

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04

SIDEWALKS

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Section 12.04.010 Dangerous obstructions prohibited.

Any person who leaves or keeps open any cellar door, pit or vault, or other subterranean opening on any highway or sidewalk, or suffers the same to be left or kept open or to be in an insecure condition so that passersby fall into or will be in danger of falling into the cellar, pit, vault or other subterranean opening, shall be deemed guilty of a misdemeanor. (Prior code § 25-14)

Section 12.04.020 Maintenance of adjacent sidewalk.

Any person who suffers any sidewalk in front of the premises owned or occupied by him to become or to continue so broken as to endanger life or limb shall, on conviction, be deemed guilty of a misdemeanor. (Prior code § 25-15)

Section 12.04.030 Construction contract--Authorized.

The mayor and city council may, upon notice as required by law, let to the lowest responsible bidder, for any period not exceeding one year, a contract for the construction of all cement or concrete sidewalks, which the city council may order to be constructed in pursuance to the provisions of this chapter, during the term of the contract. (Prior code § 15-21)

Section 12.04.040 Construction contract--Notice.

Before any contract is let for the construction of any or all cement or concrete sidewalks, which the city council may order to be constructed in accordance with the terms of this chapter, a notice shall be published for at least three weeks in a newspaper printed and published in the city specifying the place where and the date and hour when bids will be received and publicly opened and describing the work to be done and the material to be furnished. All bids submitted for the contract shall be under the seal. (Prior code § 25-22)

Section 12.04.050 Construction contract--Award.

All contracts for the construction of concrete sidewalks shall be let to the lowest responsible bidder.

The successful bidder shall be required to give the city a bond for the performance of his contract in a penal sum equal to the amount of the construction work which it is estimated will be awarded to him and ordered to be done. In the event that at any time during the period of the contract it appears that the amount of the construction work awarded to the contractor shall exceed the amount of his bond, then and in that event the city council may require the contractor to furnish an additional bond in favor of the city. (Prior code § 25-23)

Section 12.04.060 Improvement--Authorized.

Whenever a majority of the city council decides by vote that any sidewalk improvements are necessary, they shall immediately order the sidewalk or sidewalks to be constructed, reconstructed or repaired within the limitations and in the manner provided in this chapter. (Prior code § 25-24)

Section 12.04.070 Improvement--Notice.

Upon the city council ordering the reconstruction, repair or construction of any cement or concrete sidewalks, the city clerk shall immediately give notice thereof, in writing, served personally on the owner or owners or agents of the abutting property, or by publication once a week for a period of four weeks in one of the local newspapers of general circulation, published once a week or oftener in the city, fully describing therein the termini, course, width and character of the walk ordered, and allowed a period of thirty days during which abutting property owners so desiring may construct the walk and improvements abutting their property, and further providing that all such sidewalks so ordered remaining unbuilt at the expiration of the thirty days from the date or dates of service, or of the first publication of the notice or notices shall be constructed by the city contractor for the construction of cement or concrete sidewalks. (Prior code § 25-25)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.04.080 Improvement--Contractor duties.

At the expiration of thirty days from the date or dates of service, or of the first publication of the notice or notices aforesaid, in the event that there is not on file in the office of the city clerk a copy of a bona fide contract or contracts between abutting property owners and a responsible concrete contractor providing for the construction of the sidewalk improvement abutting his or their property during the building season of the year, in which the improvements as required to be made, the director of public works shall notify the city cement or concrete sidewalk contractor to build such portions of the sidewalk ordered that may not yet be built or contracted for as provided in this chapter, and that the contractor shall within sixty days from the date of the notification by the director of public works construct the sidewalk in accordance with the terms of this chapter, and the plans and specifications, as prepared by the city engineer, and further in accordance with his contract with the city at the time of the construction. (Prior code § 25-26)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.04.090 Improvement--Specifications compliance.

The construction, reconstruction and repair of all the sidewalks, crossings, curbs and gutters performed under and by virtue of the provisions of this chapter shall conform to the plans and specifications provided for the work and materials by the city engineer. (Prior code § 25-27)

Section 12.04.100 Grade conformance.

All sidewalks shall conform to the established grade upon which they are constructed, which grade

shall be in all cases shown or designated by the city engineer, and whenever any sidewalk is not laid to the grade of the city, the city council may direct the sidewalk to be rebuilt to conform to the grade, and the same proceedings shall govern the rebuilding of any such sidewalks as is provided in this chapter for the construction of sidewalks, and shall be enforced accordingly. (Prior code § 25-28)

Section 12.04.110 Cost assessment.

In all cases where the sidewalks have been constructed, reconstructed or repaired by the owner of abutting property, and the work has been done by the city, the total costs of all cement or concrete sidewalks constructed by the city, cement or concrete sidewalk contractor in accordance with the orders of the city council and in pursuance of the provisions of this chapter, which total cost shall include that of the sidewalk proper, as well as that of any notice, curbing, guttering, grading, hand railing, private crossing and all other necessary expenses shall be assessed by the city council by motion, resolution or ordinance as a special assessment or assessments against the property in front of which cement or concrete sidewalk is built or constructed. The property occupying street corners shall be assessed for that part of the sidewalk thereon which is within the street intersection. (Prior code § 25-29)

Section 12.04.120 Installment payment of assessments.

All the costs and expenses of building and constructing any and all cement or concrete sidewalks constructed by the city cement or concrete sidewalk contractor in pursuance of the provisions of this chapter shall be defrayed by special assessments, assessed as provided in this chapter and payable in installments and extending over a period of four years, and the council, for the installments, may issue special improvement warrants and levy assessments to pay them, which assessments shall be collected as other city taxes. (Prior code § 25-30)

Section 12.04.130 Interest on installment payments.

Upon all deferred payments there shall be collected simple interest at the rate of six percent per year from the date when the city council issues special improvement warrants and when each payment becomes due, interest on all deferred payments shall also become due. The city treasurer shall, and he is authorized to, receive payment in full and give receipt therefor for the entire special assessment of this character, on any property, with interest to the date of payment, at any time it may be tendered by the owner or agent, and upon the receipt of any such entire payment the city treasurer shall give due notice thereof in writing to the proper tax authority. (Prior code § 25-31)

Chapter 12.08
VACATION OF PUBLIC WAYS

Sections:

- 12.08.010** **Definitions.**
- 12.08.020** **Request Authorized.**
- 12.08.030** **Petition.**
- 12.08.040** **Review and recommendation by Rawlins Planning & Zoning Commission.**
- 12.08.050** **Criteria for recommending approval.**
- 12.08.060** **Fees.**
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- 12.08.080** **Conveyance to abutting owner.**
- 12.08.090** **Maintenance Obligations Terminated.**

Section 12.08.010 **Definitions.**

As used in this chapter:

1. “Appraisal” or “Real Estate Appraisal” means a supportable opinion or conclusion relating to value or utility of specified interests in, or aspects of, identified real estate.
2. “Certified Real Estate Appraiser” means a person who develops and communicates real estate appraisals and who holds a valid permit issued to him for either general or residential real estate under the provisions of W.S. 33-39-101, et seq. (Ord. 11-2016)

Section 12.08.020 **Request authorized.**

Any person who owns real property within the corporate limits of the City of Rawlins, which either abuts or adjoins a street, alley, right-of-way, easement or other way belonging to or dedicated for public use that is not in use may request it be vacated according to law by the Rawlins City Council in the manner set out in this chapter. (Ord. 5-78 § 1 (part))(Ord. 11-2016)

Section 12.08.030 **Petition.**

Any person desiring the vacation of any public way as described in Section 12.08.020 must first submit a written petition to the Community Development Office which contains the following information:

- A. The petitioner's name, contact phone number and mailing and street address;
- B. The location of the petitioner’s real property in relation to the area proposed to be vacated;
- C. Copy of a recorded deed which evidences petitioner’s ownership in petitioner’s real property;
- D. The names and addresses of all property owners who either adjoin or abut upon the area proposed to be vacated;
- E. An accurate legal description of the area to be vacated, as approved by licensed Wyoming surveyor;
- F. The consent of a majority of the owners of the real property abutting the real property which is being proposed to be vacated and extending three hundred (300) feet from the real property which is being proposed to be vacated;
- G. Proof of written notice to all current City of Rawlins’ Utility Franchisees and other public entities affected by the proposed vacation, including but not limited to the State of Wyoming Department of Transportation, if applicable. Staff shall prepare notice of the vacation to all City Utility Franchises and provide any responses at the public hearing.
- H. A current real estate appraisal, which shall include the fair market value of the real property which is proposed to be vacated. The real estate appraisal shall be performed by a certified real estate appraiser to be used in arriving at the determination of the value to be paid by the petitioner in consideration for the vacation of the properties. (Ord. 5-78 § 1(a))(Ord. 11-2016)

Section 12.08.040 **Review and recommendation by planning commission.**

Upon submission of a completed written petition in the proper form, the Community Development Office shall forward the petition and all supporting documentation to the Rawlins Planning & Zoning

Commission, who shall review the petition and make its written recommendations to the Rawlins City Council for either approval, or disapproval of the petition. The Planning & Zoning Commission may also at their discretion require additional information be submitted from the petitioner. (Ord. 5-78 § 1(b))(Ord. 11-2016)

Section 12.08.050 Criteria for recommending approval.

The following minimum criteria shall be used by the Planning & Zoning Commission to determine if the approval of any proposed vacation should be recommended to the Rawlins City Council.

1. Whether or not the vacation of a public right of way shall abridge the right of access of any real property owner.
2. Whether or not the proposed vacation is in the best interest of the public.
3. Consideration of any objections by any person, Corporation or public utility and the reason therefor.

(Ord. 11-2016)

Section 12.08.060 Fees.

