

# TITLE 12

## STREETS AND SIDEWALKS

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# TITLE 12

## STREETS AND SIDEWALKS

### Chapter 12.04

### EXCAVATIONS

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#### **12.04.010 Permit--Required.**

It is unlawful for any person to make or cause or permit to be made any excavation in or under the surface of any public street, alley, sidewalk or other public place for the installation, repair or removal of any pipe, conduit, duct or tunnel, or for any other purpose, without first obtaining from the street superintendent a written permit to make such excavation. (Prior code § 20.15)

**12.04.020 Permit--Deposit.**

Applicants for the permit required by Section 12.04.010 shall make a deposit to cover the cost of inspection and of restoring the public street, alley, sidewalk or other public property to its original condition, together with the incidental expenses in connection therewith, as provided by this chapter. (Prior code § 20.16)

**12.04.030 Permit--Application--Contents.**

The street superintendent, before issuing the permit required by Section 12.04.010, shall require a written application to be made and filed with the street superintendent wherein the applicant shall set forth the name and residence and business address of the person making such application and shall state in detail the location and area of such excavation intended to be made and the purpose for which the excavation is to be made and used. (Prior code § 20.17)

**12.04.040 Permit--Application--Plat required when.**

The application required by Section 12.04.030 shall be accompanied by a plat showing the location of each proposed excavation and the dimensions thereof and such other details as the street superintendent may require to be shown upon such plat; provided, that the filing of plats shall not be required when excavations are made for service connections for the location of trouble in conduits or pipes or making repairs thereto. (Prior code § 20.18)

**12.04.050 Permit--Application--Legal authority for excavation.**

The applicant for a permit to make an excavation shall show legal authority to occupy and use, for the purposes mentioned in the application, the streets, alleys, sidewalks or other public places wherein excavations are proposed to be made. (Prior code § 20.19)

**12.04.060 Permit--Application--Work to conform to application description.**

It is unlawful for any person to make, or to cause or permit to be made, any excavation, or to install or maintain or to cause or permit to be installed or maintained any tank, pipe, conduit, duct or tunnel in or under the surface of any public street, alley, sidewalk or other public place at any location other than that described in the application and shown on the plats filed by such person as required by the provisions of this chapter. (Prior code § 20.20)

**12.04.070 Permit--Application--Approval.**

When the application to excavate and the details shown upon the accompanying plat, when such plat is required, comply with the terms of this chapter, the application and plat shall be approved by the city engineer. After such approval, the plat shall be filed in the office of the city engineer as a public record. (Prior code § 20.21)

**12.04.080 Permit--Application--Special deposit.**

The application for an excavation permit shall be filed with the city engineer together with a special deposit covering the cost of pavement or sidewalk replacement as estimated by the city engineer; provided, that no deposit shall be less than one dollar and fifty cents per square foot of excavation or fifty dollars, whichever is greater. (79-23 (part); prior code § 20.22)

**12.04.090 Permit--Issuance or denial.**

Upon receiving a written application as required by Section 12.04.030 and the plat, when such plat is required by Section 12.04.040, each bearing the approval of the city engineer and the general or special deposit required by Section 12.04.080, the street superintendent shall issue a permit to make such excavation and shall open and keep an account thereof; provided, however, that the street superintendent shall not issue such permit unless the applicant has legal authority to occupy and use for the purposes mentioned in the application the streets, alleys, sidewalks or other public places covered by the application; provided further, that the street superintendent shall not issue any permit to make any excavation for the purpose of installing any tank, pipe, conduit, duct, tunnel or other structure in any public street, alley, sidewalk or other public place at any parallel point in, upon or along any portion of such street, alley, sidewalk or other public place for which a permit to excavate for any and all

of such purposes has been issued and is still in force and effect, except permits for house connections or for the necessary repairs to any tank, pipe, conduit, duct, tunnel or other structure and except permits to excavate in, upon and along that portion or side of such street, alley, sidewalk or other public place lying between the centerline thereof and the property line, for which a permit to excavate has been issued and is still in force and effect. (Prior code § 20.23)

**12.04.100 Permit--Contents.**

The permit issued under the provisions of Section 12.04,090 shall state whether the work to be done is covered by a general or a special deposit and, if a special deposit, shall state the amount thereof and shall be a receipt therefor. It shall also specify the person to whom the same is issued, the street, alley or other public place and the particular portion thereof to be excavated and the extent of such excavations. No permit shall be transferable. (Prior code § 20.24)

