

TITLE TEN - STREETS AND SIDEWALKS

CHAPTER 1 - IMPROVEMENTS, EXCAVATIONS, ALTERATIONS

10-1-010. Control - Supervision.

All maintenance and upkeep in or on public streets, sidewalks, or other public ways shall be under the supervision and control of the public works director.

10-1-020. Responsibilities.

The public works director shall have the following responsibilities with respect to streets and sidewalks:

- A. Enforce provisions of this chapter and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks, and other public ways.
- B. Inspect the construction and have charge of maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways, and other public ways.
- C. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace, or take such action as deemed best in order to protect the public from injuries due to such defects, and shall record the action taken on each complaint.

10-1-030. Permits required.

- A. No person, firm, partnership, corporation, or entity of any kind shall open up, break, dig, excavate, construct, reconstruct, repair, alter a grade in or upon any public street, sidewalk, curb, curb cut, driveway, or gutter for any purpose or in any manner commence any construction in or upon any public street or sidewalk without first procuring from the city engineer a permit for the specific construction or other work to be undertaken.
- B. Any person, firm, partnership, corporation, or entity of any kind desiring to obtain a permit to construct, reconstruct, repair, alter, or grade any sidewalk, curb, curb cut, driveway, gutter, or street on the public streets of this city shall meet the following requirements in order to obtain said permit, provided, however, that city crews, engaged in any of the above activities while employed by the city, shall be exempt from the permit required herein:
 - 1. Provide the name and address of the party obtaining the permit;
 - 2. Provide the name and address of the party doing the work;
 - 3. Provide the location of the work area;

4. Attach a plan showing the details of the proposed alteration;
5. Provide the estimated cost of the alteration;
- (Ord. No. 2-13-96 – Section 10-1-030(B)(6))
6. Provide a bond in the amount of 125 percent of the City's estimate of the cost of the project;
7. Have the party performing the work pre-qualify, using the forms provided by the city as they may from time to time be changed;
8. Pay a filing fee for the permit to cover the actual expenses incurred by the city in inspecting the work and insuring compliance with the permit, the plans, and any applicable laws, such as the building code, fire code, etc, including compliance with standards to be established by the city in order to insure safe and quality construction;
9. Provide proof of insurance in the minimum amounts set from time to time by the City Council;
10. Contact "Blue Stakes" and comply with their requirements.

C. It is unlawful for any person having made an excavation in any street or sidewalk, whether by permit or otherwise, to fail, neglect or refuse to restore or replace said street or sidewalk to its normal condition. The replacement of any street or sidewalk must be made to the specification of the city as determined by the public works director or other authorized person. Any restoration or replacement shall be completed within five days of notice from the City to do so.

10-1-040. Barricades.

It is unlawful for any person, by or for whom any excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, together with the dirt, gravel or other material thrown therefrom, and to maintain such barricade during the whole time for which such excavation, construction, reconstruction, repair, or alterations is made in a public street or sidewalk, continues. It is unlawful for any person to fail to have lighted lanterns or some other proper and sufficient lights fixed to parts of such barricade, or in some other proper manner over or near the excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, and over and near the dirt, gravel or other material taken therefrom, and so kept from the beginning of twilight through the whole of every night during all time such excavation, construction, reconstruction, repair, or alteration in a public street or sidewalk is ongoing. It is unlawful for any person maliciously or wantonly and without legal cause, to extinguish,

remove or diminish said lights or to tear down or remove any rail, fence or barricade fixed in accordance with the provisions of this section.

10-1-050. Violation - Penalty.

Any person found to be in violation of any of the provisions of this chapter is guilty of an infraction.

CHAPTER 2 - OBSTRUCTIONS

10-2-010. Obstructions Unlawful.

It is unlawful for any person to place or allow any obstruction in, on, or near any street or sidewalk, or other public way.

10-2-020. Sign Restrictions.

No sign, advertisement, or similar object is permitted on, in, or overhanging any street, sidewalk, public property or right of way, nor upon any public structure.

10-2-030. Remedies.

If a person violates the provisions of section 10.2.020, the chief of police or any police officer may:

1. Remove such sign, advertisement, or similar object;
2. Require such person to remove the same;
3. Give written notice to such person to remove such sign, advertisement, or similar object by personal service or by mailing notice to such person by certified mail, return receipt requested, to his/her last known address. If such sign, advertisement, or similar object is not removed within ten (10) days after notice is complete, the city may remove the same at the expense of such person and recover in a civil proceeding the cost and expenses of such action, including attorneys fees, which remedy is in addition to any criminal penalties which may be imposed.

10-2-040. Exceptions.

Nothing in this chapter shall be construed to make unlawful the setting out of rubbish, branches, garbage, and light materials at such times, and in such places, and such manners as the City Council may designate pursuant to public interest projects such as cleanup day or city beautification projects; provided that such materials may not be placed or allowed to accumulate or remain on the streets, alleys, sidewalks, public ways, or other public property of the city at any time, in any place or any manner other than as determined by resolution of the City Council.

10-2-050. Violation - Penalty.

The person found in violation of this chapter is guilty of an infraction.

CHAPTER 3 - SIDEWALK INSTALLATION

10-3-010. Installation.