Any person submitting a request for the vacation of a public way shall accompany such request with payment of the permit fee as established by resolution of the Rawlins City Council, as provided in Title 1 of this Code. (Ord. 4A-90) (Ord. No. 10A-94, Amended, 10/04/94)(Ord. 08a-2008, Amended, 08/19/2008)(Ord. 11-2016)

Section 12.08.070 Ordinance.

The Rawlins City Council may review the petition and recommendations thereon and if after a finding that the proposed vacation is appropriate and in the best interest of the public, shall proceed to vacate said real property by ordinance, subject to any reservations or restrictions it may deem necessary. (Ord. 5-78 § 1(c))(Ord. 11-2016)

Section 12.08.080 Conveyance to abutting owner.

Upon passage of the ordinance to vacate, the mayor is authorized to convey the properties so vacated to the abutting property owners by quitclaim deed in accordance with Wyoming law and to be filed by the City. (Ord. 5-78 § 2)(Ord. 11-2016)

Section 12.08.090 Maintenance Obligations Terminated.

Upon completion of the vacation filing of the ordinance to vacate and conveyance by quitclaim deed, the City of Rawlins shall have no further obligation for the operation or maintenance of the vacated real property. (Ord. 11-2016)

Chapter 12.12

GRADING, DRAINAGE AND EXCAVATIONS

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- 12.12.460** **Permittee responsibility.**
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Section 12.12.010 **Purpose.**

A. The purpose of this chapter is to safeguard life, limb, property and public welfare by establishing minimum requirements for regulating grading and drainage and procedures by which these requirements may be enforced.

B. All grading shall be performed in accordance with the provisions of this chapter but shall not be construed to prevent the enforcement of other laws which prescribe more restrictive limitations nor shall the provisions of this chapter be presumed to waive any limitations imposed by other statutes or ordinances. (Ord. 2D-79 § 1)

Section 12.12.020 **Scope.**

This chapter sets forth rules and regulations to control earthwork construction, including excavation embankments and drainage on property other than public street and alley rights-of-way; establishes the administrative procedure for issuance of permits; and provides for approval of plans, specifications and inspection of the construction. (Ord. 2D-79 § 2)

Section 12.12.030 **Definitions.**

For the purposes of this chapter, the words and phrases defined in this section shall be construed in accordance with the definitions set forth unless it is apparent from the context that a different meaning is intended:

- A. "Bedrock" means solid, undisturbed bedrock in place either at the ground surface or beneath surface deposits of gravel, sand or soil.
- B. "City engineer" refers to the engineer employed or contracted by the city for the purpose of providing engineering services, and inspecting the plans and construction of public facilities.
- C. "Excavation" means any act by which earth, sand, gravel, rock or other earthen material is cut into, dug, uncovered, displaced or relocated, and includes the conditions resulting therefrom.
- D. "Existing grade" means the grade or elevation of the existing ground surface prior to excavating or filling.
- E. "Fill" means deposits of soil, rock or other materials placed by men.
- F. "Finish grade" means the final grade or elevation of the ground surface after grading is completed.
- G. "Grading" means any excavating or filling or combination thereof and includes the conditions resulting from any excavation or fill including the natural drainage pattern.
- H. "On-site retention" means the retention of storm water volume that falls on the site for a given design frequency storm, the site being exclusive of public streets, alleys or other land dedicated for public use.
- I. "Outfall of lot" means the lowest point of the lot (when final grading and improvements are complete) that will provide for continuity of drain water disposal to the street, alley or drainage channel or easement.
- J. "Project engineer" means the engineer who is licensed by the state and who has been employed to design or oversee work regulated by this chapter.
- K. "Rough grade" means an approximate elevation of the ground surface conforming to the proposed design.
- L. "Site" means any lot or parcel of land or contiguous combination thereof, under the same

ownership, where grading is performed or permitted.

M. "Soil" means all earth material of whatever origin that overlies bedrock. (Ord. 2D-79 § 7)
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.040 Enforcement.

The official charged with the enforcement of this chapter is the director of planning in cooperation with the city engineer. (Ord. 2D-79 § 3)
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.050 Minor variances.

The director of planning may grant a minor variance to this chapter's provisions and amendments relating thereto when there exists an unnecessary hardship substantially limiting the preservation and enjoyment of property rights resulting from a literal interpretation of this chapter. This minor variance shall not be authorized unless it is found that:

- A. Special circumstances or conditions apply to this permit application; and
- B. Authorizing of the minor variance is necessary for the preservation and enjoyment of substantial property rights; and
- C. Authorizing of the minor variance will not be materially detrimental to the persons residing or working in the vicinity, or adjacent property, to the neighborhood or to the public welfare in general; and
- D. Granting of the minor variance will be in harmony with the purposes sought to be attained by this chapter. (Ord. 2D-79 § 4)
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.060 Permit--Drainage.

No person shall obtain a building permit that is required by the City for work in or over any natural watercourse, drainageway, canyon, ravine, arroyo or other potential flood hazard area without first having obtained a grading permit from the city. The fee for such permit shall be as established by resolution of the City Council, as provided in Title 1 of this code. (Ord. 2D-79 § 5(a)) (Ord. No. 10A-94, Amended, 10/04/94)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 12.12.070 Permit--Filling and excavating.

No person shall do any grading without first having obtained a grading permit from the director of planning except for the following:

- A. An excavation which:
 - 1. Is less than two feet in depth, or
 - 2. Does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical;
- B. A fill less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical and which does not exceed one hundred cubic yards on any one site and does not obstruct a drainage course;
- C. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of the structure;
- D. Excavation or deposit of earth materials within a property which is dedicated or used, or to be used

for cemetery purposes not obstructing a watercourse except where the grading is within one hundred feet of the property line or intended to support structures;

E. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law; provided, that the operations do not affect the lateral support or unduly increase the stresses in or pressure upon any adjacent or contiguous property;

F. Grading in an isolated, self-contained area if the director of planning finds that no apparent danger to private or public property can now or thereafter result from the grading operations;

G. Grading in public rights-of-way and easements done under a permit issued by the office of the director of planning;

H. Grading by a public utility company in private easements which do not obstruct a natural watercourse;

I. Sanitary landfills and refuse disposal areas which are regulated by an appropriate governmental agency;

J. Grading by departments of the city or grading by contractors on city projects. (Ord. 2D-79 § 5(b)) (Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.080 Permit--Application.

A. To obtain a grading permit, the applicant shall file therefor in writing on a form furnished by the City engineer. A separate application shall be required for each site and may cover both excavation and filling.

B. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by lot, block, tract or similar description that will identify readily and definitely locate the proposed work and give name and address of property owner;
3. Identify the intended use for which the site is being prepared;
4. Give proposed location of deposit area and name and address of person who will receive excavated material and evidence that he is willing to receive the material (if off-site);
5. Be accompanied by plans, specifications and a soil report as required in this chapter;
6. State the estimated quantities of earthwork involved;
7. Be signed by the permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;
8. Give such other information as reasonably may be required by the City Engineer.
9. Payment of the permit fee as established by resolution of the City Council, as provided in Title 1 of this code. (Ord. 2D-79 § 8(a)) (Ord. No. 10A-94, Amended, 10/04/94) (Ord. 08a-2008, Amended, 08/19/2008; Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.090 Plans, specifications and soil report--Required.

A. Each application for a grading permit shall be accompanied by two sets of plans, specifications and a soil report, except when waived by the city engineer for minor or insignificant work. The plans, specifications and soil report shall be prepared and signed by an engineer licensed by the state.

B. Exceptions.

1. Plans and specifications need not be prepared by a licensed engineer if the director of planning in cooperation with the city engineer waives the requirement because technical engineering is not required and all other laws and regulations are complied with.

2. When waived by the city engineer in cases where soils and geologic conditions are not significant factors in the design, a soil report need not be submitted.

3. Plans, specifications and soil reports shall not be required by the director of planning for work in a

legal subdivision, or for work which is in an area under an approved site plan required by the zoning ordinance, provided the subdivision or site plan approval is granted subsequent to the effective date of the ordinance codified in this chapter. The requirements of this chapter shall be fulfilled during the approval process of the subdivision or site plan. (Ord. 2D-79 § 8(b))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.100 Plans, specifications and soil report--Contents.

A. Plans shall be drawn to scale upon substantial paper, polyester film or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and engineer by whom they were prepared. The plans shall show, but need not be limited to, the following information:

1. General vicinity map of the proposed site;
2. Property limits and accurate contours of existing ground and details of terrain and area drainage. All elevations shall be to U.S. Coast and Geodetic Survey datum;
3. Limiting dimensions, elevations, slopes and finish contours or elevations to be achieved by the grading, and proposed drainage channels and related construction;
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drainage system;
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent property owners which are within fifteen feet of the property or which may be affected by the proposed grading operations;
6. Provisions for on-site retention of storm water, unless waived by the director of planning with the approval of the city engineer, or otherwise not required by this chapter;
7. Any additional plans, drawings, specifications or calculations reasonably required by the city engineer.

B. Specifications shall contain information covering construction and material requirements.

C. Plans and specifications shall be based on the soil report when such a report is required. (Ord. 2D-79 § 8(c))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.110 Soil report contents.

The soil report shall show the information obtained from surface, subsurface and geological investigations necessary to provide information on which to base the design of the proposed project. The report shall include, but need not be limited to, pertinent data as applicable to the proposed project, concerning:

- A. The nature, distribution and strength of existing soil and rock;
- B. Geologic factors affecting stability and safety;
- C. Conclusions and recommendations for grading requirements including the correction of weak and/or unstable soil conditions;
- D. Opinions and recommendations covering the adequacy of site to be developed by the proposed grading operations. (Ord. 2D-79 § 8(d))

Section 12.12.120 Permit--Limit of authorization.

A. The issuance of a grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit or on the site plans and specifications approved by the director of planning.

