

# Title 12

## Streets, Sidewalks, and Public Places

Chapters:

12.04	Excavations .....	12 - 1
12.08	Obstructions.....	12 - 3
12.12	Park Regulations .....	12 - 4
12.16	Snow Removal.....	12 - 6

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<b>Chapter 12.04 - Excavations .....</b>	<b>12 - 1</b>
12.04.010 Permit Required .....	12 - 1
12.04.020 Compaction and Repair .....	12 - 1
12.04.030 Security Deposit .....	12 - 1
12.04.040 Damage Liability .....	12 - 1
12.04.050 Safety Requirements .....	12 - 2
12.04.060 Violation .....	12 - 2
<b>Chapter 12.08 - Obstructions.....</b>	<b>12 - 3</b>
12.08.010 Obstructing Streets and Sidewalks Prohibited .....	12 - 3
12.08.020 Violation .....	12 - 3
<b>Chapter 12.12 - Park Regulations.....</b>	<b>12 - 4</b>
12.12.010 Prohibited Acts .....	12 - 4
12.12.015 Special Regulations - Wadman Nature Park .....	12 - 4
12.12.020 Applicability .....	12 - 5
12.12.030 Violations .....	12 - 5
<b>Chapter 12.16 - Snow Removal .....</b>	<b>12 - 6</b>
12.16.010 General .....	12 - 6
12.16.020 Discharge and Penalty.....	12 - 6

## Chapter 12.04 - Excavations

**12.04.010 Permit Required.** The city council shall have control over all excavations made in the streets of the city by private person, firms, corporations, business entities, or public utilities, for any purpose. No such person or party shall make any excavation for any purpose in any street in the city without first obtaining a permit therefor from the city recorder of the city, or his/her authorized representative, and in doing the work of excavation such person or party shall conform to all rules and regulations prescribed by the city council and ordinances of the city. (Ord. dated 12/27/77) §1(part): prior code §26-1-1)

**12.04.020 Compaction and Repair.** Any cut or excavation in a street in the city shall be mechanically compacted and repaired as required by the city and within a time limit set by the city. The person or parties making the cut or excavation shall repair the cut or excavation and maintain the road in a good, usable condition until such time as a permanent repair is made. Any person or parties making any such cut or excavation shall be responsible for the repair of the cut or excavation for a period of one year after it is made and shall be required to replace, repair or otherwise insure that the repair remains in good condition for a period of one year after it is made. (Ord. dated 12/27/77) §1 (part): prior code §26-1-2)

**12.04.030 Security Deposit.** A bond approved by the city council shall be posted in double the sum as may be required to insure payment of the repair and replacement of the road in its original condition and the cost of inspection. In the event the person or parties making the cut in the street fail to repair the street within the time prescribed on the written permission issued by the city recorder, the surety on the bond shall be required to pay the amount of the bond to the city for the repair of the street and the cost of inspection. Any moneys left over after paying the expenses shall be returned to the bonding company or sureties. The city may proceed in any court of competent jurisdiction to enforce compliance with provisions of this section and may collect any sums over and above the amount of the bond posted which are required for the inspection, compaction, and/or repairing of the street surface, including reasonable attorney's fees for the maintenance of the action. (Ord. dated 12/27/77 §1(part): prior code §26-1-3)

**12.04.040 Damage Liability.**

A. That any person or party applying for and obtaining a permit to excavate in any street of the city, shall hold the city harmless for any and all damage that it may sustain by reason of any defect or neglect in making such excavation, or failure to refill such excavation and place the street in the same condition as before making such excavation.

B. This chapter shall not be construed as imposing upon the city any liability or responsibility for damages resulting from failure of any excavator to comply with the requirements of this chapter, nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized under this chapter. (Ord. dated 12/27/77 §1(part): prior code §26-1-4)

**12.04.050 Safety Requirements.** The excavator shall, at all times, do such work in such manner as to guarantee safety of all persons using the street. The excavator shall be required to maintain a flasher barricade at the site of the excavation so as to warn and protect motorists from any cuts or dangerous conditions created by the excavation. (Ord. dated 12/27/77 §1(part): prior code §26-1-5)

**12.04.060 Violation.** Any person convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor, and shall be punishable as provided by law. (Ord. dated 12/27/77 §1(part): prior code §26-1-6)

