

CHAPTER 13: STREETS, ALLEYS, AND SIDEWALKS

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§ 13-101 NAMED.

The streets and avenues in the City, and within the area of the zoning jurisdiction outside the corporate limits of the City, shall be designated by appropriate name or number by the City Council.

(Ord. 1000, passed 12-4-1978)

§ 13-102 NUMBERING PLAN.

The following is hereby adopted as a plan of numbering buildings in the City of Chadron: commencing at First Street and numbering from north to south, setting apart 100 numbers for each block facing the same street (allowing one number for each 12-1/2 feet) and shall be as near consecutive as possible, commencing with even 100 in each block on all streets running north and south; commencing at Main Street and numbering east and west from the Main Street, 100 numbers shall be set part for each block, commencing with even numbers in each block. All

even numbers shall be given to the buildings on the east side and all odd numbers to the buildings on the west side of all streets running north and south, and on all streets running east and west, the even numbers shall be on the north side and the odd numbers shall be on the south side. The City shall assign the owner or his or her agent the proper number for the proposed building. No person shall number any building except in strict compliance with the uniform rule prescribed in this section.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-103 EXCAVATIONS; OPENINGS; PERMIT.

No person, firm, or corporation shall excavate or open any street, alley, or other public ground in the City without obtaining a permit to do the work.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-104 PAVEMENT REMOVAL.

Wherever permanent asphalt or concrete paving is removed to make an excavation, the paving shall be removed either by sawing or to an existing joint to a point at least one foot from the edge of the excavation on each side of the ditch so that the replaced surfacing rests on undisturbed soil on each side of the excavation.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-105 CLOSING AND FILLING OPENINGS.

Any opening made in any street, alley, or other public ground shall be filled by placing the fill materials in layers not to exceed six inches in uncompacted thickness, wetted and tamped with mechanical tampers to give compaction not less than 90% of maximum density as determined in accordance with the American Association of Highway Officials Standard Method No. T99. The last layer shall be left six inches below natural ground or street grade after compaction. The replacement of any paving shall be made under the supervision of the City, and shall be made with portland cement concrete, six inches thick, having compressive strength of not less than 3,500 pounds per square inch with approved rebar placement, the surface finish shall match the existing surface as close as possible. The replacement of any other surface shall be made with six inches of material of like kind which surrounds the opening. Any sod removed at the time of opening shall be replaced.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-106 FAILURE TO FILL PROPERLY; CITY COMPLETES WORK; COST.

Any person, firm, or corporation who shall make an opening in any street, alley, or other public ground and fail to fill the opening within a reasonable time, or in accordance with this article, the City shall fill the opening or correct any defect and the person, firm, or corporation

making the opening shall pay the City an amount equal to twice the cost of the work, as determined by the City.

(Ord. 1000, passed 12-4-1978)

§ 13-107 BARRICADES.

Any person, firm, or corporation laying or repairing any pavement on a street, sidewalk, or other public place or making an excavation in the same, shall maintain suitable barricades which meet the most current "Manual on Uniform Traffic Control Devices" specifications, to prevent injury to any person or vehicle by reason of the work; the barricades shall be protected by a light at nighttime. Any defect in any such pavement shall be barricaded to prevent injury, and any person, firm, or corporation properly maintaining any opening or excavation while the same remains open shall guard the same with proper barricades and lights.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-108 DISTURBING BARRICADES.

It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley, or sidewalk.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-109 ALLEYS; PAVING CONSTRUCTION; NOTICE; CITY CLERK; NO EXCAVATIONS DURING.

Whenever a street or alley or a part thereof is to be put under contract for paving or repaving, the City Clerk shall notify the owners of real estate abutting the street or alley, and all public utilities, by first-class mail of the intent of the City to pave and that all under ground utility connections must be made prior to the paving or repaving of the street or alley. After work has been commenced, permits for excavation will not be issued nor will excavation be allowed until after the completion of the pavement in the street or alley and the formal final acceptance by the City Council.