B. The issuance of a permit or the approval of drawings and specifications shall not be construed to be a permit for, nor an approval of any violation of or deviation from the provisions of this chapter or any other ordinance, law, rule or regulation. A permit issued shall be invalid if, in the work completed, a violation of this chapter or deviation there from, ensued. When the violation occurs, the permit shall be deemed to be cancelled and the ground restored to the condition it was in prior to start of the grading work.

C. The issuance of a permit, based upon drawings and specifications, shall not prevent the director of planning from thereafter requiring the correction of errors in the drawings and specifications or from stopping unlawful construction operations being carried on there under. (Ord. 2D-79 § 9(a))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.130 Permit--Other regulation compliance.

Permits issued under the requirements of this chapter shall not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other ordinance, department or division of the city or other governing agency. (Ord. 2D-79 § 9(b))

Section 12.12.140 Permit--Time limits.

A. The permitted shall fully perform and complete all of the work required to be done pursuant to the grading permit within the time limit specified. If no time limit is specified, the permitted shall complete the work within one hundred eighty days after the date of the issuance of the grading permit.

B. If the permitted is unable to complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing to the city engineer a request for an extension. If, in the opinion of the director of planning, such an extension is warranted, he may grant additional time for the completion of the work. (Ord. 2D-79 § 9(c))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.150 Storm drainage precautions.

All persons performing any grading operations shall comply with all state, federal and local laws and put into effect all safety precautions which are necessary in the opinion of the director of planning and provide adequate anti-erosion and/or drainage devices, debris basins, or other safety devices to protect the life, limb, health and welfare and private and public property of others from damage of any kind. (Ord. 2D-79 § 9(d))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.160 Approval conditions.

In granting any permit under this chapter, the director of planning may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

- A. Compliance with dust control requirements of the city;
- B. Requirements for fencing of excavations or fills which would otherwise be hazardous;
- C. Improvement of any existing site condition to bring it up to the standards of this chapter. (Ord. 2D-79 § 9(e))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.170 Liability for damage.

Neither the issuance of a permit under the provisions of this chapter nor the compliance with the

provisions of this chapter, or with any conditions imposed in the permit issued under this chapter, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the city for damage to other persons or property. (Ord. 2D-79 § 9(f))

Section 12.12.180 Permit--Revocation.

Should the director of planning find the work under any permit issued under these provisions is not proceeding in accordance with the drawings, specifications, and details of the application which the permit was issued, and/or is proceeding in violation of this chapter or any other ordinance of the city, or should he find that there has been any false statement or misrepresentation as to a material fact in the application, payment for the permit or plans on which the permit was based, the director of planning shall notify the person obtaining the permit and the owner that such work fails to conform to the permit, or that the permit was obtained by false representations and that the failure in obtaining the permit be corrected without delay. If the owner or person obtaining the permit fails or refuses to make such correction within the time specified in the notice, the director of planning shall revoke the permit and serve notice of the revocation upon the person to whom the permit was issued. The notice shall be in writing and signed by the director of planning. It is unlawful for any person to proceed with any part of the work after the notice is served. (Ord. 2D-79 § 9(g))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.190 Denial--Geological or flood hazard.

If, in the opinion of the director of planning, the land area for which grading is proposed is subject to geological or flood hazard to the extent that the proposed corrective work will not eliminate or sufficiently reduce the hazard to human life or property, the grading permit and the building permits for habitable structures shall be denied. (Ord. 2D-79 § 10(a))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.200 Denial--Unlawful grading.

The city engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant will endanger any private property or result in the deposition of debris on any public way or seriously interfere with any existing drainage course. However, if it can be shown to the satisfaction of the city engineer that the hazard would be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the city engineer may issue the permit after the applicant has complied with Sections 12.12.100 and 12.12.110. (Ord. 2D-79 § 10(b))

Section 12.12.210 Permit--Fees.

No grading permit shall be issued without payment to the City of all grading permit fees. Such fees shall be established by resolution of the City Council, as provided in Title 1 of this code. (Ord. 2D-79 § 11)

(Ord. No. 10A-94, Amended, 10/04/94)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 12.12.220 Bond--Required.

A. A permit shall not be issued for more than one thousand cubic yards of grading or for grading that can affect adjacent property or drainage unless the permittee shall first post with the director of planning a cash bond or a bond executed by the owner and a corporate surety authorized to do business in this state as a surety in an amount sufficient to cover the cost of the project, including corrective work necessary to

remove and eliminate geological hazards, all as determined by the director of planning.

B. The bond (cash or surety) shall include penalty provisions on a form approved by the city attorney for failure to complete the work on schedule. (Ord. 2D-79 § 12(a))(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.230 Bond--Conditions.

Every bond shall include the conditions that the permittee shall:

A. Comply with all of the provisions of this chapter and other applicable laws and ordinances;

B. Comply with all of the terms and conditions of the permit for excavation or fill to the satisfaction of the director of planning;

C. Complete all of the work contemplated under the permit within the time limit specified in the permit or in subsection A of Section 12.12.140. The director of planning may, for sufficient cause, extend the time specified in the permit but no such extension shall release the surety upon the bond. (Ord. 2D-79 § 12(b)) (Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.240 Bond--Term.

The term of each bond shall begin upon the date of filing and shall remain in effect until the completion of the work to the satisfaction of the director of planning. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the director of planning may order the work required by the permit to be completed to his satisfaction. The surety executing the bond or deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any and all such required work to be done. In the case of a cash deposit, the deposit or any unused portion thereof shall be refunded to the permittee. (Ord. 2D-79 § 12(c))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.250 Bond--Loan commitment in lieu of bond.

A. In lieu of providing assurance of construction in the manner provided in Sections 12.12.220 through 12.12.240, the permittee may provide assurance of construction for grading improvements by delivering to the director of planning, prior to the issuance of a permit, an appropriate agreement between an approved lending institution and the permittee, stating that funds sufficient to cover the entire cost of performing the proposed work, including engineering and inspection costs, in an amount approved by the director of planning, have been deposited with the approved lending institution, or have been committed to be loaned by the lending institution to the permittee. The agreement shall provide that the funds in the stated amount are specifically allocated, and will be used by the permittee, or on his behalf, only for the purpose of performing the grading improvements. The city shall be the beneficiary of the agreement, or the permittee's rights thereunder shall be assigned to the city and the director of planning shall approve each disbursement of any such funds. The agreement may also contain terms, conditions and provisions normally included by the lending institutions in loan commitments for construction funds, or as may be necessary to comply with statutes and regulations applicable to the lending institutions.

B. In the event a bond or approved assurance for the proposed work is provided through some other ordinance or stipulation, a second assurance to fulfill this chapter will not be required. (Ord. 2D-79 § 12(d)) (Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.260 Maximum slope.

Cuts shall not be steeper in slope than one and one-half horizontal to one vertical unless a retaining wall or other approved support is provided or unless the owner furnishes a soils engineering report proving

to the satisfaction of the city engineer that the proposed deviation will be stable, will not endanger any property or result in the deposit of debris on any public way or interfere with any existing drainage course. (Ord. 2D-79 § 13(a))

Section 12.12.270 Drainage terraces.

Cut slopes exceeding forty feet in vertical height shall be terraced. Drainage terraces are to be a minimum of six feet wide, paved, and must carry water to a safe disposal area. Terraces shall be cut at intervals not exceeding thirty feet vertically. Where only one terrace is required, it shall be at mid-height. (Ord. 2D-79 § 13(b))

Section 12.12.280 Fill--Finishing.

All material placed as fill shall be bladed and graded to a uniform surface and shall not be left on the site as irregular dumping. (Ord. 2D-79 § 14(a))

Section 12.12.290 Fill--Compaction.

A. All fill shall be compacted to not less than the minimum densities as listed in this section and as determined in accordance with ASTM D698-70. Field density shall be determined by ASTM D1556-64 and/or standard methods for density of soil and soil-aggregate in place of nuclear methods (shallow depth), ASTM D2922-71.

Location	Min. Density*
Under structures	95%
Parking lots, driveways, roads	95%
Yards, open spaces	80%

* Unless a modification is indicated based on a soils report.

B. Fills which will support the foundations of structures shall be constructed under the supervision of an engineer licensed by the state. Exceptions:

1. Fills in non-hillside areas that are made for yard purposes and which do not exceed eighteen inches in depth need not be compacted;
2. Sanitary landfills and refuse disposal areas which are regulated by an appropriate governmental agency.

C. When foundations of structures are not to be supported by the fill, the city engineer may allow deviations from the above requirements if he finds that their strict enforcement is unduly restrictive for the intended purpose. (Ord. 2D-79 § 14(b))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.300 Fill--Ground preparation.

The area over which fills are to be made shall be cleared of all trash, trees, stumps, timber, debris or other material not suitable as a foundation for a fill. Where slopes are five horizontal to one vertical or steeper, scarifying or benching into sound bedrock or other competent material shall be required. Five feet of the lowermost bench shall be exposed beyond the toe of the fill. The bench shall be sloped for sheet overflow or a paved drain shall be provided. (Ord. 2D-79 § 14(c))

Section 12.12.310 Fill--Slope.

A. No fill shall be made which creates an exposed surface steeper in slope than one and one-half horizontal to one vertical.

B. The director of planning may require that the fill be constructed with an exposed surface flatter than one and one-half horizontal to one vertical if this is necessary for stability and safety. Slopes of fills which are not compacted in accordance with Section 12.12.290 may not exceed two horizontal to one vertical. (Ord. 2D-79 § 14(d))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.320 Fill--Material.

The material to be used for fill shall be approved by the director of planning prior to use when the fill is to support the foundations of structures. No organic material shall be permitted in fills. Except as permitted by the director of planning, no rock or similar irreducible material with a maximum dimension greater than eight inches shall be buried or placed in fills. (Ord. 2D-79 § 14(e))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.330 Fill--Drainage terracing.