**12.04.110 Permit--Display required.**

Any person engaged in the making or filling of any excavation in any public street, alley or other public place shall, at all times while such work is in progress, keep at the place where such fill or excavation is located the original permit for such fill or excavation and must on demand, exhibit the same to the street superintendent, or to any of his inspectors or other employees, or to any police officer. (Prior code § 20.40)

**12.04.120 Permit--Expiration--Extension.**

Every permit, except for making house connections to sewers or for making repairs to the same, shall become and be void unless the excavation to be made pursuant thereto is completed within sixty days from the date of issuance of such permit. Every permit for making a house connection to a sewer or for making repairs to the same shall become void unless all work to be done pursuant thereto shall be done and the excavation refilled in the manner required by this chapter, within thirty days after the date of such permit; provided, however, that the street superintendent may grant an extension of time for a period not exceeding thirty days for the performance of such work and the refilling of such excavation whenever the street superintendent shall deem that good cause exists therefor. If any such extension of time is granted, such permit shall become and be void unless all such work is done and such excavation is refilled in the manner required by this chapter within three days after inspection of the pipe by the street superintendent, if a pipe has been laid, or within three days after the date of the permit, if no pipe is laid, and nothing herein contained shall be deemed or construed to allow a longer period of time therefor. (79-23 § 1 (part), 1979: prior code § 20.25)

**12.04.130 Failure to complete work--City authority.**

If any person fails, refuses or neglects to complete the making of any house connection to a sewer or to refill any excavation within the time required by Section 12.04.120, or within the period of any such extension of time if any such extension is granted, then the street superintendent shall complete the refilling of such excavation in the manner required by this chapter and the city shall retain the special deposit made for such excavation, if a special deposit has been made. (79-23 § 1 (part), 1979: prior code § 20.26)

**12.04.140 Methods of filling excavations.**

- A. All excavations shall be filled in the following manner:
  - 1. The trench shall be filled in layers of not more than six inches each in depth, each layer to be well rammed with rammers weighing not less than one pound per square inch of face.
  - 2. One man shall be furnished to tamp for each man engaged in filling the trench.
- B. An alternate method of filling the trench shall be as follows:
  - 1. The trench shall be filled to within not less than one foot from the surface and shall then be thoroughly flooded and the material settled by poling or by using shovels.
  - 2. If so directed by the street superintendent, the filling shall be settled with water at not more than two intermediate depths, to be determined by the street superintendent, before it is brought to within one foot of the surface.
  - 3. After the material has been allowed to settle, it shall be filled to the surface and again flooded and allowed to settle. It shall then be filled to the surface of the street.

C. All excavations shall be promptly refilled in the most workmanlike manner and surplus material removed without delay. It is unlawful for any person to fail, refuse or neglect to comply with any of these regulations, or with any regulations of the street superintendent governing the refilling of excavations. (Prior code § 20.27)

**12.04.150 Replacement of street surface.**

The street surface excavated or damaged shall be replaced to the satisfaction of the city engineer prior to the release of any special deposit as provided in Section 12.04.080. (Prior code § 20.28)

**12.04.160 Vehicular and pedestrian crossings.**

It shall be the duty of every person making any excavation in any public street, alley or other public place to maintain safe crossings for vehicular traffic at all street intersections and safe crossings for pedestrians at intervals of not more than three hundred feet. If any such excavation is made across any public street or alley, at least one safe crossing shall be maintained at all times for vehicles and pedestrians. (Prior code § 20.29)

**12.04.170 Storage of excavated materials.**

All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. If the street is not wide enough to hold the excavated materials without using part of the adjacent sidewalk, the person making the excavation shall erect a tight board fence upon and along such sidewalk and keep a passageway at least six feet in width open upon and along such sidewalk. (Prior code § 20.30)

**12.04.180 Access to fire hydrants and watergates.**

During the course of making excavations, free access must be provided to all fire hydrants and watergates. (Prior code § 20.31)

**12.04.190 Gutter maintenance.**

All gutters shall be maintained free and unobstructed for the full depth of the adjacent curb and at least one foot in width from the face of such curb at the gutter line. Wherever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. (Prior code § 20.32)

