

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.09 Excavations
135.02 Obstructing or Defacing	135.10 Property Owner's Responsibility for Maintenance
135.03 Placing Debris On	135.11 Failure to Maintain
135.04 Playing In	135.12 Dumping of Snow
135.05 Traveling On Barricaded Street or Alley	135.13 Encroachment on Streets
135.06 Use for Business Purposes	135.14 Parking Grade
135.07 Washing Vehicles	135.15 Removal of Material From Streets
135.08 Burning Prohibited	135.16 New and Replacement Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle. Anyone removing, hauling or disposing of earth and/or rock material shall ensure that it is conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

(Code of Iowa, Sec. 364.12[2])

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate, set posts or stakes or in any manner disturb or break up any improved or unimproved street, highway, avenue, parking or alley, including that portion between the traveled portion and property line, except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:

A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;

B. A statement of the purpose, for whom and by whom the excavation is to be made;

C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and

D. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets, highways, avenues, parking and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades, Fencing and Lighting. The person obtaining the permit is responsible for all traffic control and work site safety.

A. Traffic control shall meet the standards for Work Zone Traffic Control as defined in the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways. A traffic control plan may be required by the City.

B. The person obtaining the permit shall provide adequate barricades and/or fencing to protect pedestrians. All excavations shall be fenced when the contractor is not at the site.

C. There may be situations where the traffic load or site conditions will allow only a portion of the street to be closed at one time. On collector and arterial streets, contractors may be required to directional bore to place a new utility beneath the street surface.

4. Insurance Required. Each applicant shall file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

A. Bodily Injury - \$1,000,000.00 per person; \$1,000,000.00 per accident.

B. Property Damage - \$100,000.00 per accident.

1. The insurance shall be subject to the approval of the City and conditioned that such person shall make such excavation and accomplish the object thereof with all possible dispatch, shall report to the City as soon as the excavation is completed and the object thereof attained, and shall save the City harmless of any damages occasioned by such digging or excavating. The insurance policy shall carry an endorsement that the City and its employees are named as additional insured in regard to the liability insurance coverage. The policy shall carry a further endorsement that if the policy is canceled, the insurance company shall notify the Council by registered mail not less than 10 days prior to the date of cancellation. Said certificate of insurance shall be filed annually on or before January 1 of each year.

5. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

6. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*. If the work for which the permit is received is to be performed within an easement located on private property, the owner of the property on which the easement is located shall be notified in writing at least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays.

7. Restoration of Public Property. Streets, highways, avenues, parking, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner. All street openings in existing paved streets shall be replaced to the satisfaction of the City in accordance with the City's Design Standards.

8. Backfilling. Materials used for backfill within the street right-of way shall be Class A gravel. In any excavation directly under a street, alley, drive or sidewalk surface, the backfill material shall be compacted in one-foot lifts to 90 percent of modified proctor density as determined by ASSHO T-180. Backfill material in excavations in all other areas within the street right-of-way shall be compacted in one-foot lifts to 85 percent of modified proctor density. Compaction requirements will be enforced by use of in-place density testing procedures.

9. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

10. Completion by the City. Should any excavation in any street, highway, avenue, parking or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner. If such expenses are not paid, the City shall proceed to collect the same, and with further provision that such refilling and replacing, when done by the obligor, shall remain in good condition and not settle to become uneven for a period of one year after the acceptance of the same.

11. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

12. Improvement of Streets; Underground Pipes. Whenever any portion of any street, highway, avenue, parking or alley in the City is ordered paved or otherwise improved by the Council, it shall be the duty of every person to take notice of such order and forthwith and before any such portion of any street, highway, avenue, parking or alley is improved, to make all excavations necessary for laying water or sewer pipes or any other desirable underground services, in any portion of the street, highway, avenue, parking or alley so ordered improved.