All fill slopes in excess of thirty feet vertical height shall have paved drainage terraces at vertical intervals not exceeding twenty-five feet. Where only one terrace is required, it shall be at mid-height. Terraces shall drain into a paved gutter, pipe or other watercourse adequate to convey the water in a safe disposal area. The terrace shall be at least six feet wide. (Ord. 2D-79 § 14(f))

Section 12.12.340 Fill--Receiving slopes.

Fills toeing out on natural slopes which are steeper than two horizontal to one vertical will not be permitted. (Ord. 2D-79 § 14(g))

Section 12.12.350 Setbacks.

A. Cuts and fills shall be set back from property lines and buildings shall be set back from cut or fill slopes in accordance with Figure No. 1 of the ordinance codified in this chapter, on file in the office of the city clerk. Retaining walls may be used to reduce the required setback when approved by the city engineer.

B. Fill placed on or above the top of an existing or proposed cut or natural slope steeper than three horizontal to one vertical shall be set back from the edge of the slope a minimum distance of six feet.

C. Building foundations shall be set back from the top of slope a minimum distance of six feet for all cut slopes steeper than two horizontal to one vertical. No buildings shall be constructed on cut or fill slopes steeper than three horizontal to one vertical.

D. The setbacks given in this section are minimum and may be increased by the director of planning as approved by the city engineer if considered necessary for safety or stability or to prevent possible damage from water, soil or debris. (Ord. 2D-79 § 15)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.360 Drainage--Existing facilities.

No person shall alter any natural drainage course or existing drainage facility in such a way as to damage or endanger by flooding, erosion or any other means any public or private property or improvements. (Ord. 2D-79 § 16(a))

Section 12.12.370 Drainage--Disposal.

All drainage facilities shall be designed to carry surface waters to the nearest practical street, storm drain, or natural watercourse approved by the city engineer and any other governmental agency having jurisdiction as a safe place to deposit such waters. (Ord. 2D-79 § 16(b))

Section 12.12.380 Drainage--Erosion prevention.

Adequate provision shall be made to prevent surface waters from damaging the face of an excavation or fill. All slopes shall be protected from surface water runoff from above by berms or swales. (Ord. 2D-79 § 16(c))

Section 12.12.390 Drainage--Terrace drains.

All swales or ditches on drainage terraces shall be graded to provide suitable drainage and designed to prevent erosion and provide durability. (Ord. 2D-79 § 16(d))

Section 12.12.400 On-site storm water retention.

A. Retention of storm water shall be required for all new subdivisions containing twenty or more single-family residential lots or which consist of ten or more acres in gross area.

B. Except where provisions for retention of storm waters have been made as stipulated in subsection A of this section, on-site retention of storm water shall be required for all developments equal to or exceeding one-half acre in size unless the site is served by a storm sewer, channel or natural drainage way having an adequate outlet capacity from the development to a major drainage outfall such as, but not limited to, a storm drain or natural watercourse approved by the city engineer as a safe place to deposit such waters.

C. Storm water retention provisions shall be adequate to contain the computed difference of water volumes between the historic and developed flows resulting from a one-hundred-year frequency storm. The tributary area used in the computation shall be the area of the subdivision or the development site. The method of water volume computation shall be in accordance with the standards available to the public and on file with the director of planning. The requirement for on-site retention may be waived by the director of planning if he determines that the retention is impractical because of, but not limited to steep terrain, poor percolation, or incompatibility with existing or surrounding improvements. The director of planning may require additional drainage studies or reports in such cases to determine if a critical drainage problem will be created on adjacent or downstream properties. (Ord. 2D-79 § 17)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.410 Grading--Designation of supervision status.

All fills used or intended to be used for the support of foundations of structures and, when required by the director of planning, all grading affecting stability of adjacent property, shall be performed under the supervision of a project engineer registered in the state and shall be designated "supervised grading." Grading not supervised in accordance with Sections 12.12.410 through 12.12.440 shall be designated "regular grading." (Ord. 2D-79 § 18(a))

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.420 Grading--Testing agency may be required.

The director of planning may inspect the work, and may require adequate inspection and compaction control by a soils testing agency. (Ord. 2D-79 § 18(b))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.430 Grading--Supervised.

A. For supervised grading, it shall be the responsibility of the project engineer to supervise and coordinate all site inspection and testing during grading operations. Soils reports shall also be required as specified in Sections 12.12.080 through 12.12.110. All necessary reports, compaction data, and soils engineering and engineering geological recommendations shall be submitted to the director of planning by the project engineer.

B. Soil reports certifying the compaction or acceptability of all fills shall be required except as exempted by Section 12.12.290. These shall include, but not be limited to, inspection or areas cleared, compacted and otherwise prepared to receive fill; the placement and compaction of fill material; the bearing capacity of the fill to support structures; and the inspection or review of the construction of retaining walls, subdrains, drainage devices, buttress fills and similar measures. (Ord. 2D-79 § 18(c))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.440 Grading--Noncompliance notice.

If, in the course of fulfilling his responsibility under this chapter the project engineer finds that the work is not being done in conformance with this chapter or the plans approved by the director of planning, he shall immediately notify the person in charge of the grading work and the director of planning in writing of the nonconformity and of the corrective measures to be taken. (Ord. 2D-79 § 18(d))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.450 Safety precautions.

A. If, at any stage of the work, the city engineer determines by inspection that further grading as authorized will endanger any property or result in the deposit of debris on any public way or interfere with any existing drainage course, the city engineer shall require, as a condition to allowing the work to be completed, that such reasonable safety precautions be taken as he considers advisable to avoid such likelihood of damage.

B. Notice to comply shall be submitted to the permittee and owner in writing. After a notice to comply is written, a period of ten days shall be allowed for the contractor to begin to make the corrections unless an imminent hazard exists, in which case the corrective work shall begin immediately.

C. If the city engineer finds any existing conditions not as stated in the grading permit or approved plans, he may refuse to approve further work until approval is obtained for a revised grading plan which will conform to the existing conditions. (Ord. 2D-79 § 19)

Section 12.12.460 Permittee responsibility.

A. Compliance with Plans and Requirements. All permits issued under this chapter shall be presumed to include the provision that the applicant, his agent, contractors or employees shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of this chapter.

B. Protection of Utilities. During the grading operations, the permittee shall be responsible for the prevention of damage to any street or drainage facility or to any public utility or service. This responsibility applies within the limits of grading and along any routes of travel of equipment.

C. Protection of Adjacent Property. The permittee is responsible for the prevention of damage to

adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property prior to supporting and protecting the property from settling, cracking or other damage which might result. (Ord. 2D-79 § 20)

Section 12.12.470 Hazardous condition elimination.

Whenever any existing excavation or embankment or fill has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainageway, such condition shall be deemed a nuisance and the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the director of planning shall, within the period specified therein, repair or eliminate the excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter. (Ord. 2D-79 § 6)
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.480 Plan modification.

No modification of the approved grading plans may be made without the approval of the director of planning. All necessary soils and geological reports shall be submitted with the plans. (Ord. 2D-79 § 21)
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.490 Completion of work.

A. Final Reports. Upon completion of the work, the director of planning may require the following reports:

1. Certification by the project engineer that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans and this chapter;
2. A soils engineering report including certifications of soil bearing capacity of compacted fills, summaries of field and laboratory tests and locations of tests;
3. An engineering geology report based on the final construction. It shall include specific approval of the grading as affected by geological factors. Where necessary, a revised geologic map and cross-sections, and any recommendations regarding building restrictions or foundation setbacks, shall be included.

B. Notification of Completion. The permittee or his agent shall notify the director of planning when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage structures and their protective devices, have been completed and required reports have been submitted. (Ord. 2D-79 § 22)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.12.500 Penalty for violation.

A. Any violation of the provisions of this chapter shall be deemed unlawful and subject to the general penalty provisions as provided in Chapter 1.08 of this code in addition to any and other lawful action which the city may take for the prevention of the violation of this chapter.

B. Any bond, performance bond, assurances, loan commitment or all other guarantees provided pursuant to the terms of this chapter shall, in the event of the permittee's failure to complete the work or failure to comply with any or all conditions of the permit or of this chapter, shall be forfeitable to the order of the city for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any or all such work as required thereunder to be completed pursuant to the terms and conditions as provided in the permit or this chapter. (Ord. 2D-79 § 23)

Chapter 12.16
STREET CLOSURE

Sections:

12.16.010 Authorized.

Section 12.16.010 Authorized.

The police department may, upon request of any city department, restrict the use of, or close, any city street whenever the requesting department considers the closing or restriction necessary:

- A. For the protection of the public;
- B. For the protection of the street from damage or during construction, improvement or maintenance operations thereon;
- C. For construction, improvements or maintenance on any water main, sewer main or other public utility. (Ord. 3-76 § 1)

Chapter 12.20

IMPROVEMENTS WITHIN PUBLIC PLACES

Sections:

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Section 12.20.009 Article I. Definitions

Section 12.20.010 Generally.

Whenever in this chapter the following terms or pronouns in place of them are used, the intent and meaning shall be interpreted as set out in this article. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.020 Contractor.

"Contractor" means the individual, firm, association, corporation, governmental agency or any other legal entity which is responsible for performing the actual construction and/or installation of all or any portion of the project for which a permit is required. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.030 Emergency.

"Emergency" means unforeseen occurrences and combinations of circumstances involving the public welfare or the protection of work already done, or which endanger life or property and call for immediate action or remedy. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.040 Engineer.

"City Engineer" refers to the engineer employed or contracted by the city for the purpose of providing engineering services and inspecting the plans and construction of public facilities.(Ord. 1A-79 § 1 (part): prior code § 25-42 (part))
(Ord. 11-2007, Amended, 11/06/2007)

Section 12.20.050 Excavation.

"Excavation" means any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.060 Improvement.