**12.04.200 Barriers and lights required.**

It shall be the duty of every person making any excavation in any public street, alley or other public place to place and maintain barriers at each end of such excavation and at such places as may be necessary along the excavation to prevent accidents, and also to place and maintain lights at each end of such excavation and at distances of not more than fifty feet along the line thereof, from sunset each day to sunrise of the next day, until such excavation is entirely refilled. It is unlawful for any person to fail, refuse or neglect to comply with any requirement contained in this section. (Prior code § 20.33)

**12.04.210 Notice to complete work.**

After an excavation is commenced, the work of making and refilling the same shall be prosecuted with due diligence and so as not to obstruct the street or other public place or travel thereon more than is actually necessary therefor. If the work is not so prosecuted, or if the work of refilling does not in the judgment of the street superintendent comply with the terms of this chapter, the street superintendent shall notify the person named in the permit that the work is not being prosecuted with due diligence or that the refilling of such excavation has not been properly done, and shall require such person, within three days after the service of such notice, to proceed with the diligent prosecution of such work, or properly to complete the same, as the case may be. Such notice shall be written or printed, and shall be served personally or by leaving the same at the residence or place of business of such person. If such person cannot be found and such place of business or residence is unknown or is outside of the city, such notice may be served by depositing the same in the post office in a sealed envelope, postage fully prepaid, addressed to such person at such place of business or residence, if known, or if unknown

at the city. If such notice is not complied with, the street superintendent shall do such work as may be necessary to refill such excavation, and restore the street, or other public place, or part thereof excavated, to as good a condition as the same was in before such excavation was made.

(Prior code § 20.34)

**12.04.220 Work performed by city--Statement of amount due city.**

The street superintendent shall cause a statement showing the amount due the city from every person for any work performed by the city pursuant to the provisions of this chapter to be mailed to every such person or to his agent in the city on or before the twelfth day of any month for any and all such work performed during the previous month. The amount due the city as shown by any such statement shall be paid by every such person to the street superintendent of city, on or before the twenty-fifth day of the month in which any such statement is mailed. In case of a special deposit, the balance shall be returned within thirty days after the street surface has been replaced by the street superintendent. The city shall deduct the cost of any work done or repairs made by the street superintendent from any and all deposits then on hand belonging to any person under the provisions of this chapter. (79-23 (part); prior code § 20.35)

**12.04.230 Work performed by city--Street superintendent authority.**

The decision of the street superintendent as to the cost of any work done or repairs made by him under his direction pursuant to the provisions of this chapter shall be final and conclusive as to the cost thereof. (Prior code § 20.36)

**12.04.240 Refund of moneys.**

All moneys refunded pursuant to the provisions of this chapter shall be paid upon demands audited and paid in the same manner as other demands against the city are audited and paid. (Prior code § 20.37)

**12.04.250 Removing gravel from unimproved streets--Permit required.**

It is unlawful for any person to make, or to cause or permit to be made, any excavation in any unimproved public street, alley or other public place for the purpose of removing soil or gravel therefrom, or to remove or to cause or permit to be removed therefrom any soil or gravel, without first obtaining a permit in writing from the street superintendent of the city to do so. (Prior code § 20.38)

**12.04.260 Filling unimproved streets--Permit required.**

It is unlawful for any person to make, or cause or permit to be made any fill in any unimproved public street, alley or other public place, for the purpose of placing, or causing or permitting to be placed thereon, any soil or gravel, without first obtaining a permit in writing from the street superintendent to do so. (Prior code § 20.39)

**12.04.270 Excavations in sidewalks and alleys--Restrictions.**

It is unlawful for any person to make, or to cause or permit to be made, any excavation under, or to remove, or to cause or permit to be removed, any earth, dirt or other formation from under that portion of any sidewalk lying between the outer curbline and any point in such sidewalk four feet distant from such curbline, or under any alley within three feet of the centerline of such alley, or to construct or cause or permit to be constructed any wall or other structure under any sidewalk within four feet of such curbline or under any alley within three feet of the centerline of such alley. The street superintendent may, in his discretion, issue permits for the making of excavations under that portion of any sidewalk lying between the outer curbline and any point in such sidewalk four feet distant from such curbline and under that portion of any alley, within three feet of the centerline of such alley, and may, in his discretion, issue permits for the construction of a wall or other structure under any such sidewalk within four feet of such curbline and under any such alley within three feet of the centerline thereof. Any permits issued under the provisions of this section may be revoked by the street superintendent at any time it may become necessary to construct any sewer, water main or pipeline or conduit or other public work of any kind along, in or through the excavation constructed or maintained under the authority of such permit, and the city shall have the right to use any portion of such excavation for the construction and maintenance of any such sewer, water main, pipeline, conduit, or other public work or improvement. Any such excavation shall be so constructed and maintained as to afford lateral, sub-

