

CHAPTER 13

Streets and Sidewalks

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ARTICLE I

In General

Sec. 13-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

City Engineer. The person or firm designated from time to time by the City Council to perform technical engineering services.

Sidewalk. That portion of the street which is set aside for the use of pedestrians and which has been surfaced with cement, stone or other material approved by the City Council.

Street. The entire width of every dedicated public way, and shall include the traveled portion thereof known as the roadway, the curb and gutter, the portion between the property line and the roadway known as the parking and the portion used for sidewalks. The term *street* shall also include an alley.

(Ord. 8 §1, 2006)

Sec. 13-2. Street names.

The names of all streets within the City shall be as shown upon the map of the street system adopted by the City on December 18, 1953 and on file in the office of the City Clerk and all annexation plats filed thereafter.

(Ord. 8 §1, 2006)

Sec. 13-3. Street grades.

The grades of all streets and sidewalks shall be as heretofore established by ordinance. Where such grades have not been established by ordinance, the City Engineer shall establish the grades and lines of all streets, sidewalks, curbs and gutters.

(Ord. 8 §1, 2006)

Sec. 13-4. Sidewalk snow and ice removal.

No owner, manager, agent or occupant of real property within the City shall allow snow or ice to accumulate on public sidewalks abutting their property, and they shall have joint and several responsibilities for the removal of all such snow and ice, such removal to be accomplished within twenty-four (24) hours of the accumulation of any snow-fall. It shall not be an affirmative defense to a charge of violating this Section that the business is closed or the property is vacant.

(Ord. 8 §1, 2006)

Sec. 13-5. Sidewalks to be kept clean.

It is unlawful for any owner or occupant of any lot, block or parcel of ground within the City, or for any agent in charge of such property, to allow or permit dirt, sand, gravel, rocks, ice or any other manner of litter or debris to accumulate or remain upon any sidewalk alongside such property. It shall not be an affirmative defense to a charge of violating this Section that the business is closed or the property is vacant.

(Ord. 8 §1, 2006)

Sec. 13-6. Numbering buildings.

(A) Generally. The decimal system of numbering houses and buildings is hereby adopted and shall be used for numbering all buildings. All even numbers shall be placed on the north or east side of the roadway, as appropriate. All odd numbers shall be placed on the south or west side of the roadway, as appropriate. Two (2) numbers shall be allotted to each platted lot.

(B) Owner responsibility. It is hereby made the duty of every owner or agent in charge of any building within the City to number such building in accordance with the number assigned to it, in distinctly legible numbers at least three (3) inches in height.

(Ord. 8 §1, 2006)

Sec. 13-7. Trees to be kept trimmed; performance of work by City.

It shall be the duty of the owner of any property to keep trees trimmed so that branches or limbs which extend over any sidewalk shall be at least seven (7) feet above the surface of the sidewalks. It shall also be the duty of the owner of any property to remove any dead tree or dead overhanging limb which is dangerous to life or property and which is located on the premises of such owner. If, after receipt of a written notice from the Public Works Department to trim or remove such tree or limb, the owner fails to comply therewith within such reasonable time as may be specified in the notice, the Public Works Department shall trim or remove such tree or limb, or cause the same to be done, at the expense of the owner and such expenses may be recovered in any manner available to the City.
(Ord. 8 §1, 2006)

Sec. 13-8. Retaining walls.

(A) The maintenance, repair and replacement of all retaining walls existing on, abutting or adjacent to City streets and rights-of-way shall be the obligation of the owners of the property abutting such streets and rights-of-way.

(B) The City Council may order construction, repair or replacement of retaining walls where such construction, repair or replacement is necessary to provide or maintain lateral support for City streets and rights-of-way. Provisions for ordering construction of a retaining wall shall be the same as provided in Section 13-22 below. Provisions for ordering repair or replacement of retaining walls shall be as provided in the International Existing Building Code.
(Ord. 8 §1, 2006)

Sec. 13-9. Skateboards, rollerblades, roller skates, bicycles restricted from sidewalks.