"Improvement" means any pipe, pipeline, tube, main, service, tap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer, ditch, roadway, pavement, driveway, parkway, sidewalk, pedestrianway, parking area or any other work, material, structure or object of any kind or character, whether enumerated in this section or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over a public place. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.070 Performance bond.

"Performance bond" means the security provided by the permittee or his contractor solely for the protection of the city and conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.080 Permittee.

"Permittee" means the individual, firm, association, corporation, governmental agency or any other legal entity which is responsible for the project necessitating the improvements proposed or under construction. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.090 Person.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.100 Project engineer.

"Project engineer" means the professional engineer employed by the permittee to design and/or supervise the improvement construction. In the case of a city improvement project, the project engineer may be the engineer. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.110 Public improvement.

"Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrianway, off-street parking area, lot improvement or other facility for which the city may ultimately assume the responsibility for maintenance and operation. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.120 Public place.

"Public place" means any public street, way, place, alley, sidewalk, park, square, plaza or any other

public property owned or controlled by any governmental agency in a governmental capacity. "Public place" shall also mean any property which is proposed to be dedicated or used as public property in the future or which can reasonably be expected to become a public place in the future. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.130 Specifications.

"Specifications" means the descriptions, directions, provisions and requirements for performing the work on a specific project. In all cases, the city's standard specifications shall govern in all applicable circumstances. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.140 Standard details.

"Standard details" means uniform detail drawings of structures or devices adopted as standard construction details by the engineer. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.150 Standard specifications.

"Standard specifications" means uniform general specifications adopted as standard specifications by the engineer. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.160 Substructure.

"Substructure" means any pipe, conduit, duct, tunnel, manhole vault, buried cable or wire, or any other structure located below the surface of any public place. (Ord. 1A-79 § 1 (part): prior code § 25-42 (part))

Section 12.20.169 Article II. Permits

Section 12.20.170 Required.

No person shall make any excavation or perform any work or construction in any public place without first obtaining a permit to do so from the engineer except as otherwise provided in this chapter. (Ord. 1A-79 § 1 (part): prior code § 25-43(a))

Section 12.20.180 Application.

No permit shall be issued unless a written application (on a form provided by the engineer) for the issuance of a permit is submitted to the engineer. The written application shall state the name and address and principal place of business of the permittee, the authority of the applicant to occupy the public place for which the permit is sought, the location and dimensions of the improvements, the purpose of the facility and the length of time which will be required to complete such work including removing all obstructions, material and debris. The application, when approved and signed by the engineer, shall constitute a permit. (Ord. 1A-79 § 1 (part): prior code § 25-43(b))

Section 12.20.190 Plans required.

No permit shall be issued until acceptable plans for the proposed improvements have been submitted

and approved by the engineer except in cases when the work is of such nature that the adopted standard details adequately governs the quality of materials and workmanship. (Ord. 1A-79 § 1 (part): prior code § 25-43(c))

Section 12.20.200 Emergency action.

Nothing in this chapter shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs; provided, that the person performing such work shall apply to the engineer for such a permit on the first working day after such work is commenced. (Ord. 1A-79 § 1 (part): prior code § 25-43(d))

Section 12.20.210 Fees.

A permit fee shall be charged by the city for the issuance of any permit required by this chapter. The fees for such a permit shall be established by resolution of the City Council, as provided in Title 1 of this code. (Ord. 1A-79 § 1 (part): prior code § 25-43(e)) (Ord. No. 10A-94, Amended, 10/04/94) (Ord. 08a-2008, Amended, 08/19/2008)

Section 12.20.220 Exceptions.

A. No permit, as provided for in this chapter, shall be required for private improvements such as private sidewalks or driveways connecting from private facilities to public facilities within a public place when such private improvements are being constructed as part of a building construction project for which a building permit has been issued by the building official.

B. City departments, performing normal maintenance and construction functions, are exempt from the requirement to obtain permits.

C. No permit shall be required for the installation, replacement, maintenance or repair of aboveground utility facilities when the work is performed by a corporation franchised by the city to supply or convey electricity or communication impulse. This exception shall specifically apply to aboveground conduits, wires, towers, poles, pole lines, anchors, cables, transformers and junction boxes. (Ord. 1A-79 § 1 (part): prior code § 25-43(f))

Section 12.20.230 Limitations and conditions on issuance.

A. The issuance of a permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit or on the plans and specifications approved by the engineer.

B. The issuance of a permit or the approval of drawings and specifications shall not be construed to be a permit for, nor an approval of any violation of or deviation from the provisions of this chapter or any other ordinance, law, rule or regulation. A permit issued shall be invalid if, in the work completed, a violation of this chapter or deviation therefrom, ensued. When such violation occurs, the permit shall be deemed to be cancelled and the public place restored to the condition it was in prior to the start of the work.

C. The issuance of a permit, based upon drawings and specifications, shall not prevent the engineer from thereafter requiring the correction of errors in the drawings and specifications or from stopping unlawful construction operations being carried on thereunder. (Ord. 1A-79 § 1 (part): prior code § 25-44(a))

Section 12.20.240 Jurisdiction of other agencies.

Permits issued under the requirements of this chapter shall not relieve the permittee of responsibility for securing required permits for work to be done which is regulated by any other ordinance, department or

division of the city or other governing agency. (Ord. 1A-79 § 1 (part): prior code § 25-44(b))

Section 12.20.250 Time limits.

A. The permittee shall fully perform and complete all of the work required to be done pursuant to the permit within the time limit specified. If no time limit is specified, the permittee shall complete the work within one hundred eighty days after the date of the issuance of the permit.

B. If the permittee is unable to complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing to the engineer a request for an extension. If, in the opinion of the engineer, such an extension is warranted, he may grant additional time for the completion of the work. (Ord. 1A-79 § 1 (part): prior code § 25-44(c))

Section 12.20.260 Conditions of approval.

In granting any permit under this chapter, the engineer may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. (Ord. 1A-79 § 1 (part): prior code § 25-44(d))

Section 12.20.270 Liability of permit holder.

Neither the issuance of a permit under the provisions of this chapter nor the compliance with the provisions of this chapter, or with any conditions imposed in the permit issued under this chapter, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the city for damage to other persons or property. (Ord. 1A-79 § 1 (part): prior code § 25-44(e))

Section 12.20.280 Revocation.

Should the engineer find the work under any permit issued under these provisions is not proceeding in accordance with the drawings, specifications and details of the application upon which the permit was issued, and/or is proceeding in violation of this chapter or any other ordinance of the city, or should he find that there has been any false statement or misrepresentation as to a material fact in the application, payment for the permit or plans on which the permit was based, the engineer shall notify the permittee that the work fails to conform to the permit, or that the permit was obtained by false representations and that the failure in obtaining the permit be corrected without delay. If the permittee fails or refuses to make the correction within the time specified in the notice, the engineer shall revoke the permit and serve notice of the revocation upon the person to whom the permit was issued. The notice shall be in writing and signed by the engineer. It is unlawful for any person to proceed with any part of the work after the notice is served. (Ord. 1A-79 § 1 (part): prior code § 25-44(f))

Section 12.20.289 Article III. Completion of Work

Section 12.20.290 Bond--Required.

A. A permit shall not be issued to perform work in a public place when the cost of the work is in excess of one thousand dollars unless the permittee shall first post with the engineer a cash bond or a bond executed by the permittee and a corporate surety authorized to do business in this state as a surety in an amount sufficient to cover the cost of the project as determined by the engineer.

B. The bond (cash or surety) shall include penalty provisions on a form approved by the city attorney

for failure to complete the work on schedule. (Ord. 1A-79 § 1 (part); prior code § 25-44(a))

Section 12.20.300 Bond--Conditions.

Every bond shall include the conditions that the permittee shall:

- A. Comply with all of the provisions of this chapter, applicable laws and ordinances;
- B. Comply with all of the terms and conditions of the permit for the work to the satisfaction of the engineer; and
- C. Complete all of the work contemplated under the permit within the time limit specified in the permit. The engineer may, for sufficient cause, extend the time specified in the permit but no such extension shall release the surety upon the bond. (Ord. 1A-79 § 1 (part); prior code § 25-45(b))

Section 12.20.310 Bond--Term and use to complete work.

The term of each bond shall begin upon the date of filing and shall remain in effect until the completion of the work to the satisfaction of the engineer. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the engineer may order the work required by the permit to be completed to his satisfaction. The surety executing the bond or deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any and all such required work to be done. In the case of a cash deposit, the deposit or any unused portion thereof shall be refunded to the permittee. (Ord. 1A-79 § 1 (part); prior code § 25-45(c))

Section 12.20.320 Bond--Loan commitment use in lieu.

In lieu of providing assurance of construction in the manner provided in this article, the permittee may provide assurance of construction for improvements by delivering to the engineer, prior to the issuance of a permit, an appropriate agreement between an approved lending institution and the permittee, stating that funds sufficient to cover the entire cost of performing the proposed work, including engineering and inspection costs, in an amount approved by the engineer, have been deposited with the approved lending institution, or have been committed to be loaned by the lending institution to the permittee. The agreement shall provide that the funds in the stated amount are specifically allocated, and will be used by the permittee, or on his behalf, only for the purpose of performing the improvements. The city shall be the beneficiary of the agreement, or the permittee's rights thereunder shall be assigned to the city and the engineer shall approve each disbursement of any such funds. The agreement may also contain terms, conditions and provisions normally included by the lending institutions in loan commitments for construction funds, or as may be necessary to comply with statutes and regulations applicable to the lending institutions. (Ord. 1A-79 § 1 (part); prior code § 25-45(d))

Section 12.20.330 Exceptions.