(Ord. 1000, passed 12-4-1978)

§ 13-110 DRIVEWAYS; PERMITS REQUIRED.

It shall be unlawful for any person, firm, or corporation to construct or cause to be constructed any driveway or apron over the curb on the public right-of-way of the streets of the City without a permit.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-111 CURB; PAVING; SIDEWALK; CUTTING; PERMIT; INSPECTION; DEPOSIT; BOND.

It shall be unlawful for any person, firm, or corporation to cut into any paving, curb, or sidewalk on public property, right-of-way or easement for any purpose whatsoever, without first having obtained a permit. Before any permit is issued, the applicant shall inform the City of the place where the cutting is to be done and it shall be the City's duty to cause an inspection to be made of the place of entry into the paving or sidewalk, or curb, before the same is cut. When cutting into any paving, it shall be the duty of the party so cutting to make the same in such a way and in the manner, and under the rules and regulations as may be prescribed by the City; and when the person, firm, or corporation is ready to close the opening, they shall inform the City who shall supervise and inspect the materials used and the work done in closing the opening. Before any permit is issued, the applicant may execute a bond to the City, with good and sufficient surety or sureties to be approved by the City Clerk in the sum of not less than \$5,000 conditioned as follows:

(1) First, that the applicant will, if requested by City, promptly replace and repair each and every place cut into any pavement, curb, or sidewalk, under the rules as may be prescribed by the City, in as good condition as before the same was cut; that the applicant will promptly compensate City for all work done by City in replacing or repairing any places cut in pavement, curb or sidewalks by the applicant.

(2) Second, that the applicant will obey all ordinances of the City in doing the work, and will save the City harmless from any damages which may occur as a result of either cutting or repairing pavement, curb, or sidewalk.

(Ord. 1000, passed 12-4-1978; Am. Ord. 1334, passed 6-21-2010) Penalty, see § 13-301

§ 13-112 UNLAWFUL TO OBSTRUCT STREETS AND ALLEYS.

It shall be unlawful for any person, firm, or corporation to obstruct, or encumber by fences, gates, buildings, structures, or otherwise, any of the public highways, streets, alleys, or easements of the City, except as is hereinafter provided: in the business district, a structure may be constructed over an alley to connect a building with another building or structure adjacent to the same alley where both properties are owned by the same owner, provided the structure complies with all requirements of the building code adopted by the City and is constructed at least 15 feet above the driving surface of the alley, and the owner of the structure enters into a license and easement agreement with the City which is approved by a resolution of the City Council.

(Ord. 1260, passed 8-6-2001) Penalty, see § 13-301

§ 13-113 STAIRWAYS, CELLAR WAYS, AND OPEN BASEMENTS PROHIBITED.

It shall be unlawful for any person, firm, or corporation to construct or maintain any

stairway, open cellar way, open basement way, or open entrance thereto in any street, public right-of-way, or sidewalk, and any such entrance is hereby declared to be a public nuisance. (Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-114 OVERHANGING BRANCHES.

Any tree or shrub growing on private property abutting a public right-of-way, or growing on the public right-of-way, which overhangs any sidewalk, street, or alley in the City, in such a way as to impede or interfere with traffic or travel, or within ten feet of a street or alley level, eight feet of a sidewalk's level, shall be trimmed by the owner of the premises abutting the public right-of-way containing the sidewalks, street, or alley, so that the obstruction shall cease, and there shall be a clear space of eight feet above the surface of the sidewalk and ten feet above the surface of the street or alley. Any tree limb or a tree which has become likely to fall on or across any public right-of-way containing a sidewalk, street, or alley shall be removed by the owner of the premises which abuts the public right-of-way.

(Ord. 1142, passed 3-2-1992; Ord. 1162, passed 3-15-1993) Penalty, see § 13-301

§ 13-115 ROOT OBSTRUCTIONS.