13. Disposal of Property. No person excavating earth or stone in any public street, highway, avenue, parking or alley belonging to the City, or any other public place, without a permit from the City, shall sell, or in any other way dispose of the stone and earth so excavated, and any person violating this provision shall pay the

City three times the value of such property to be recovered by action of debt in favor of the City.

14. Additional Provisions.

A. The City Design Standards shall apply to all work.

B. The City Inspector may require the use of rebar for concrete repairs where it is deemed necessary in said official's opinion. The rebar shall be installed in accordance with the directions given by the City Inspector.

C. No permit to dig or excavate in an improved street, highway, avenue, parking or alley of the City shall be granted by the City when the ground is frozen to a depth of 12 inches or more, unless in case of extreme emergency.

D. No person shall cut a curb in the City without first obtaining a permit from the Council. The Council shall obtain the recommendation of the Maintenance Superintendent or City Engineer and shall consider the public safety and effect on traffic in issuing the permit. This section shall apply only to curb cuts to be made in previously developed areas and/or lots; it shall not apply to curb cuts performed in conjunction with construction in newly developing sites.

15. Exceptions. Franchised utilities with City Attorney approved blanket bond and self-insurance certificates on file with the City shall be exempt from the requirement to obtain a written permit for excavations. Said utilities shall, however, be required to notify the City office at least two working days before commencing any excavation. Said notice shall include all pertinent information required by the City.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.^{1†}

(Code of Iowa, Sec. 364.12[2c])

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2e])

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

(Code of Iowa, Sec. 364.12 [2])

^{1†} **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

135.13 ENCROACHMENTS ON STREETS. No person shall construct or maintain any opening, areaway, stairway, gasoline tank, filling station, marquee, loading platform or any other encroachment in, over or under any street, sidewalk, alley or other public property without the written consent of the Council. Such consent shall only be given upon written application therefor accompanied by such plan or description as the Council may require of the nature and kind of space which is desired to be kept or maintained, and the purpose and use to be made thereof. The application shall be filed with the Clerk, who shall issue such permits when authorized by the Council. Such rental shall be paid as is prescribed by the Council. Any person maintaining any such encroachment shall save the City harmless from all damages that may result to it or to any person because of the construction and maintenance of the encroachment.

135.14 PARKING GRADE. All street lawns or parking shall be so made as to conform to the grade of that part of the street upon which they are located, and shall be kept by the owner of the adjoining premises free from holes, depressions, ridges or obstructions that are liable to cause injury. The established grade of that portion of any street lying between the curb line of such street and the adjacent line of the lots and parcels of ground fronting or abutting thereon shall, except when otherwise fixed by ordinance, be in accordance with the City's Design Standards. The Council may, by resolution, order that portion of any street which is not paved lying between the curb line and the line of the abutting property to be graded, and the expense thereof may be paid by the City. The expense of removing and replacing in good order any sidewalk that may be necessarily removed in order to do such grading shall be paid by the owner of the abutting property in accordance with the provisions of the laws of the State for levying special assessments for the building of permanent sidewalks, and such sidewalk shall be moved only upon the passage of a resolution of the Council. This section does not require the passage of a resolution of the Council for the removal or changing of any sidewalk the cost of which is not to be assessed against the abutting property.

135.15 REMOVAL OF MATERIAL FROM STREETS. No person shall remove or deposit any earth or other substance from or on any public street, alley or parking without first having procured permission to do so from the Council. Such permit shall be in writing and state the place where the earth or substance is to be removed or placed.

135.16 NEW AND REPLACEMENT CULVERTS.

1. New driveways constructed on streets without curb and gutter shall have culverts as approved by the City. Replacement of existing culverts must be approved by the City.
2. A request for installation of a new or replacement culvert must be submitted to the City and must be accompanied by a drawing that shows:
 - A. Culvert dimensions, length, diameter, and culvert material
 - B. Culvert location in relationship to property lines, street centerline, and utilities.
3. All culvert installation shall be reviewed and approved by the City
4. All culverts must have a minimum diameter of 12 inches. All culverts must be constructed of 10-gauge corrugated metal pipe (CMP) or other material approved by the City.
5. Culverts are the responsibility of the property owner. The City accepts no responsibility for maintenance, repair, replacement, or procurement of contractors. Failure to install culvert in accordance with City requirements will result in removal and replacement at property owner's expense.

CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice, and Accumulations	136.13 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Water Over Sidewalks
136.07 Permit Required	136.17 Defacing
136.08 Sidewalk Standards	136.18 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.19 Merchandise Display
136.10 Failure to Repair or Barricade	136.20 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

136.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
2. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
3. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk and/or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice, and accumulations promptly from sidewalks. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk. If a property owner does not remove snow, ice, or accumulations within a reasonable time, notice shall be sent by certified mail and allow five days after mailing said notice as a period of time to eliminate said violations. Return receipt with signature is not required for said notice. The notice shall also instruct the property owner that said notice constitutes the property owner's notice for the balance of the winter, and that further action will be taken by the City to remedy the problem if it occurs again on the same property without additional written notice being given. Upon failure of the owner or person in possession or control to act within the prescribed five-day time period, the City may perform the required action and assess costs against the property for collection in the same manner as a property tax. Fees shall be established through resolution by the Council and will be updated from time to time.

136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

(Code of Iowa, Sec. 364.12[2c])

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail,

requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2d and e])

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be constructed in accordance with the City's Design Standards.

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 WATER OVER SIDEWALKS. No person shall permit any pipe conducting water from a building to discharge water over the public sidewalk.

136.17 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.18 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

(Code of Iowa, Sec. 364.12[2])

136.19 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

136.20 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Notice of Vacation Hearing
137.03 Findings Required

137.04 Disposal of Vacated Streets or Alleys
137.05 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

(Code of Iowa, Sec. 364.12[2a])

137.02 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.03 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.04 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7 of the *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

137.05 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] and 364.7[3])

CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Shellsburg, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

CHAPTER 141

PRIVATE DRIVEWAYS

141.01 PRIVATE DRIVEWAYS. No person shall construct any driveway connecting a public street and private property unless it complies with the City's Design Standards and following regulations:

1. **Permit.** Before any such driveway is constructed, a written application shall be made to the City for a permit. Such application shall be accompanied by a plan showing the size and location of the driveway. The application shall contain an agreement that in consideration of the granting of a permit the City will be held harmless from any claim that may result because of the construction, maintenance or use of the driveway.
2. **Curb.** In constructing the driveway, the curb shall not be disturbed or removed for a greater distance than 45 feet, which includes a minimum of a 5-foot radius on each side of the driveway.
3. **Property Abutting on Two Streets.** Only one such driveway on each street may be constructed where the property has been platted and abuts on two streets, unless granted written permission by the Council under peculiar conditions.
4. **Public Sidewalk.** Where the driveway crosses a public sidewalk it shall be kept in a clean and safe condition for the use of pedestrians.
5. **Connection to Paved Street.** Where a driveway connects with a paved street the driveway shall be hard-surfaced with concrete, brick, asphalt or other equally durable material.
6. **Curbing Finished.** Where any curbing is removed for the construction of the driveway, such curbing shall be rounded off and finished in a workmanlike manner under the supervision of the Council or authorized representative.
7. **Use of Street.** Such driveway shall be so located as to reasonably meet the requirements of the occupants of the property and so as not to unreasonably interfere with the use by the public of the street.
8. **Signs.** No person maintaining and using any driveway that does not comply with the foregoing requirements shall erect any sign or warning or use paint or markings to discourage or prevent the public from making proper use of the street where the driveway connects therewith.
9. **Signs, Barricades, and Lights.** Any person engaging in driveway construction which may endanger or impede persons or vehicular traffic shall provide signs, barricades, lights and other traffic control measures.
10. **Driveway Culverts.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property in accordance with the City's Design Standards. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.