lateral, adjacent and overhead support of the surrounding embankments and structures satisfactory to the street superintendent. Before any such permit is issued a detailed plan of such excavation showing the proposed location thereof, and all appurtenances thereto, shall be filed in the office of the street superintendent. (Prior code § 20.41)

**12.04.280 Applicability of chapter provisions--Work done under state law or city contract.**

None of the provisions of this chapter shall apply to any work done or to be done in, along or upon any public street, alley or other public place pursuant to any law of the state providing for the improvement thereof or to any work done or to be done in, along or upon any such street, alley or other public place pursuant to any contract for improvement authorized by the city council; provided, that the provisions contained in Sections 12.04.160 through 12.04.200 shall apply to all such work and to all excavations to be made in, along or upon any public street, alley or other public place. The provisions contained in Sections 12.04.140 and 12.04.150 shall apply to all such work and to all excavations made or to be made in, along or upon any public street, alley or other place whenever the specifications for such work so provide. (Prior code § 20.42)

**12.04.290 Applicability of chapter provisions--Work done by city.**

The provisions of this chapter shall not apply to excavations made by any department, board or officer of the city in the discharge of its or his official duties. (Prior code § 20.43)

**12.04.300 Emergency excavations.**

Nothing contained in this chapter shall be construed to prevent any person maintaining any pipe or conduit in any public street, alley or other public place by virtue of any law, ordinance or permit from making such excavation as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the city are closed; provided, that the person making such excavation shall obtain a permit therefor within four hours after the offices of the city are first opened subsequent to the making of such excavation. (Prior code § 20.44)

**12.04.310 Rights of city reserved.**

Every permit for an excavation in or under the surface of any public street, alley or other public place shall be granted subject to the right of the city or of any person entitled thereto, to use that part of such street, alley or other public place for any purpose for which such street, alley or other public place may lawfully be used. (Prior code § 20.45)

## Chapter 12.08

### OBSTRUCTING STREETS AND SIDEWALKS

#### Sections:

- 12.08.010 Obstructions--Prohibited--Exception.**
- 12.08.020 Obstructions--Building materials--Permit required.**
- 12.08.030 Obstructions--Building materials--Rapid removal required.**
- 12.08.040 Obstructions--Building materials--Lighting required.**
- 12.08.050 Obstructions--Building materials--Removal after completion of building.**

#### **12.08.010 Obstructions--Prohibited--Exception.**

It is unlawful for any person to obstruct any sidewalk, gutter, street, alley or public place in the city by placing, permitting to be placed or maintaining thereon any rock, dirt, rubbish or other substance, material or obstruction of any kind or description, except as otherwise provided in this code and other ordinances of the city. (Prior code § 20.10)

#### **12.08.020 Obstructions--Building materials--Permit required.**

It is unlawful for any person to obstruct any street of the city by placing building materials of any kind therein, or otherwise to a greater distance and extent than one-half of the width of the street adjoining the buildings for which the materials are intended, and in no case shall more than one-third the width of the sidewalk be so obstructed, unless a special permit therefor shall have been obtained from the city street superintendent, who in his discretion is authorized to grant such permits. (Prior code § 20.11)

#### **12.08.030 Obstructions--Building materials--Rapid removal required.**

Any person placing materials for building in the streets as provided by Section 12.08.020 must proceed with the construction of the building for which the material is intended as rapidly as the weather and obtainable supply of workmen and material will permit and shall remove the material and debris thereon with all possible dispatch. (Prior code § 20.12)

#### **12.08.040 Obstructions--Building materials--Lighting required.**

Any person placing or causing to be placed any building materials or other obstructions in city streets shall place two lighted lanterns upon the material, one on each end thereof, two feet from the ground and arranged so as to keep burning from one-half an hour after sunset until one-half an hour before sunrise of each day. (Prior code § 20.13)

