

CHAPTER 8. STREETS, SIDEWALKS, AND PUBLIC PROPERTY

SECTIONS:

800 Streets

810 Parks and Lake

SECTION 800 - STREETS

Sec. 800.01 Permit Required for Excavation; Fee. No person shall make any excavation in any street or public ground without obtaining a permit from the City Clerk. The fee and deposits for the permit shall be set by Council resolution.

Sec. 800.02 Conditions of Permit. Each excavation permit shall be issued subject to the following conditions, which the permit applicant shall agree in writing to abide by:

- A. The work shall be done as directed by the public works supervisor so as to cause the least possible inconvenience to the public and to provide for the passage of water along the gutters.
- B. At least 50% of the street width shall be left clear for the passage of vehicles, and safe bridge ways or sidewalks shall be provided for pedestrians, except as otherwise provided for in this Section.
- C. Open excavations shall be guarded with substantial railing constructed and placed so as to bar all entrance to the excavation. At night, the limits of the railings, excavations, and any piles of material shall be marked with red or yellow warning lights.
- D. Excavations shall be refilled as soon as is reasonably possible, and paving, sidewalks and all appurtenances shall be replaced in at least as good a condition as before the excavation. In refilling, the earth shall be laid in layers not over 12 inches deep, and each layer shall be tamped thoroughly. If any defects resulting from improper excavation or refilling occur within one year after the refilling, the permit holder shall remedy the defects upon notice from the Public Works Supervisor. If the permit holder fails to remedy any defects within a reasonable time, the City may cause the work to be done at the permittee’s expense.
- E. The backfill under any public-traveled way shall be made with 12 inches of sand, as sub-base and balance of normal material. Backfill shall be done pursuant to Public Work Supervisor’s specifications.
- F. All surplus earth and rubbish shall be promptly removed.
- G. The permittee shall defend, indemnify, and hold the City harmless from all damages or claims arising out of the excavation work, or arising out of accidents caused or claimed to be caused by the excavation, failure to do the work, or failure to guard the excavation area.

Sec. 800.03 Blocking Street. The full width of a street may be opened by a contractor during the daylight hours of a day provided the contractor shall enter into a written agreement with the City containing the conditions of the permit. Posting of closure notices and other pertinent matter shall be contained in the agreement.

Sec. 800.04 Bond Required. Each applicant for an excavation permit shall file with the City Clerk a surety bond in an amount to be set by the Public Works Supervisor running to the City conditioned that the applicant shall perform all work in accordance with the permit and the provision of this Chapter and any applicable rules and regulations; that the streets and sidewalks shall be restored within a reasonable time after the work is done and shall be maintained in good condition for one year thereafter; that the excavation and work shall be adequately guarded both day and night; and that the applicant shall save and defend, indemnify, and hold the City harmless from any and all suits, damages, costs and charges arising or growing out of the excavation or doing of such work.

The City Attorney shall approve the bond as to content and form.

Sec. 800.05 Depositing of Snow, Ice, or Other Materials on Public Right of Way. No person or corporation shall deposit or permit to be deposited onto or into any public street, sidewalk, or other public ground of the City, any snow, ice, dirt, paper or other foreign material; except that sand, salt or ashes may be used for the sole purpose of preventing slipperiness.

SECTION 810 – PARK AND LAKE

Sec. 810.01 Destruction, Defacement, or Theft of Park Property. No person shall:

- A. Cut, break, scratch, mark or in any way injure or deface or remove building, fence, post, pumps, lamp, flagpole, construction work, improvement facility or any other feature or property in the public park; or
- B. Post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, post, pole, stone, fence, thing, or enclosure in the public park, unless by authorization in writing by the City Council; or
- C. Pick or cut any wild or cultivated flowers, or cut, break, or in any way injure or deface any tree, shrub or plant in the public park.

Sec. 810.02 Littering. No person shall throw or cast any stone or other object or aim or discharge any air gun, sling shot or other weapon in the public park except pursuant to the rules of a permitted game or recreation. No person shall throw, deposit, place, or leave in the public park or water therein any paper, rubbish, waste, cans, bottles, grass blades, or refuse of any kind, whether or not the same is offensive to the senses or injurious to health, except in receptacles provided for the collection of waste.

Sec. 810.03 Recreational Fires Prohibited.

Recreational Fires, Bonfires, Cooking Fires, Fire Rings, Fire Pits and all outside burning of any material is strictly prohibited.

Sec. 810.04 Gas Grills and Charcoal Burning for Cooking Allowed.

The burning of gas grills or charcoal in designated braziers established by the City at Sunset Park and at residential properties is allowed. Such use shall be attended at all times and used solely for the purposes of preparing food. Once such preparation is concluded the fuel source must be shut off or the charcoal shall be extinguished completely and in no event shall it be allowed to remain ignited, smoldering or otherwise active beyond the then-current user’s use of the facility.

Sec. 810.05 Violations.

Violations of this section shall be considered a misdemeanor crime as well as a major violation of the offender’s residential lease and may subject the resident to termination of their lease.

Sec. 810.06 Repeal.

Passage of this Ordinance [2021-003] serves as the repeal of existing [prior to 12-20-21] Section 810.03 in its entirety.

Sec. 810.07 Prohibited Activities. No person shall:

- A. Refuse to comply with the reasonable order of any City lifeguard when the order is made in order to maintain order and safety; or
- B. Drink or consume any beverage having an alcoholic content or cook in any area designated and marked specifically as a bathing beach or adjacent parking area; or
- C. Use any threatening, profane, abusive, disorderly, insulting, or indecent language, or perform any act tending to be a breach of the peace, or gamble, or do any indecent, lascivious, lewd or improper conduct in the public park; or
- D. Sell or offer for sale any articles in the public park; provided that refreshments or other articles may be sold by the City or by persons authorized to do so by the City; or
- E. Give any public speech or hold or participate in any rally, convention, assembly or meeting in the public park without the written permission of the City which shall be withheld only when necessary to prevent conflict with regular park activities and insure that adequate health and safety measures may be implemented; or
- F. Promote or participate in an entertainment or exhibition in the park without permission of the City; or
- G. Participate in or conduct any band procession, parade, or formation in the park without the written permission of the City; or
- H. Place or keep in the public park any goods, wares, merchandise, or other articles which interfere with the free use and enjoyment of the park by the public; or
- I. Distribute or display within the public park any circulars, cards, or announcements, printed or not, for events other than those sponsored by or with the participation or endorsement of the City; or

J. Be in or remain in any public park between the hours of 10:00 PM and 5:00 AM, except by special permit issued by the City.

CHAPTER 8 CHANGE RECORD:

Sec. 810.03-810.07. Code is hereby amended to repeal existing Sec. 810.03; renumber 810.04 to become 810.07; and adopt new 810.03 through 810.06 to regulate the use of fire within the City. Ordinance 2021-003 adopted 12-20-21 and published 1-7-22.