## Chapter 12.08 - Obstructions

**12.08.010 Obstructing Streets and Sidewalks Prohibited.** It is unlawful for any person, corporation, or organization to park, place, or exhibit any automobile, trailer, fruit stand or any merchandise of any nature or kind upon the right-of-way of the public highway or streets within the corporate limits of the city, if the same are parked or placed on such streets for the purpose of sale or exhibiting the merchandise or vehicle to attract a buyer, or buyers. It shall be the duty of the city police officers and building inspector to investigate and determine if there are any violations and require that this chapter is complied with. (Ord. I-1962 §1, 1962: prior code §26-2-1)

**12.08.020 Violation.** Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Amended during 1988 codification; Ord. I-1962 §2, 1962: prior code §26-2-2)

## Chapter 12.12 - Park Regulations

### 12.12.010 Prohibited Acts. It is unlawful for any person:

A. To ride or operate any vehicle, or any bicycle, or similar device, or any horse or animal in or about any park within the corporate limits of the city, except upon roadways lawfully established for that purpose, or to play or practice golf or similar games on any such park;

B. To park or stop any trailer at any place within a park except for such a time as may be reasonably required to unload any property from the trailer;

C. To sleep at any place in any park except as authorized by city officials;

D. To hitch or fasten any horse or other animal to any tree, shrub, fountain, monument, lamp post, or any other ornament or improvement situated in any park, other than designated hitching rails;

E. To allow any animal under his/her control to stand near enough to any tree or shrub to bite, rub against, or otherwise injure the same;

F. To wilfully deface or injure any grass, plant, tree or shrub within any park;

G. To use threatening, abusive, insulting or indecent language in any park, or to create any nuisance or offense or to scratch, cut, injure, or deface, or write upon, any of the buildings, fences, or structures, or to foul any of the fountains, streams, or improvements within such parks, or for the owner or person in charge of any dog, or other animal to permit such dog, or other animal, to run at large within such park;

H. To hold any meeting, gathering or picnic, musical, theatrical or other entertainment in any park without first having obtained permission for the same from the mayor or city council;

I. To fire or discharge any firearm, firecracker, fireworks, or explosives within any park without first having obtained the permission for the same from the mayor or city council;

J. To litter any park, or to leave or deposit any garbage, junk, or refuse of any kind, other than in receptacles provided for that purpose.

(Ord. 87-2 (CC §8-47(1)), 1987)

### 12.12.015 Special Regulations – Wadman Nature Park. The following special regulations apply to Wadman Nature Park:

A. Park patrons shall stay on the improved trails and paths, so as to not tread on or disturb the delineated wetland area. Special exceptions may be granted by the city administrator, or his/her designee, for maintenance of or improvements/enhancements to the park. Any authorized activity in the delineated wetland area shall comply with the requirements of the wetland mitigation permit.

B. Park trails and paths are for pedestrian purposes only. No horses or pack animals or wheeled means of transportation, motorized or not, are allowed (except for child strollers and mobility devices for disabled persons).

C. Park hour: The park trails shall be open to the public on a daily basis from dawn to dusk. (Ord. 2010-20, dated 9/28/10)

**12.12.020 Applicability.** The provisions of this section shall not be applicable to any public officer or employee, nor to any officer or employee of any school or church, while such officer or employee is acting within the scope of his/her employment or position. (Ord. 87-2 (CC §8-47(2)), 1987)

**12.12.030 Violations.** Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and shall be punished as provided by law. (Ord. 87-2 (CC. §8-47(3)), 1987)

## Chapter 12.16 - Snow Removal.

### 12.16.010 General.

A. It is unlawful for any person, firm or corporation, owning, having charge of, having control of, or occupying any property, building, or lot, or part of lot, land or real estate of any kind abutting on any public street in the city to fail, neglect, or refuse to remove promptly, and effectually, all snow and ice from the sidewalk in front of such property. In case of any such failure, refusal, or neglect, the public works director of the city may cause the removal of such snow and/or ice and charge the cost thereof to the person so owning, having charge, having control of, or occupying such property.

B. Any person violating any provision of this section is guilty of a class C misdemeanor and upon conviction shall be punished according to law. (Ord. 93-4, 2/9/93)

### 12.16.020 Discharge and Penalty.

A. It is unlawful for any person owning, occupying or having control of any premises to suffers cause or permit water, snow or ice which has accumulated on such premises, regardless of the source, to be discharged upon the sidewalk or street(s) abutting such premises.

B. Any person violating any provision of this section is guilty of a class C misdemeanor and upon conviction shall be punished according to law. (Ord. 93-4, 2/9/93)