#### **12.08.050 Obstructions--Building materials--Removal after completion of building.**

Every portion of the building material and the debris thereof must be removed within three days after the completion of the building and the street placed and left in as good condition as it was before the material was placed therein. (Prior code § 20.14)

## Chapter 12.12

### UTILITY PIPELINE INSTALLATION

#### Sections:

- 12.12.010 Connection to utility pipelines--Required prior to street improvements.**
- 12.12.020 Connection to utility pipelines--Notice of street improvements--Work required.**
- 12.12.030 Connection to utility pipelines--Excavation unlawful when.**
- 12.12.040 Pipelines beneath streets--Map required.**
- 12.12.050 Pipelines beneath streets--Depth.**

#### **12.12.010 Connection to utility pipelines--Required prior to street improvements.**

Whenever the city council authorizes any street or alley in the city to be graded and graveled or paved with concrete, asphalt, crushed rock, oil macadam or any substance other than the natural soil of the street or alley, it shall be the duty of the owner of each separate lot, piece or parcel of land abutting on any such street or alley, which is not then connected with any water, gas or other main or conduit in the street or alley, to immediately connect the lot or parcel of land to the property line thereof with the water, gas or other main or conduit. (Prior code § 20.4)

#### **12.12.020 Connection to utility pipelines--Notice of street improvements--Work required.**

The street superintendent shall immediately notify in writing the owners of the lots or parcels of land coming under the provisions of Section 12.12.010 whenever a street improvement work is authorized by the city council. The notice shall be delivered to the owner, or his agent personally, or posted on the lot or parcel of land, and shall specify what work is required to be done by the lot owners and that the work must be completed prior to a certain date, which date shall be not less than ten days nor more than thirty days from the time the notice is served or posted. (Prior code § 20.5)

#### **12.12.030 Connection to utility pipelines--Excavation unlawful when.**

After the expiration of the time mentioned in the notice by Section 12.12.020, it is unlawful for the owner of any lot or parcel of land to make or cause to be made any excavation in any such street or alley for the purpose of doing any work which was required to be done in the notice, unless the city council shall by a two-thirds vote give permit therefor. (Prior code § 20.6)

#### **12.12.040 Pipelines beneath streets--Map required.**

It is unlawful for any person to have, lay, use or maintain any pipelines in any street, alley or other public place in the city unless such person files with the city clerk and city engineer a map showing the location of such pipelines in such street, alley or other public place. Such map shall contain a legend showing the size, character and material used in the construction of such pipelines. (Prior code § 20.7)

#### **12.12.050 Pipelines beneath streets--Depth.**

It is unlawful for any person to install, or to cause or permit to be installed, any service pipe or main pipe, conduit, duct, tunnel or other structure, except manholes, culverts and catch basins, in any public street, alley or other public place at a distance of less than two feet below the established grade of the gutter of such public street or alley, or less than two feet below the surface of such other public place. (Prior code § 20.8)

## Chapter 12.16

### DRIVEWAY CONSTRUCTION

#### Sections:

- 12.16.010 Permit--Required.**
- 12.16.020 Permit--Application.**
- 12.16.030 Permit--Cash deposit--Refund.**
- 12.16.040 Permit--Approval or denial.**
- 12.16.050 Permit--Conditions.**
- 12.16.060 Specifications and requirements.**
- 12.16.070 Width.**
- 12.16.080 Location in relation to fire hydrants.**
- 12.16.090 Violations.**

#### **12.16.010 Permit--Required.**

Every person who constructs or establishes, causes, permits or allows to be constructed or established any driveway, entrance or exit connecting a street with private property wherever curb and sidewalk are maintained, shall first file an application with the engineering department in the manner provided in Section 12.16.020 and be issued a permit therefor. (Prior code § 20.49)

#### **12.16.020 Permit--Application.**

Any person, or his duly authorized representative, who applies for a permit to construct or establish a driveway, entrance or exit

shall file an application with the engineering department signed and setting forth as follows:

- A. The name and address of applicant;
- B. The name and address of authorized representative; if any;
- C. Location of proposed driveway by street number and by designating that portion, in feet of the lot or property to be used;
- D. The proprietary interest of applicant in lot or property;
- E. The overall width of proposed driveway. (Prior code § 20.50)

