

CHAPTER 2

**STREET, SIDEWALK, CURB AND GUTTER
CONSTRUCTION AND REPAIR**

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7-2-1: **REPAIR AND REPLACEMENT:**

- A. **Damage:** When any citizen, contractor or person damages the sidewalks, curbs or gutters of the City, that individual or person shall repair and/or replace the same within a reasonable time at their own cost pursuant to specifications as herein set forth. Any expenses incurred by the City in providing specifications or inspecting the same shall also be paid. If the City damages any sidewalks, curbs or gutters, the same shall be repaired and/or replaced within a reasonable amount of time at no cost to the property owners.
- B. **Age and General Wear:** Each year the City shall select certain sidewalks, curbs, or gutters for replacement and/or repair when the same have deteriorated due to age and general wear and tear and how and when such repairs or replacements will occur.
 - i. If a property owner requests a sidewalk repair that is not selected by the City, the City may choose to participate in the repair. In such cases, the City may participate up to 50% of the cost. (OM 012-2005 11/09/05)
- C. **Specifications:** The City, through its engineering or building department, and/or its retention of outside engineering consultants, shall provide specifications for sidewalks, curbs and gutters, inspection for such construction and replacement or repair and approval thereof.

- D. Indigence: If any citizen of the City is found to be in such financial circumstances that he or she cannot pay one-half (½) of replacement or repair, then the City, by City Council resolution, may waive the collection of said monies. Factors to be considered by the City Council in making such determinations shall include, but not be limited to, eligibility for housing assistance, income, assets, ability to earn income, etc. (Ord. 11-352D, 10-11-1978)

7-2-2: **PERMIT REQUIRED; INSPECTION:**

- A. Required: No person, either as owner, agent, contractor or employee, shall construct any permanent sidewalk for public use without first obtaining from the City Recorder a permit to do so. The permit shall specify that the sidewalk be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the sidewalk.
- B. Unlawful Violation of Specifications: It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper City official.
- C. Inspection: All sidewalks shall be inspected by the Public Works Director or his duly authorized representative. (1977 Code § 11-352; 1998 Code)

7-2-3: **CONFORM TO ESTABLISHED SPECIFICATIONS:** It shall be unlawful for any person either as owner, agent, contractor or employee to construct a street or sidewalk which does not conform to specifications established by the City Engineer or other authorized representative of the City unless special permission to deviate from such specification is first obtained from the City Council. (1977 Code § 11-351)

7-2-4: **CHANGING EXISTING CONSTRUCTION:** It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb or gutter without first making written application and obtaining from the City Recorder a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the City. (1977 Code § 11-353)

7-2-5: **BUILDING MATERIALS IN STREET; PERMIT:** It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the City Council a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions. Such permit shall expire when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City Council, the public interest requires such revocation. (1977 Code § 11-354)

7-2-6: **MIXING CONCRETE ON PAVED STREETS OR SIDEWALKS; PERMIT:** Unless a permit from the Public Works Director is obtained, it shall be unlawful to:

- A. Place, Pile or Permit: Place or pile or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.
- B. Make, Mix or Permit: Make, mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk. (1977 Code § 11-355)

7-2-7: **OVERFLOWING OF WATER:** It shall be unlawful for any person to allow to overflow from any ditch, canal, well, sprinkling system or irrigation stream onto the streets, sidewalks or property of the City. (1977 Code § 11-356; 1998 Code)

7-2-8: **IRRIGATION DITCHES:** All owners or occupants of lots in the City who require water from a ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the Public Works Director. (1977 Code § 11-357; 1998 Code)

7-2-9: **REMOVAL OR EARTH; PERMIT:** No person shall dig, cut or remove any sod or earth from any street or other public place without a permit from the Public Works Director. (1977 Code § 11-358; 1998 Code)