The requirements for assurances may be waived by the engineer under the following conditions:

- A. The permittee is a city, county or state department whose functions require the installation and/or maintenance of public improvements;
- B. The permittee is a corporation whose franchise empowers it to make its own paving restoration, but such permits will be issued only when the restoration work keeps fully apace with the openings being made. The corporations shall pay promptly all bills for inspection at scheduled rates, and all bills for restoration done by city forces;
- C. The permittee is a developer who has previously provided assurances satisfactory to the city council

under the provisions of the subdivision regulations, provided the proposed improvements for which such assurances were accepted. (Ord. 1A-79 § 1 (part): prior code § 25-45(e))

Section 12.20.340 Inspection, testing and fees.

A. The engineer shall provide for inspection of all improvements during construction and assure their satisfactory completion. The applicant shall pay to the City inspection fees as may henceforth be established by resolution of the City Council as provided in Title 1 of this code. These fees shall be due and payable upon application for permit to construct the various types of improvements.

B. Costs for required or necessary materials testing or compaction testing as provided for in the standard specifications shall be charged to the permittee and such bills shall be promptly paid.

C. Nothing in this article shall be construed to require inspection by the City or the payment of inspection fees for materials or workmanship for the actual installation, replacement, maintenance or repair of utility facilities when the work is performed by a corporation franchised by the City to supply or convey gas, electricity or communication impulse. City inspection and the payment of inspection fees will be required for all excavation, backfill, compaction and surface restoration, necessitated by the work when performed within a public place. (Ord. 1A-79 § 1 (part): prior code § 25-46)
(Ord. 08a-2008, Amended, 08/19/2008)

Section 12.20.350 Method and diligence of working.

A. The contractor shall perform all work as may be necessary to complete the project for which the permit is issued in a satisfactory and acceptable manner in full compliance with the approved plans, the standard specifications and approved supplemental specifications.

B. After work is commenced, the contractor shall prosecute with diligence and expedition all work covered by the permit and shall promptly complete the work and restore the public place to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary. (Ord. 1A-79 § 1 (part): prior code § 25-47(a))

Section 12.20.360 Alteration of work.

The project engineer, with approval of the engineer shall issue change orders to cover unforeseen circumstances which make it impossible to carry out the work in accordance with the original plans. Under no circumstances shall alterations be permitted in the details of construction or changes permitted in quantities involved in the work beyond the termination of the proposed construction except as may be necessary to satisfactorily complete the project. (Ord. 1A-79 § 1 (part): prior code § 25-47(b))

Section 12.20.370 Traffic routing.

Unless otherwise approved, public roadways, while undergoing improvements, or streets adjacent to off-street projects shall be kept open to all traffic. The contractor may request, and, when approved by the engineer, bypass traffic over an approved detour route. The contractor shall keep the portion of the project being used by the public in such condition that traffic will be adequately accommodated. He shall also provide and maintain, in a safe condition, temporary approaches or crossings and intersections for agencies and facilities that provide emergency services for the public. (Ord. 1A-79 § 1 (part): prior code § 25-47(c))

Section 12.20.380 Cleanup and dust control.

A. Throughout all phases of construction, including suspension of work, and until final acceptance of

the project, the contractor shall keep the work area clean and free from rubbish, excess materials and debris.

B. Failure of the contractor to comply with the engineer's cleanup orders may result in an order to suspend work until the condition is corrected.

C. The contractor shall take whatever steps, procedures or means required to prevent abnormal dust conditions due to his construction operations. The dust control measures shall be maintained at all times, to the satisfaction of the engineer. (Ord. 1A-79 § 1 (part): prior code § 25-47(d))

Section 12.20.390 Drawing maintenance.

Every person owning, using, controlling or having an interest in substructures, under the surface of any public place used for the purpose of supplying or conveying gas, electricity, communication impulse, water, steam, ammonia or oil in the city, shall file with the engineer within one hundred twenty days after the adoption of the ordinance codified in this chapter a map or set of maps each drawn to an appropriate scale showing in detail the location, size, description and date of installation, if known, of all substructures, except a service line designed to serve a single property owner, beneath the surface to the public place belonging to, used by or under the control of the person having any interest, and shall file with the engineer each and every year a corrected map or set of maps each drawn to scale including all installation made during the previous year; provided, however, that a public utility owner may at its option provide corrected atlas sheets at more frequent intervals. (Ord. 1A-79 § 1 (part): prior code § 25-47(e))

Section 12.20.400 Supervision of work.

A. The engineer will decide all questions which may arise as to the quality or acceptability of materials furnished and work performed and all questions which may arise as to the interpretation of the plans for public improvements and the standard specifications.

B. In giving instructions, the engineer may make minor changes in the work, not involving extra work and not inconsistent with the purpose of the work, except in emergencies endangering life or property.

C. The engineer will suspend the work wholly or in part due to the failure of the contractor to correct conditions unsafe for the workmen or the general public, for such periods as he may deem necessary due to unsuitable weather, for conditions considered unsuitable for the prosecution of the work or for any other condition or reason deemed to be in the public interest. (Ord. 1A-79 § 1 (part): prior code § 25-48(a))

Section 12.20.410 Plan and drawing contents.

A. Plans will show details of all structures, utilities, lines, elevations, grades, typical cross-sections of roadways and location and design of all work.

B. The plans will be supplemented by such shop drawings as are necessary to adequately control the work. Shop drawings for structures and utilities shall be furnished by the permittee or his contractor and shall consist of such detailed plans as may be required to adequately control the work and are not included in the plans furnished by the permittee. All shop drawings must be approved by the engineer but such approval shall not operate to relieve the contractor of any of his responsibility for the successful completion of the work. (Ord. 1A-79 § 1 (part): prior code § 25-48(b))

Section 12.20.420 Plans and specifications--Compliance.

A. All work performed and all materials furnished shall be in conformity with the lines, elevations, grades, cross-sections, dimensions and material requirements, including tolerances, shown on the plans or indicated in the specifications.

B. In the event the engineer finds the materials or the finished product in which the materials are used

are not in conformity with the plans and specifications, but that reasonably acceptable work has been produced, he shall then make a determination if the work is accepted and remain in place.

C. In the event the engineer finds the materials or the finished product in which the materials are used or the work performed are not in conformity with the plans and specifications and have resulted in an inferior or unsatisfactory product, the work or materials shall be removed and replaced or otherwise corrected by the contractor. (Ord. 1A-79 § 1 (part): prior code § 25-48(c))

Section 12.20.430 Plans and specifications--Error correction.

The contractor shall take no advantage of any apparent error or omission in the plans or specifications. In the event the contractor discovers such an error or omission, he shall immediately notify the engineer and the project engineer. The project engineer shall then make such corrections and interpretations as may be deemed necessary for fulfilling the intent of the plans and specifications. (Ord. 1A-79 § 1 (part): prior code § 25-48(d))

Section 12.20.440 Contractor responsibilities.

A. The contractor shall give the work the constant attention necessary to facilitate the progress thereof, and shall cooperate with the engineer, his inspectors and other contractors in every way possible.

B. The contractor shall at all times be present at the work in person or represented by a competent superintendent authorized to receive and fulfill instructions from the engineer and who shall supervise and direct the work. Instructions and information given by the engineer to the contractor's superintendent shall be considered as having been given to the contractor.

1. All phases of the project such as concrete work, pipe work, etc., shall be under the direct supervision of a foreman or his designated representative on the site who shall have authority to accept instructions, with respect to that particular phase of the project, and take action required to properly carry out the work.

2. In the event of noncompliance with the above, the engineer may require the contractor to stop work on that part of the project until the required supervision is present.

C. The contractor shall file with the engineer the names, addresses and telephone numbers of representatives who can be contacted at any time, in case of emergency. These representatives must be fully authorized and equipped to correct unsafe or excessively inconvenient conditions on short notice.

D. Emergencies may arise during the progress of the work which may require special effort or require extra shifts of men to continue the work beyond normal working hours. The contractor shall be prepared in case of such emergencies from whatever cause, to do all necessary work promptly. (Ord. 1A-79 § 1 (part): prior code § 25-48(e))

Section 12.20.450 Cooperation with utilities.

The contractor shall give all utility companies, all pipeline owners or other parties affected the maximum notice possible when their underground or overhead services interfere with his work. The contractor shall resolve all problems with the utility owners concerned. (Ord. 1A-79 § 1 (part): prior code § 25-48(f))

Section 12.20.460 Construction stakes, lines and grades.

The project engineer will be responsible for setting construction stakes, establishing lines and grades for road work, curbs, gutters, sidewalks, structures and centerlines for utilities and necessary appurtenances as may be deemed necessary. He will furnish the contractor with all necessary information relating to the

lines and grades. These stakes and marks shall constitute the field control by and in accordance with which the contractor shall establish other necessary controls and perform the work. (Ord. 1A-79 § 1 (part): prior code § 25-48(g))

Section 12.20.470 Inspector duties.

A. Inspectors employed by the city will be authorized to inspect all work done and materials furnished. The inspection may extend to all or any part of the work and to the preparation, fabrication or manufacture of the materials to be used. The inspector will not be authorized to alter or waive the provisions of the contract. The inspector will not be authorized to issue instructions contrary to the plans and specifications or to act as foreman for the contractor.

B. The inspector will, however, have the authority to reject work or materials until any questions at issue can be referred to and decided by the engineer. (Ord. 1A-79 § 1 (part): prior code § 25-48(h))

Section 12.20.480 Inspection.

A. Inspection of the work by the engineer or his authorized representative shall not be considered as direct control of the individual workman and his work. The direct control shall be solely the responsibility of the contractor's foremen and superintendent.

B. The engineer shall be permitted to inspect all materials, and each part of detail of the work at any time for the purpose of expediting and facilitating the progress of the work. He shall be furnished with such information and assistance by the contractor as is required to make a complete and detailed inspection.