#### **12.16.030 Permit--Cash deposit--Refund.**

A cash deposit of twenty-five dollars shall be paid to the city clerk before a permit is issued under this chapter, which money shall be held by the city clerk in trust, conditioned upon the completing of the driveway and the cutting and finishing of the curb according to the specifications and requirements of the city. Upon certification by the engineering department that all work has been completed in full conformity with the provisions of this chapter and the standards and specifications of the city, the city manager shall, upon the expiration of thirty days thereafter, authorize the return to the applicant of the unexpended portion of the deposit, retaining the sum of five dollars for costs of issuing the permit and inspections, plus any sums expended by the city for completion to required standards. No permit to cut curbs or to construct driveways shall be issued until the deposit required in this chapter has been properly made. (Prior code § 20.51)

#### **12.16.040 Permit--Approval or denial.**

An application for a permit to construct or establish any driveway, entrance or exit as defined and referred to in this chapter shall be filed with the engineering department. If the bottom width of the proposed driveway, entrance or exit is twelve feet or less, the engineering department may issue the permit forthwith; provided, however, should the requested bottom width be greater than twelve feet, the city manager may deny a permit and refer the application to the city council at the next regular or adjourned meeting. Final action of the council at any subsequent meeting shall be governed by a report of the police chief and the fire chief, which report shall determine the extent, if any, of public inconvenience or hazard, created by such construction. (Prior code § 20.52)

**12.16.050 Permit--Conditions.**

Any permit issued under the provisions of this chapter to construct in any business district any driveway, entrance or exit shall provide that within ninety days after the termination of any use for which the permit was issued, the permittee, owner or lessee shall, at his own expense, remove such driveway, entrance or exit and restore to their original condition all sidewalks, curbs and streets so damaged or displaced. If the permittee, owner or lessee fails to comply with this section within ninety days after the termination of the use of such driveway entrance or exit, the city manager shall so report to the city council and the council may instruct the city manager to abate such hazardous or inconvenient condition in the manner provided by law. (Prior code § 20.53)

**12.16.060 Specifications and requirements.**

Every driveway, entrance or exit constructed or established connecting a street with private property, wherever a curb and sidewalk are maintained, shall be constructed as follows:

A. Where Sidewalk Abuts Property Line. The floor or apron shall have a thickness not less than six inches, and such driveway shall be continued from such sidewalk on a straight line gradient through a cut in the curb to the flow line of the gutter of such street.

B. Where Sidewalk Abuts Curb. The existing sidewalk shall be removed for the entire width of the apron or floor of the proposed driveway, entrance or exit. The apron or floor shall have a thickness of six inches and shall be constructed on a straight line gradient from the flow line of the gutter to the midline of the existing sidewalk and continue thence on the same pitch as the remaining sidewalk to the rear line of such sidewalk.

C. Curb Return Not Required. In either case a "curb return" shall not be required. However, the bottom of the curb shall be made one inch above the flow line of the gutter and terminate in a forty-five degree slope at either end of the cut. The sides of the floor or apron shall conform to this angle at the curb and feather out at the junction with the sidewalk in the situation enumerated in subsection A of this section, and at the midline of the sidewalk in the situation enumerated in subsection B of this section. Both specifications as are on file in the office of the city engineer.

D. Construction Shall Conform. All such construction shall be in conformity with the established standards and specifications of the city and subject to the approval of the engineering department. (Prior code § 20.46)

**12.16.070 Width.**

Every driveway, entrance or exit constructed or established connecting a street with private property, wherever curb and sidewalk are maintained, shall be restricted in width overall to fifty percent or less of the frontage of that portion of such private property as is directly involved in the use of the driveway. If, in the discretion of the city council sitting as a body in regular or adjourned session, such restriction as to overall width of such driveway, entrance or exit will not endanger the public in person or property or interfere with the public convenience in the use of the sidewalk and street, the city council may waive the restriction as to the overall width. Private convenience in the use of such driveway shall not be the basis for the waiving of the restriction as to overall width. (Prior code § 20.48)

**12.16.080 Location in relation to fire hydrants.**

Every driveway, entrance or exit constructed or established connecting a street with private property shall be so constructed or established that no portion of such driveway, entrance or exit shall approach or pass within six feet of any fire hydrant. (Prior code § 20.47)