Trees and shrubs growing upon the lot line partially on public ground, or utility easement, and partially upon the abutting property, or wholly upon the abutting property, but so close to the lot line as to interfere with the making of any public improvement, or so that the roots thereof interfere with any sewer or drain, shall be deemed an obstruction under this chapter, and may be removed by the City. It shall be unlawful for any person, firm, or corporation to obstruct or encumber by fences, gates, buildings, structures, or otherwise, any of the public highways, streets, or alleys of the City.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-116 POLES, WIRE, GAS MAINS, AND PIPE LINES OF PUBLIC SERVICE COMPANIES.

Poles, wire, gas mains, pipe lines, and other appurtenances of public utilities shall be erected or located over, upon, or under the streets, alleys, easements, and public grounds, or elsewhere, within the corporate limits of the City, only after application shall have been made and a permit granted. Public utilities heretofore or hereafter granted right-of-way for the erection and maintenance of poles, conduits, gas mains, pipe lines, and wires, and all appurtenances thereto, for the purpose of transacting their business upon, under, and over the streets, alleys, easements, and public grounds of the City shall at all times, when requested by the City, erect, locate, or relocate their poles, wires, gas mains, pipe lines, and other appurtenances to the places and in the manner as designated by the City, at the expense of the public utility.

(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-117 HEAVY EQUIPMENT; DAMAGE TO STREET UNLAWFUL.

It shall be unlawful to run, drive, move, operate, or convey over or across or upon any paved street in the City, any truck wagon, vehicle, machine, or implement with sharp discs or sharp wheels that bear upon the pavement, or with wheels having cutting edges, or with wheels having lugs or any protruding parts or bolts thereon that extend beyond a plain tire so as to cut, mar, indent, or otherwise injure or damage the curb, gutter, or pavement, or any vehicle, tractor, machine, or implement of the weight or proportions or carrying any load that will cut, mar, indent, or otherwise injure or damage any pavement gutter or curb within the City; provided, where heavy vehicles, structures, and machines move along paved or unpaved streets of the City, the Chief of Police is hereby authorized and empowered to choose the route over which the moving of the vehicles, structures, or machines will be permitted or allowed.
(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-118 TREES AND SHRUBBERY; LOCATION.

No street or park tree shall be planted within 50 feet of any street intersection, measured from the point of nearest intersecting curbs or curb lines, or within 15 feet of any driveway of an abutting property owner. It shall be the duty of any person desiring to plant trees or shrubbery on any public right-of-way of any street or alley to call upon the City who shall properly mark the location where the same may be planted. Diggers Hotline shall be notified by the owner prior to digging. Owners of the premise which abuts the public right-of-way are responsible for the care and maintenance of the trees and shrubbery located on the public right-of-way they abut. Trees and shrubbery may not be planted on easements. Removal of trees and shrubbery on easements is the responsibility of the property owner. It shall be unlawful for any person in any manner to injure or deface the trees or shrubbery when so planted, except, the trees or shrubbery may be removed by the City at any time the public right-of-way is needed for any public purpose.
(Ord. 1142, passed 3-2-1992; Am. Ord. 1334, passed 6-21-2010) Penalty, see § 13-301

§ 13-119 SPACE BETWEEN CURB LINE AND LOT LINE; ABUTTING OWNER PROTECTS AND CULTIVATES AS LAWN.

It shall be the duty of any owner or occupant of any lot abutting upon any street to keep the space between the lot and curb line on the street free and clear of all weeds, rubbish, or other obstructions, and every such owner may improve the same and cultivate the same as a lawn, with grass and flowers, and when so improved and cultivated, it shall be unlawful for any person in any manner to injure or deface the lawn or flowers so planted or cultivated thereon, except, the lawn and flowers may be removed by the City at any time the public right-of-way is needed for any public purpose.
(Ord. 1000, passed 12-4-1978) Penalty, see § 13-301

§ 13-120 TREE PLANTING RESTRICTION.

No street or park tree other than those species with a mature height less than 25 feet may be

planted under or within ten lateral feet of any overhead utility wire, or five lateral feet of any underground water line, sewer line, transmission line, or other utility line or main. No tree shall be planted within ten feet of any fire hydrant. (Ord. 1142, passed 3-2-1992) Penalty, see § 13-301