C. Any work done or materials used without supervision and inspection by an authorized city representative may be ordered removed and replaced. Failure to reject any defective work or materials shall not in any way prevent later rejection when the defect is discovered or obligate the engineer to final acceptance. (Ord. 1A-79 § 1 (part): prior code § 25-48(i))

Section 12.20.490 Unauthorized or unacceptable work removal.

A. Unacceptable work, whether the result of poor workmanship, use of defective materials, damage through carelessness or any other cause, found to exist prior to the final acceptance of the work shall be removed immediately and replaced in an acceptable manner.

B. No work shall be done without lines and grades having been given by the project engineer. (Ord. 1A-79 § 1 (part): prior code § 25-48(j))

Section 12.20.500 Maintenance during construction.

A. The contractor shall maintain the work during construction and until the project is accepted. This maintenance shall constitute continuous and effective work prosecuted day by day, with adequate equipment and forces to the end so that the roadway or structures are kept in satisfactory conditions at all times.

B. In the case of the placing of a course upon a course or subgrade previously constructed, the contractor shall maintain the previous course or subgrade during all construction operations. (Ord. 1A-79 § 1 (part): prior code § 25-48(k))

Section 12.20.510 Failure to maintain roadway or structure.

If the contractor, at any time, fails to perform maintenance during construction, the engineer will immediately notify the contractor of such noncompliance. If the contractor fails to remedy unsatisfactory

maintenance within twenty-four hours after receipt of the notice, the engineer may immediately proceed to maintain the project. The entire cost of this maintenance will be charged to the contractor. (Ord. 1A-79 § 1 (part): prior code § 25-48(l))

Section 12.20.520 Partial use or occupancy.

A. Should an urgent or unforeseen need occur, the contractor shall allow the city to use or occupy a unit or portion of the project, such as a structure, utility service, or a section of road or pavement, prior to final acceptance.

B. Prior to such use or occupancy the city will prepare a written agreement with the contractor and accomplish a partial acceptance inspection. The written agreement will include responsibilities for maintenance of the partial acceptance and continued construction of the original project to final acceptance. (Ord. 1A-79 § 1 (part): prior code § 25-48(m))

Section 12.20.529 Article IV. Liability and Responsibility

Section 12.20.530 Regulations compliance.

The contractor shall keep fully informed of all federal and state laws, county and city ordinances, regulations, codes and all orders and decrees of bodies or tribunals having any jurisdiction or authority, which in any way affect the conduct of the work. He shall at all times observe and comply with all such laws, ordinances, regulations, codes, orders and decrees; and shall protect and indemnify the city and its representatives against any claim or liability arising from or based on the violation of such, whether by himself or his employees. (Ord. 1A-79 § 1 (part): prior code § 25-49(a))

Section 12.20.540 Safety, health and sanitation.

A. The contractor shall provide and maintain in a neat, sanitary condition such accommodations for the use of his employees as may be necessary for their comfort and sanitation.

B. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility or as the engineer may determine, reasonably necessary to protect the life and health of employees on the job, the safety of the public and to protect property in connection with the performance of the work covered by the project.

C. Precaution shall be exercised by the contractor at all times for the protection of persons (including employees) and property. The contractor shall comply with the provisions of all applicable laws, pertaining to such protection including all federal and state occupational safety and health acts, and standards and regulations promulgated thereunder. (Ord. 1A-79 § 1 (part): prior code § 25-49(b))

Section 12.20.550 Public convenience and safety.

The contractor shall at all times so conduct his work as to assure the least possible obstruction to traffic and adjacent residents. The safety, convenience and the protection of persons and property, of the general public and residents along the street, highway and areas adjacent to the work area shall be provided for by the contractor. (Ord. 1A-79 § 1 (part): prior code § 25-49(c))

Section 12.20.560 Barricades and warning signs.

A. The contractor shall provide, erect and maintain all necessary barricades, suitable and sufficient

lights, danger signals, signs and other traffic-control devices, and shall take all necessary precautions for the protection of the work and safety of the public. Roads, partially or fully closed to traffic shall be protected by effective barricades, and obstructions shall be illuminated during hours of darkness. Suitable warning signs shall be provided to properly control and direct traffic.

B. The contractor shall erect warning signs in advance of any place on the project where operations may interfere with the use of the road by traffic, and at all intermediate points where the new work crosses or coincides with an existing road. Such warning signs shall be constructed and erected in accordance with the manual on traffic-control devices prepared or adopted by the city. (Ord. 1A-79 § 1 (part): prior code § 25-49(d))

Section 12.20.570 Property and landscape protection and restoration.

A. The contractor shall be responsible for the preservation of all public and private property and shall protect carefully from disturbance or damage all land monuments and property marks until the engineer, or the project engineer, has witnessed or otherwise referenced their location and shall not move them until directed.

B. The contractor shall be responsible for all damage or injury to property of any character, during the prosecution of the work resulting from any act, omission, neglect or misconduct in his manner or method of executing the work, or at any time due to defective work or materials, and the responsibility will not be released until the project has been completed and accepted.

C. When or where any direct or indirect damage or injury is done to public or private property by or on account of any act, omission, neglect or misconduct in the execution of the work, or in consequence of the nonexecution thereof by the contractor, he shall restore the property to a condition similar or equal to that existing before the damage or injury was done, by repairing, rebuilding or otherwise restoring as may be directed or he shall make good the damage or injury in an acceptable manner.

D. The contractor shall not dump, spoil or waste material on private property without first obtaining from the owner written permission for such dumping. (Ord. 1A-79 § 1 (part): prior code § 25-49(e))

Section 12.20.580 Contractor responsibility for work.

A. The contractor shall properly guard, protect and take every precaution necessary against injury or damage to all finished or partially finished work, by the action of the elements or from any other cause, until the entire project is completed and accepted by the engineer. The contractor shall rebuild, repair, restore and make good all injuries or damages to any portion of the work before final acceptance.

B. In case of suspension of the work for any cause whatever, the contractor shall be responsible for the project and shall take such precautions as may be necessary to prevent damage to the project and shall erect any necessary temporary structures, signs or other facilities. (Ord. 1A-79 § 1 (part): prior code § 25-49(f))

Section 12.20.590 Utility property and service responsibility.

A. At points where the contractor's operations are adjacent to properties of utility firms or other property, damage to which might result in considerable expense, loss or inconvenience, work shall not commence until all arrangements necessary for the protection thereof have been made.

B. The contractor shall cooperate with the owners of any underground or overhead utilities in their removal and rearrangement operations in order that these operations may progress in a reasonable manner, that duplication of work may be reduced to a minimum, and that services rendered by those parties will not be unnecessarily interrupted.

C. If any utility service is interrupted as a result of accidental breakage, the contractor shall promptly notify the proper authority and shall cooperate with the authority in the restoration of service. No work shall be undertaken around fire hydrants until provisions for continued service have been approved by the fire

chief.

D. The contractor shall expose all underground utilities and structures which might interfere with the construction of the project, in order to permit survey location prior to construction. (Ord. 1A-79 § 1 (part): prior code § 25-49(g))

Section 12.20.600 Public official liability.

In carrying out any provisions of this chapter, or in exercising any power or authority granted to them by or within the scope of their duties, there shall be no liability upon the city, engineer or their authorized representative, either personally or as officials of the city, it being understood that in all such matters they act solely as agents and representatives of the city. (Ord. 1A-79 § 1 (part): prior code § 25-49(h))

Section 12.20.609 Article V. Enforcement

Section 12.20.610 Penalty for violation.

Any violation of the provisions of this chapter shall be deemed unlawful and subject to the general penalty provisions as provided in Chapter 1.08 of this code, in addition to any and other lawful action which the city may take for the prevention of the violation of this chapter. (Ord. 1A-79 § 1 (part): prior code § 25-50(a))

Section 12.20.620 Guarantee use for failure to complete work.

Any bond, performance bond, assurances, load commitment or all other guarantees provided pursuant to the terms of this chapter shall, in the event of the permittee's failure to complete the work or failure to comply with any or all conditions of the permit or of this chapter, shall be forfeitable to the order of the city for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any or all such work as required thereunder to be completed pursuant to the terms and conditions as provided in the permit or this chapter. (Ord. 1A-79 § 1 (part): prior code § 25-50(b))

Chapter 12.24
OBSTRUCTIONS

Sections:

- 12.24.010 Dumping snow or ice.**
- 12.24.020 Obstructing gutters.**
- 12.24.030 Damaging sidewalk, curb or gutter.**
- 12.24.040 Throwing or dropping materials on highways.**
- 12.24.050 Other Obstructions.**

Section 12.24.010 Dumping snow or ice.

It is unlawful for any person to place, throw, scatter, dump, push or deposit snow or ice or any combination thereof which has accumulated upon their private property onto property of another which is neither owned nor leased by them without the consent of the property owner or lessee, or upon any public right-of-way or alley within the City of Rawlins.

Downtown Snow Removal District:

In order to maintain a walkable and accessible high density retail downtown district, a higher level of service will be provided by the City for snow removal in the following designated area. Property owners may deposit snow from their sidewalk onto City streets in the following areas:

- W. Cedar Street from Sixth Street to Third Street
- South side of W. Buffalo Street from Sixth Street to Fourth Street
- Sixth Street from Cedar Street to Buffalo Street
- Fifth Street from Buffalo Street to the alley between W. Cedar Street and W. Front Street
- Fourth Street from Buffalo Street to W. Front Street

No parking restrictions will apply as a result of this ordinance.

(Ord. 12B-79 § 1: prior code § 25-1) (Ord. No. 6A-93, Amended, 06/01/93)
(Ord. 12-2009, Amended, 12/01/2009)(Ord. 02-2017, Amended 2/7/17)

Section 12.24.020 Obstructing gutters.

No person shall lay any pipe, asphalt, concrete, gravel, rock, sand, dirt or any refuse of any nature whatsoever so as to obstruct the flow line of any gutter in the city. (Prior code § 25-2) (Ord. No. 6A-93, Amended, 06/01/93)

Section 12.24.030 Damaging sidewalk, curb or gutter.