**12.16.090 Violations.**

No person shall construct or establish or cause, permit or allow to be constructed or established any driveway, entrance or exit connecting a street with private property where curb and sidewalks are maintained by the city without first having obtained a permit as required by this chapter. (89-16; prior code § 20.54)

## Chapter 12.20

### HOUSE NUMBERING

#### Sections:

- 12.20.010 Lots and buildings designated.**
- 12.20.020 Amount of numbers in blocks.**
- 12.20.030 Figures used for house numbers.**
- 12.20.040 Odd and even numbers designated.**
- 12.20.050 Assignment of numbers--Building inspector authority--Certificate issuance.**
- 12.20.060 Failure to number a building.**
- 12.20.070 Applicability of chapter provisions.**

#### **12.20.010 Lots and buildings designated.**

All lots and buildings within the city shall be known and designated in the following manner:

- A. All lots and buildings on all streets running north and south, north of First Street shall be numbered from south to north, commencing at First Street as the base line, and all lots and all buildings on all streets running north and south, south of First Street, shall be numbered from north to south commencing at First Street as the base line.
- B. All lots and buildings on all streets running east and west, west of College Avenue shall be numbered from east to west commencing at College Avenue as the base line, and all lots and buildings on all streets running east and west, east of College Avenue, shall be numbered from west to east, commencing at College Avenue as the base line.
- C. As near as may be, twenty feet shall be allotted to each number. (Prior code § 20.55)

#### **12.20.020 Amount of numbers in blocks.**

One hundred numbers shall be assigned insofar as possible and practical to each and every block within the city. (Prior code § 20.56)

#### **12.20.030 Figures used for house numbers.**

Figures used for house numbers shall be not less than three and one-half inches in height and shall be placed immediately over or by the side of one of the doors next to the street or other place of building, freely visible from the street. (Prior code § 20.57)

#### **12.20.040 Odd and even numbers designated.**

Lots and buildings on the south and east side of all streets shall be designated by even numbers and lots and all buildings on the north and west side of all streets by odd numbers. (Prior code § 20.58)

#### **12.20.050 Assignment of numbers--Building inspector authority--Certificate issuance.**

Upon application to him for a proper number of premises, it shall be the duty of the building inspector to assign to each and every building, store or residence the proper number and to deliver to each and every owner or occupant, free of charge, the certificate designating the number to be placed on each building, store or residence. (Prior code § 20.59)

#### **12.20.060 Failure to number a building.**

Any person who received a certificate provided for in Section 12.20.050 shall, within thirty days, number any building in conformity with the provisions of this chapter. (89-16; prior code § 20.60)

#### **12.20.070 Applicability of chapter provisions.**

The provisions of this chapter shall apply to all buildings in the city, including those constructed after May, 1954. (Prior code § 20.61)

## Chapter 12.24

## PARKWAYS

### Sections:

- 12.24.010 Definition of parkway.**
- 12.24.020 Permission required to surface.**
- 12.24.030 Permission required for excavation.**
- 12.24.040 Criteria for denial of permits.**
- 12.24.050 Height limitations on parkway vegetation.**
- 12.24.060 Shrubbery obstructing intersection visibility--Removal required.**
- 12.24.070 Duties of private property owners.**

#### **12.24.010 Definition of parkway.**

"Parkway," "easement" or "right-of-way" means land owned by another over which the city has an easement or right-of-way for street and related purposes. "Parkway" refers to that portion of a street right-of-way which is available for landscaping, and not for curb, gutter or pavement. (95-04)

#### **12.24.020 Permission required to surface.**

It is unlawful for any person to surface any portion of the city-owned streets or parkways at any location in the city by paving the same with concrete, asphalt, masonry, or any other hard surface, without first obtaining a public works permit and an encroachment permit. (95-04)

#### **12.24.030 Permission required for excavation.**

No person shall excavate within the public right-of-way any ditches, tunnels, trenches or irrigation lines without first obtaining a public works permit. (95-04)

#### **12.24.040 Criteria for denial of permits.**

Permits shall not be granted if it is determined that the planting, surfacing or excavation would compromise the health of a city tree, would interfere with utilities such as sewer laterals or the access to utilities, or would impede safe pedestrian or vehicular access. (95-04)

