application to the public works director, and conformable to such bounds and grade.

Sec. 3-502. PERMIT TO DIG OR OBSTRUCT PUBLIC WAY.

No person shall break or dig up the ground or pavement in a street or public place or erect thereon, or in dangerous or inconvenient proximity thereto, a staging or other device for building, or place or deposit thereon stone, earth, sand, brick, lumber or other materials, without first obtaining a written permit from the commissioner of public works and complying in all respects with the conditions of such permit. Upon the expiration of such permit, the person so permitted shall, within a reasonable time, restore and repair such street or public place to the satisfaction and acceptance of the street commissioner.

Sec. 3-502.1. EXCAVATIONS.

Resurfacing (bituminous concrete, portland cement concrete): Defects and Fee

(a) Unless otherwise stipulated in the permit, all pavement resurfacing after excavation shall be done by the permittee(s) including all necessary placement of temporary pavement. If performed by City, such work will be done at permittee(s)'s expense and paid in advance based on estimated costs.

(b) The permittee(s) shall remedy any defects due to faulty materials or workmanship and pay for any damage(s) resulting therefrom which shall appear within a period of one year from the date of completion as indicated on the Access Permit and subsection (c), and in accordance with the terms of the permit.

(c) For the purposes of this section, date of completion is the date upon which permanent pavement resurfacing is finished and accepted by the Director of Public Works, whether such resurfacing is undertaken by the Street Department or by the permittee(s) pursuant to stipulations in the permit.

(d) For excavations which involve bituminous concrete pavement and take place within the traveled portion of a roadway including the parking lane and sidewalk, the permittee(s) shall pay to the City a fee of \$50.00 per square yard. Payment of said fee shall be based upon a measurement by the Director of Public Works of the actual limits of the excavated area. The permittee shall pay to the City a fee based upon an estimated square yardage upon receipt of the permit and said fee shall be adjusted when the measurement as defined above is conducted.

(e) Fees collected by City as defined in subsection (d) shall be used by City to supplement City funds and expended for the resurfacing of streets in accordance with the Municipal Capital Improvement Program. Excavation Permit fees may be held by City for an indefinite period of time or until such time as they may be needed for resurfacing projects.

Sec. 3-502.2. OBSTRUCTIONS.

The permit fee for the obstruction of a public street, road, place or way including sidewalks as described in Sec. 3-502 shall be fifteen dollars (\$15.00) per day that the obstruction exists.

Sec. 3-503. TYPE OF BARRIER AND LIGHTS.

Whenever a street or public place shall, under a permit granted as provided in the preceding section, be broken, dug up, obstructed, encumbered or otherwise thereby rendered unsafe or inconvenient for travel, the person so permitted shall put and at all times maintain a suitable railing, fence, or other sufficient guard or barrier around such section of the street or public place, so long as the same shall be unsafe or inconvenient as aforesaid; and shall also, throughout every night from one hour after sunset to one hour before sunrise, cause such railing, fence or other guard or barrier to be sufficiently illuminated so as to give warning of the presence thereof.

Sec. 3-504. DRAIN SPOUT OR PIPE OUTLET ONTO PUBLIC WAY.

No person shall place, construct, maintain or use any eaves-trough, spout, pipe, channel or conductor of water upon any building or upon any parcel of land in such manner that water flowing therefrom may flow or come or form ice on a street or public place.

Sec. 3-505. ICE OR SNOW FALLING ONTO PUBLIC WAY.

A person owning or having charge of a building or other structure from which snow, ice, or water falls, or is likely to fall, upon a street or public place, shall put and maintain thereon such guards or devices as will prevent snow, ice, or water from so falling therefrom.

Sec. 3-606. PLACING ICE OR SNOW ONTO PUBLIC WAY.

No person, partnership or corporation shall throw, shovel, propel, deposit or cause to be thrown, shoveled, propelled or deposited, snow or ice from private property into the streets or public sidewalks.

Sec. 3-507. REMOVAL OF ICE AND SNOW ON PUBLIC WAY PLACED THEREFROM PRIVATE PROPERTY.

If now or ice is thrown, shoveled, propelled or deposited on the street or public sidewalk from private property, the street commissioner shall remove such snow and ice at the expense and charge of the abutting property owner or tenant, which expense and charge may be recovered with full costs, in an action of contract in the name and behalf of the city, and the person, partnership, or corporation causing such snow or ice to be thrown, shoveled, propelled or deposited from private property onto the street or public sidewalk shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Sec. 3-508. STREET COMMISSIONER NOTIFIED.

The chief of police shall promptly notify the street commissioner of any violation of the provisions of this ordinance.

Sec. 3-509. WETTING STREET.

No person shall wet down a street or public place, or use water in such a way that it shall come thereon, at any time when water is likely to freeze.

Sec. 3-510. DRAINAGE.

No person shall excavate, fill, divert, pipe, channel, or in any manner change, or obstruct existing drainage or any natural water course on public lands or private property without first obtaining permission from the public works director.

Sec. 3-511. METAL TIRES AND TRACKS.

No person shall operate any motorized vehicle or equipment upon a paved street, having metal wheels, cleats, or tracks; with the exception of municipal employees in the performance of official duties.

Sec's. 3-512 to 3-599. Reserved.

CHARTER REFERENCE: Power to take land for highways, T.3, Sec. 17 (XLI); Power to regulate use of streets by utilities, T.3, Sec. 17 (XLII); Power to regulate digging, etc., in public way, T.3, Sec. 16; Power to compel removal of ice, snow, dirt and garbage from sidewalks and gutters, T.3, Sec. 17 (XXIII), 1955 Charter.

Enacted November 25, 1970.

Amendment enacted December 13, 1972 ["city engineer" changed to "public works director" in Sections 3-501 and 3-510].

Amendment enacted May 26, 1982 [Sec. 3-502 rewritten]. Date of Publication: 6/9/82. Effective Date: 6/16/82.

Amendment enacted April 9, 1985 [Sec. 3-502, rates increased]. Date of Publication: 4/15/85. Effective Date: 4/22/85.

Amendment enacted June 13, 1990 [Sec. 3-502, rate increased]. Date of Publication: 6/21/90. Effective Date: 6/27/90.

Amendment enacted May 13, 1992 [Sec. 3-502 rewritten; Sec. 3-502.1 added]. Date of Publication: 5/26/92. Effective Date: 6/01/92.