- A. All subdivision plats and commercial site plans shall provide curb, gutter, and sidewalk throughout the subdivision or site plan in accordance with the City Construction and Development Standards. (Ordinance #11-07-18)
- B. In the event of a residential dwelling being built on a lot that has no curb, gutter, sidewalk, sidewalk shall be installed along the full frontage of the property or if either of the adjoining properties have existing curb and gutter the property owner shall be required to install curb and gutter and connect to any existing curb and gutter on either end of the property. In the event of residential remodeling involving living space where there is no existing curb, gutter, sidewalk, or asphalt connecting the curb and gutter to existing asphalt, the property owner shall be required to provide sidewalk along the full frontage of the property, plus asphalt from existing street asphalt to the driveway, for the entire width of the driveway, if the cost of remodeling \$25,000.00 or greater. If the cost of remodeling is \$65,000.00 or greater and either of the adjoining properties have existing curb and gutter the property owner shall be required to install curb and gutter and connect to any existing curb and gutter on either end of the property, and provide asphalt, tying the new curb and gutter to existing asphalt. (Ord. No. 8-13-96) (Ord. No. 12-1-99) (Ord. No. 4-18-01) (Ordinance 8-06-08-C) (Ordinance #11-07-18)
- C. Corner lots must provide curb, gutter, and sidewalk along the full frontage on both sides street, unless the council has granted a waiver. (Ordinance #11-07-18)
- D. All new construction of an industrial and commercial business shall provide curb, gutter, and sidewalk along the frontage of their property in accordance with the City Construction and Development Standards. In the event of commercial or industrial remodeling with an expansion of working space or having a cost greater than \$30,000.00, where there is no existing sidewalk, curb, or gutter, the property owner shall be required to provide curb, gutter, and sidewalk along the entire property frontage (including all sides of corner lots.) Agricultural processing plants, slaughter houses, green houses, veterinary clinics, and similar non-traditional agricultural businesses shall also provide curb, gutter, and sidewalk along the frontage of their property in accordance with the City Construction and Development Standards. Traditional agricultural uses are not required to install curb, gutter, and sidewalk if they are located in the A-1 Agricultural Zone (ordinance 71917B) (Ordinance #11-07-18)

10-3-020. Standards.

Curb, gutter, and sidewalk installation required by this chapter shall be in compliance with the specifications and standards set forth in the Salem City Construction and Development Standards.

10-3-030. Survey.

The contractor is to obtain and pay for a survey for the grade and location of the sidewalk, which grade and location must meet the approval of the city.

10-3-040. Bond.

A performance bond in an amount sufficient to cover the cost of curb, gutter, sidewalk, and asphalt, where those improvements are required by §10-3-010, in an amount to be determined in the sole discretion of the Public Works Director, is to be posted by the contractor or by the property owner. This bond is to be valid for a period of one year. When the curb, gutter, sidewalk and/or asphalt are completed within one year, to the satisfaction of the City, the bond may be released. In the event of inclement weather, the time for completion may be extended by the approval of the Council and with an extension of the bond. Any extension for completion may not exceed three months. (Ord. No. 7-25-95C – Section 10-3-040) (Ord. No. 8-16-96 – Section 10-3-040) (Ord. no. 12-1-99 – Section 10-3-040)

10-3-050. Violation-Penalty

- A. Any person found to be in violation of any of the provisions in this chapter is guilty of an infraction.

- B. In addition to any Police Officer, the City Public Works Director is authorized to issue citations for any violation of this chapter, but not for violation of any other chapter. (Ord. No. 11-17-04)**

CHAPTER 4 – COMMERCIAL LANDSCAPING

10-4-010. Landscaping Required

All commercial establishments shall provide landscaping in accordance with this chapter. For all new buildings, the landscaping shall be installed prior to receiving a certificate of occupancy, unless occupancy is desired between October 1st and April 15th, then a cash bond in the amount of seven cents per square foot of total site area may be posted to guarantee the completion of the landscaping by May 31st following occupancy.

10-04-020. Plans

Landscape plans shall be submitted with a site plan for every commercial establishment. The landscape plan shall be submitted showing natural landscape with low water usage plants, shrubs, grasses, trees, and/or other approved landscape materials. The plans shall be consistent with this chapter. The plan will be approved by the Development Review Committee and the Planning and Zoning Commission. The approved plan shall be followed in order to obtain a certificate of occupancy.

10-04-030. Requirements

- a. The minimum setback requirements for the various zones shall be landscaped. Where overhead electric, communication, or telecommunication distribution lines are existing on public rights of way, appropriate landscape elements shall be chosen to minimize conflict with said lines.
- b. The frontages on arterial streets or state highways shall be planted with trees. Thirty foot intervals are recommended. The approved trees include Shade Master honey Locust, Sunburst Honey Locust, Little Leaf Linden, and Norway Maple. Other trees maybe approved by the Planning and Zoning Commission. All trees shall be one and one half inch caliper measured three feet from the ground. Frontages along SR-198 shall include a sidewalk and six foot minimum planter strip where feasible.
- c. Side yard setback areas that are open to view form public areas or residential properties need not have trees but should provide an aesthetic appearance using natural and low water usage plants, shrubs, and/or other approved landscape materials. Trees, may be used if desired.
- d. All landscaping shall include an automatic sprinkler system timed to provide no more water than what is needed for the type of foliage used in the landscaping.

10-4-040. Parking

No parking is allowed in the setback areas where landscaping is required.

10-4-050. Exceptions

The Planning and Zoning Commission may grant exceptions to the requirements of this chapter for existing structures where the setbacks, or existing sidewalks or other barriers physically make the requirements of this chapter impossible or very difficult. To the extent permitted by the layout, any exceptions should include some landscaping requirements. (Ord. No. 10-1-03)