It is unlawful to ride a skateboard, rollerblades, roller skates or a bicycle on the sidewalks of the City within the area from Center Alley to Interstate 70 and from 13th Avenue to the Miner Street Bridge, including Citizens Park and all structures therein. However, such devices may be used on the Idaho Street Walking Mall within the portion of such mall signed to allow such usage. At all times, skateboarders, rollerbladers, skaters and bikers will yield the right-of-way to pedestrians using the Idaho Street Walking Mall. It is not unlawful to be in possession of a skateboard, rollerblades, roller skates or bicycles, or to walk a bicycle or carry a skateboard on the sidewalk. Any person violating this Section shall be subject to a fine of up to one thousand dollars (\$1,000.00), as provided in Section 1-8 of this Code.
(Ord. 8 §1, 2006)

Sec. 13-10—13-20. Reserved.

ARTICLE II

Construction, Maintenance and Excavation

Sec. 13-21. Responsibility for construction, repair, etc., of sidewalks, curbs and gutters.

(A) Sidewalks. The construction, maintenance and repair of sidewalks in front of or alongside any lot or parcel of property shall be the obligation of the owners of said property.

(B) Curbs and gutters. The maintenance and repair of curbs and gutters shall be the responsibility of the City.
(Ord. 8 §1, 2006)

Sec. 13-22. Construction of sidewalks.

The City Council may order the construction of sidewalks and give notice thereof in writing by serving the same upon the owner or agent in charge of all property alongside of the proposed sidewalk. Such notice may be served as provided in Section 13-23 below, and if such construction is not made within thirty (30) days after service of such notice, the Council may order such sidewalk to be constructed by contract or by the Public Works Department and the cost thereof shall be a lien upon the property alongside such sidewalk until the cost thereof is fully paid. The cost of such construction shall be assessed by the Council upon the property abutting upon the same, after due notice and a hearing thereon, and if such assessment is not paid within thirty (30) days after it is made, the City Clerk shall certify such assessment to the County Treasurer to be collected in the same manner as general taxes.
(Ord. 8 §1, 2006)

Sec. 13-23. Sidewalk repairs.

(A) All sidewalks shall be maintained with an even surface and in good repair. When any sidewalk in front of or alongside any lot or premises has been destroyed or is uneven or out of repair, the Public Works Department may cause notice in writing to be served upon the owner or agent in charge of such premises to repair such sidewalk within thirty (30) days. If the owner is a nonresident or his or her whereabouts is unknown, such notice may be given by publication for two (2) times, a week apart, in a newspaper of general circulation in the City and by the City Clerk mailing a copy of such notice to the last known address of such owner. Such notice shall be by certified mail, postage prepaid, mailed to the last known address of such owner or agent. Service shall be complete three (3) business days after the date of the notice. If such repairs are not made by the owner within thirty (30) days after service of the notice, the Council may order such repairs to be made by contract or the Public Works Department and the expenses connected therewith shall be a lien upon the property abutting such sidewalk until the cost thereof is fully paid.

(B) When such repairs are made by the City, the expense thereof shall be assessed by the Council upon the property abutting upon the same, and if the assessment is not paid within thirty (30) days thereafter, the City Clerk shall certify such assessment to the County Treasurer to be collected in the same manner as general taxes.
(Ord. 8 §1, 2006)

Sec. 13-24. Permit for excavations.

(A) Permit required. It is unlawful for any person, other than an employee of the City in the course of his or her employment, to construct, reconstruct, repair or alter any curb cut, excavation, driveway or other opening to or intersection with the surface of any street, alley, sidewalk, curb or other public place or to excavate or make any opening in or under the surface of such streets, alleys, sidewalks, curbs or other public places without first obtaining a permit therefor.

(B) Application. An applicant for a permit hereunder shall submit to the City Clerk a processing fee as set forth in the City's fee schedule and an application showing:

- (1) Name and address of the owner or agent in charge of the property abutting the proposed work area;
- (2) Name and address of the party doing the work;
- (3) Location of the work area;
- (4) Attached plans showing details of the proposed alteration (the "operation");
- (5) Estimated cost of the alteration;
- (6) Such other information about the operation as the Public Works Department shall find reasonably necessary to the determination of whether a permit should issue hereunder.