No person shall damage or tear up any sidewalk, curb or gutter without written permission from the city manager or the manager's designee. (Prior code § 25-3) (Ord. No. 6A-93, Amended, 06/01/93)

Section 12.24.040 Throwing or dropping materials on highways.

- A. No person shall throw or deposit upon any public right-of-way any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon the right-of-way.
- B. Any person who drops, or permits to be dropped or thrown, upon any public right-of-way any

destructive or injurious material shall immediately remove it or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a public right-of-way shall remove any glass or other injurious substance dropped upon the highway from the vehicle. (Prior code § 16-6) (Ord. No. 6A-93, Amended, 06/01/93)

Section 12.24.050 Other Obstructions.

No person shall store, or cause to be stored, any personal property or waste material on any public right-of-way in the City or cause any obstruction upon any sidewalk or in any alley within the City. Operable vehicles and currently licensed trailers may be parked upon the streets of the City, provided that such do not interfere with travel by other vehicles, unless such parking is specifically prohibited elsewhere in this code. In locations where curb and gutter have been installed, vehicles and trailers may not be parked upon the right-of-way of any street, except outside the travel portion of the street or the street pavement, except on two-way streets of less than 24 feet in width, and only then when such does not interfere with vehicle or pedestrian travel. (Ord. No. 6A-93, Enacted, 06/01/93; Ord. No. 7-94, Amended, 07/19/94)

Chapter 12.28

HOUSE NUMBERING

Sections:

- 12.28.010** Conformance required.
- 12.28.020** Numbering grid designated.
- 12.28.030** Even and odd numbers.
- 12.28.040** Numbering interval.
- 12.28.050** Subinterval numbers.
- 12.28.060** Number designation.
- 12.28.070** Lot Numbering in Mobile Home and Camping Parks.

Section 12.28.010 Conformance required.

It is unlawful for any person to erect or maintain any house or building numbered not in conformity with the provisions of this chapter. (Prior code § 25-56)

Section 12.28.020 Numbering grid designated.

A. All streets running easterly and westerly on the north side of the Union Pacific Company's right-of-way shall be designated and known in those parts thereof east of First Street as "East," and the numbers on the houses thereon shall increase from west to east, and in those parts thereof west of First Street as "West," and the numbers on the houses thereon shall increase from east to west. All streets running easterly and westerly on the south side of the Union Pacific Railroad Company's right-of-way shall be designated and known in those parts thereof as east of Washington Street as "East," and the numbers thereon shall increase from west to east, and in those parts thereof west of Washington as "West," and the numbers thereon shall increase from east to west.

B. Numbers on houses on streets running northerly and southerly shall be even numbers, and all numbers of houses or way, shall increase from south to north, and those south of the Union Pacific Railroad Company's right-of-way shall increase from north to south, commencing with Railroad Street. (Prior code § 25-57)

Section 12.28.030 Even and odd numbers.

All numbers of houses or buildings facing easterly or northerly shall be even numbers, and all numbers of houses or buildings facing westerly or southerly shall be odd numbers. (Prior code § 25-58)

Section 12.28.040 Numbering interval.

Each number shall represent, as nearly as possible, a space of twenty-four feet in frontage, and shall be designated and known according to the schedule on file in the office of the director of planning. (Prior code § 25-59)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.28.050 Subinterval numbers.

If more than one building is located where one number is designated by this chapter, the first in order shall take the number designated, and the other shall take a half number, and if apartments are constructed on the same lot, they shall be designated by a letter after the number, the lowest floor taking the first letter.

(Prior code § 25-60)

Section 12.28.060 Number designation.

It shall be the duty of the director of planning, upon request of any house owner, to inform the house owner or occupant of the number designated for his house or building by the provisions of this chapter. If any owner or occupant fails to properly mark or number his house or buildings as required in this chapter, it shall be the duty of the director of planning to cause such house or building to be marked with its designated number, and the cost of marking the building shall be collected by the city from the owner.

(Prior code § 25-61)

(Ord. 11-2007, Amended, 11/06/2007)

Section 12.28.070 Lot Numbering in Mobile Home and Camping Parks.

Upon application for a license as required by section 16.16.020, a map of the mobile home park or recreational vehicle park shall be submitted to the City showing each space in the park and the number assigned to the space. Each space in the park shall be clearly numbered to accommodate utility, police, fire and other identification by the City.

(Ord. 08-2009, Added, 09/01/2009)

Chapter 12.32

PARKS

Sections:

12.32.010 Hours closed.

Section 12.32.010 Hours closed.

All public parks within the city shall be closed to public or private use between the hours of twelve a.m. and six a.m. of each day, except as otherwise specifically authorized by the mayor of the city. All persons violating the provisions of this section shall be guilty of a misdemeanor. (Ord. 6-79 § 1: prior code § 19-15)

Chapter 12.36

TREES IN PUBLIC PLACES AND RIGHT-OF-WAYS.

Sections:

12.36.010	Purpose of Chapter.
12.36.020	Definitions.
12.36.030	Arborist; Creation.
12.36.040	Arborist; powers and responsibilities.
12.36.050	Enforcement by City Manager.
12.36.060	Placement of trees.
12.36.070	Protection of Trees.
12.36.080	Attaching Signs, Notices or Devices Prohibited.
12.36.090	Intentionally Damage Prohibited.
12.36.100	Dangerous Tree Declared Nuisance.

Section 12.36.010 Purpose of Chapter.

This chapter provides for the care of trees located on municipal property and on public right-of-ways within the jurisdictional limits of the City in an effort to enhance the beauty of the City, while attempting to provide for the safety of persons and property within the City by guarding against certain obstructions to the pedestrian vehicular signing within the City and to provide supervisory care for the urban forest within the City. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.020 Definitions.

The following definitions shall apply as used in this chapter:

- A. "City Property" means all City owned real property, including parks, and right-of-ways.
- B. "Large tree" means any tree which has or likely will attain a height of twenty (20) feet or more.
- C. "Small tree" means any tree which has not and will not likely attain a height of twenty (20) feet.
- D. "Property owner" means the owner of record of real property within the jurisdictional limits of the City as shown by the records in the Carbon County Clerk's Office.
- E. "Tree" shall mean any woody perennial plant with a single trunk or stem, but shall encompass several trees growing in close proximity. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.030 Arborist; Creation.

There is hereby established a position of Arborist for the City, hereinafter referred to as the "Arborist." (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.040 Arborist; powers and responsibilities.

A. The Arborist shall have the responsibility to devise and adopt a comprehensive plan for the locating, planting, retention, protection, removal, abatement of trees on the City property. Such shall include a plan

for each park, whether existing or created at a future date. The final plan shall be presented to the City Council for consideration of adoption as the City Tree Plan.

B. The Arborist shall review and amend the City Tree Plan annually, as needed, and present such amendments, if any, to the City Council for approval.

C. The Arborist shall meet with such groups as may propose specific uses of City property which may impact the trees thereon, either existing or planned.

D. The Arborist shall receive such comments and complaints from the residents and users of the City properties as may be presented to the City. After hearing such, they shall make recommendations to the City Manager, and/or the City Council as it feels is appropriate and in the best interest of the City. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.050 Enforcement by City Manager.

The City Manager, or his designee, shall have the power to enforce any and all of the provisions of this chapter, including the locating, planting, replacing, removing, trimming or abating of any and all of the trees located on City property. In addition, any tree which encroaches upon the public right-of-way in a way as to present a hazard to the public or causing injury to a public or private utility within or using the right-of-way shall fall within the authority of the City Manager. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.060 Placement of trees.

A. No tree shall be planted between the curb and the sidewalk where such distance is less than three (3) feet.

B. No tree or scrub shall be planted closer than ten (10) feet from any fire hydrant or utility pole.

C. No tree or scrub shall be planted within the triangle described as beginning at the center of an intersection and extending 75 feet along the centerline of each street and connecting the ends of the extensions across the corners of the intersections. Trees which have overhang into the above described triangles shall be trimmed to a height of not less than ten (10) feet.

D. No large tree shall be planted within ten (10) feet of being directly under an overhead utility line or within five feet of an underground utility line.

E. Any tree which obscures or partially obscures any pedestrian or vehicle traffic control device may be trimmed by the City to prevent or control such condition. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.070 Protection of Trees.

Any person or entity undertaking excavation in the vicinity of any tree growing on public property shall be responsible to insure that the tree is protected from the excavation and that no great damage is done to the tree or its root system than is necessary to meet the needs of the excavation. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.080 Attaching Signs, Notices or Devices Prohibited.

A. No person shall attach any sign or notice to any tree growing on City property.

B. No person shall attach any rope or wire to any tree on City property without having received prior approval for such from the City Manager. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.090 Intentionally Damage Prohibited.

It is illegal for any person to intentionally damage or injure any tree on City property. (Ord. No. 12-95, Enacted, 12/05/95)

Section 12.36.100 Dangerous Tree Declared Nuisance.

A. Any tree extending over a public street, alley or highway shall be trimmed by the property owner on which the tree trunk is located, or his authorized agent, so as to provide a clear height above the street, alley or highway of not less than fourteen (14) feet.

B. Any tree extending over a public sidewalk shall be trimmed by the property owner so as to provide a clear height above the sidewalk of not less than eight (8) feet.

C. The property owner of any tree which extends over a public street, alley, highway or sidewalk shall remove any and all dead branches from the tree which, if dislodged, are likely to fall upon the public street, alley, highway or sidewalk.

D. In the event that the property owner fails to meet the requirements of this section, then the City may issue a written notice of violation to the property owner giving fifteen days to correct the violation. If the violation is not corrected within the given period of time then the City has the option of correcting the violation at the property owner's expense. (Ord. No. 12-95, Enacted, 12/05/95)