

## Chapter 12.08

### STREET AND SIDEWALK USE REGULATIONS

#### Sections:

- 12.08.010 Trees and shrubbery--Trimming.
- 12.08.020 Trees and shrubbery--Injury unlawful.
- 12.08.040 Openings generally.
- 12.08.050 Warning lights and fences required for excavations.
- 12.08.060 Requirements for deposit of building materials.
- 12.08.070 Digging in streets or alleys.
- 12.08.080 Obstructing or hindering street repairs.
- 12.08.090 Obstruction of drainage ditches.
- 12.08.100 Irrigation ditches.
- 12.08.130 Fluids from filling stations and businesses.
- 12.08.140 Allowing sidewalk area to become a hazard.
- 12.08.150 Injuring pavement or riding over sidewalks.
- 12.08.160 Playing in streets.
- 12.08.170 Skateboarding and bicycles prohibited in downtown area.

#### 12.08.010 Trees and shrubbery--Trimming.

A. The owner of any premises abutting on any street of this City shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street; and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs of limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as required by the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet above the roadway of a street or alley, nor lower than eight feet above the sidewalk.

B. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in subsection A of this Section, after receiving five days' notice from the head of the department in charge of streets to do so, shall be guilty of a misdemeanor. Every day that the owner or occupant fails, refuses or neglects to trim the trees and shrubbery, after the

expiration of the five days' notice, shall be a separate offense. (Prior Code, §18-1 & §18-2)

12.08.020 Trees and shrubbery--Injury unlawful. It is unlawful for any person to injure any tree and shrubbery on a street or alley or other public area in the City; provided that this shall not prohibit the lawful and proper care and removal of such trees and shrubbery. (Prior Code §18-3)

12.08.040 Openings generally. Any person who leaves or keeps open a cellar door, pit or vault, or other subterranean opening, on or in any highway or sidewalk, or suffers the same to be left or kept open, or to be left in an insecure condition so that passersby will be in danger of falling into such cellar, pit or vault, or other subterranean opening, shall be guilty of a misdemeanor. (Prior Code §18-11)

12.08.050 Warning lights and fences required for excavations. No City officer, contractor or other person shall make any excavation or dig any hole, drain or ditch in any highway or sidewalk without providing, during the night, sufficient warning lights or flares to be placed with a temporary fence or suitable obstruction around or in front of any such excavation, hole, drain or ditch, in order to prevent persons, animals or vehicles from falling into the same; and every person offending against the provisions of this Section shall be guilty of a misdemeanor. (Prior Code §18-12)

12.08.060 Requirements for deposit of building materials. No contractor, owner or builder shall deposit any building materials, debris or other obstruction on any street in the City so that it shall extend over more than one-third of the width of such street from the lotline where such building is being erected. Every such contractor, owner or builder shall place a warning light during the nighttime at each end of the obstruction; and if the building is on a corner of a street, there shall be placed a warning light at the extreme angle of such obstruction. Every person violating any provision of this Section shall be guilty of a misdemeanor. (Prior Code §18-13)

12.08.070 Digging in streets or alleys. Any person or persons who dig any hole, drain or ditch in any street or alley of this City without first having obtained written permission from the City Manager or their authorized representative shall be guilty of a misdemeanor. (Prior Code §18-15)

12.08.080 Obstructing or hindering street repairs. Any person who hinders or obstructs the lawful making or repairing of any pavement, sidewalk or crosswalk, or hinders or obstructs any person employed by the City, or any such person employed in making or repairing any public improvement or work ordered by the City shall be guilty of a misdemeanor. (Prior Code §18-17)

12.08.090 Obstruction of drainage ditches. All persons, firms and corporations, or their agents or employees, are prohibited from placing any obstruction in drainage ditches or drains along the streets and alleys of the City, and are prohibited from doing any act which will obstruct the flow of water along ditches or drains. (Prior Code §18-10)

12.08.100 Irrigation ditches.

A. It is made unlawful to construct a new ditch along any street or alley for the purpose of conducting water to be used for the purpose of irrigation. Any person conducting water through existing ditches shall not permit the same to overflow the streets and alleys, and shall convey the same into some street main or other drainage approved by the City Manager, and shall keep the ditches clean. Owners of adjacent property shall not permit such ditches to become obstructed by vegetation or debris.

B. If any person violates any provision of this Section, such person shall be guilty of a misdemeanor. (Prior Code §18-18 & 18-19)

12.08.130 Fluids from filling stations and businesses. It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way, except for washing of sidewalks or driveways for the purpose of cleaning. (Prior Code §18-8)

12.08.140 Allowing sidewalk area to become a hazard. It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area to become a hazard to persons using the sidewalk or sidewalk area. (Prior Code §18-9)

12.08.150 Injuring pavement or riding over sidewalks. Any person who injures or tears up any pavement or any sidewalk without due authority or who wilfully rides or drives any vehicle, horse, mule, cow or like animal over or on any of the sidewalks of the City shall be guilty of a misdemeanor. (Prior Code §18-16)

12.08.160 Playing in streets. No person shall, upon any street or sidewalk within the corporate limits of the City, nor in any public place in the City, engage in any game of ball, the flying of kites, or rolling of hoops, or any other amusements or practice or exercise having a tendency to annoy persons passing in the street or on the sidewalks, and any person convicted of any of these offenses shall be guilty of a misdemeanor; provided the provisions of this Section shall not apply to games of ball played upon regularly established and enclosed ball grounds, nor to games played at other places than regularly established ball grounds when permit for playing the game or games, designating the place where the same are to be played, shall have been issued by the City Manager; provided further that this shall not prohibit playing on streets set aside for playing as authorized by ordinance. (Prior Code §18-14)

12.08.170 Skateboarding and bicycles prohibited in downtown area. It shall be unlawful for any person to skateboard or ride a bicycle on Main Street sidewalks between First and Seventh Streets or on sidewalks on those portions of First through Seventh Streets lying between Meeker and Palmer Streets. (Ord. 15, §1, 1989)