(C) Standards for issuance of permit. The City Clerk shall issue a permit hereunder when:

- (1) The plans for the proposed operation have been reviewed, approved and signed off on by the Public Works Department and the Police Chief in all cases, and the Building Official when appropriate.
- (2) The work shall be done according to the standard specifications of the City for public work of like character unless the operation abuts or intersects with a state highway, in which case all standards set by the Department of Transportation for entrances to state highways shall be met.
- (3) Neither the construction nor the use of the completed operation will unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces and the means of egress to and from the property affected and adjacent properties.

(4) The health, welfare and safety of the public will not be unreasonably impaired.
(Ord. 8 §1, 2006)

Sec. 13-25. Supervision of work, cost, bond.

(A) Supervision by Public Works Department. All operations for which a permit is granted hereunder shall be under the direction and supervision of the Public Works Department, which shall have the right to prescribe the method to be used in the construction or excavation, the width thereof and any other reasonable conditions for the protection of the public, utilities and for minimizing interference with vehicular or pedestrian traffic.

(B) Cost of operation. All operations performed pursuant to permits granted hereunder shall be done solely at the expense of the property owner requesting the same.

(C) Bond. The City shall require a maintenance and construction bond, either cash or surety, to be filed with the application for a permit hereunder in an amount equal to the estimated cost of the project. The bond will be conditioned upon the work being done in accordance with the City's standard specifications or, if applicable, in accordance with the Department of Transportation's standards, and guaranteeing the same for a period of two (2) years. Upon expiration of two (2) years from the completion of the work covered by the permit in conformity with this Section and Section 13-24, as determined by the Public Works Department, a cash deposit will be refunded to the permittee or a surety released. The City may use any or all of such deposit or bond to pay the cost of any work the City performs to complete, restore or maintain the operation in the event the permittee fails to perform such work in accordance with the plans and specifications, or the work product fails within the two-year period.
(Ord. 8 §1, 2006)

Sec. 13-26. Construction upon unapproved grade lines prohibited.

It is unlawful to construct any sidewalk, curb or gutter upon any other grade or line other than the one furnished by the City.
(Ord. 8 §1, 2006)

Sec. 13-27. Restoration of street surfaces.

All restoration of street surfaces shall be done by the person obtaining the permit, and the surface shall be restored to its original condition in such a manner that there can be no settling thereof. The filling of excavations and restoration of the surface shall be done under the supervision of the Public Works Department, which shall have the right to prescribe the method to be used.
(Ord. 8 §1, 2006)

Sec. 13-28. Barricades and lights required.

(A) Any person making or causing to be made any excavation or opening in any street or other public place, or within five (5) feet of the line of any public right-of-way, shall keep the excavation barricaded at all times, and between sunset and sunrise on every day that the same remains open or danger exists therefrom, he or she shall keep such excavation or opening properly lighted so as to warn all persons of such danger. All barricades and lights shall be of substantial construction and shall be furnished by the person doing the work.

(B) In the event a permittee fails to comply with the requirements of Subsection (A) above, the City shall take the necessary action to provide barricades and lights. The permittee shall be liable to reimburse the City for all expenses incurred due to the permittee's failure to comply.
(Ord. 8 §1, 2006)

Sec. 13-29. Street closures.

(A) The Public Works Department is hereby authorized to close streets and alleys within the City to the passage of vehicles and pedestrians when required, in the opinion of the City, to facilitate street maintenance, excavation, construction and repair and, when necessary, to promote public safety. The Public Works Department may use whatever method deemed appropriate to demarcate such closures so long as the barricades or other methods are visible to the public.

(B) It is unlawful for any person to enter a closed street or alley which has been so designated by barricade or other method. It is unlawful for any person to remove or otherwise disturb barricades or other street closure demarcation devices.

(C) Any person who violates the provisions of this Section shall be subject to the general penalty contained in Section 1-8 of this Code.
(Ord. 8 §1, 2006)

Sec. 13-30—13-40. Reserved.