#### **12.24.050 Height limitations on parkway vegetation.**

It is unlawful for any person to have in any public parkway of any public street any plant material, such as shrubs or ground cover, that is more than thirty-six inches above the sidewalk level, and no growth shall be allowed to obstruct any portion of an adjoining sidewalk; provided, however, that the limitations contained in this section shall not apply to street trees which may exceed the height limitation of thirty-six inches, and which may branch over the sidewalk at a minimum height of seven feet. (95-04)

#### **12.24.060 Shrubbery obstructing intersection visibility--Removal required.**

Whenever the city traffic engineer finds that any hedge, shrubbery or tree growing within the public right-of-way obstructs the view of any intersection, or any traffic upon the streets approaching such intersection, he or she may cause the hedge, shrubbery or tree to be removed or reduced in height. (95-04 (part), 1995)

#### **12.24.070 Duties of private property owners.**

Except in those specific areas where the City has formally accepted maintenance through a development agreement or another instrument, the duties of any owner of private property whose property has a City parkway or easement on its street and related purposes are as follows:

- A. To maintain and water any vegetation planted in the public easement area to no more than twelve inches, and to reduce the height of no more than thirty-six inches in compliance with Section 12.24.050; provided however, this section shall not apply to City trees; and
- B. To remove all vegetation, garbage, and debris from any sidewalk, swale (improved or unimproved), or trail in the right-of-way easement over his or her property. (09-06)

## Chapter 12.26

### CITY TREES

#### Sections:

<b>12.26.010</b>	<b>Definitions.</b>
<b>12.26.020</b>	<b>Duties of Community Services Commission.</b>
<b>12.26.030</b>	<b>Duties of Director of Community Services.</b>
<b>12.26.040</b>	<b>Duties of private property owners.</b>
<b>12.26.050</b>	<b>Street trees.</b>
<b>12.26.060</b>	<b>Tree planting in subdivisions.</b>
<b>12.26.070</b>	<b>Permits.</b>
<b>12.26.080</b>	<b>Fees.</b>
<b>12.26.090</b>	<b>Protection of City trees.</b>
<b>12.26.100</b>	<b>Interference with Director of Community Services.</b>
<b>12.26.110</b>	<b>Violation-Penalty.</b>

#### **12.26.010 Definitions.**

The following definitions shall apply to this chapter.

- A. "Compaction" is the compression of the soil structure or texture by any means that creates an upper layer that is impermeable.
- B. "Designated Street Tree List" means a list of specific tree species which have been designated by the Community Services Commission for each City street, or part of it, as the species of tree to be planted and maintained within the City easement of that street.
- C. "Director" means the Director of the Community Services Department or his/her designee.
- D. "Drip Line Area" means the suggested minimum area within X distance from the trunk of a tree in a typical location, measured from the perimeter of the trunk of the tree at 54 inches above natural grade, where X equals a distance ten time the diameter of the trunk at 54 inches above natural grade, or the distance to the outermost edge of the tree canopy, whichever is the lesser distance.
- E. "Easement," "Parkway" or "Right-of-Way" means land owned by another over which the City has an easement or right-of-way for street and related purposes. "Parkway" refers to that portion of a street right-of-way, which is available for landscaping, and not for curb, gutter or pavement.
- F. "Heritage Trees" are any trees within the City's easement or on City-owned property which have been found to be of significance to the community or of notable historic interest and are so designated by action of the Community Services Commission.
- G. "Maintain" or "Maintenance" means and includes root pruning, trimming, spraying, watering, fertilizing, mulching, treating for disease or injury, or any other similar act, which promotes growth, health, beauty and life of any tree.
- H. "Pruning," "Trimming" or "Thinning" means to reduce the size of a tree using professionally accepted standards, as established by the International Society of Arboriculture (ISA), Tree Care Industry Association (TCIA) or American National Standards Institute (ANSI) Section A300, to control the height and spread of a tree, lessen the wind resistance, preserve its health and natural appearance, produce fuller branching and shaping, aid in disease prevention by allowing more light and air passage within the branches, or make adjustments which will increase its longevity in an urban environment.
- I. "Public Tree" or "City Tree" means any tree which is located within any public park, City easement, or on any other City-owned property.
- J. "Topping," "Heading Back," "Stubbing" or "Pollarding" means a severe type of pruning which usually produces less desirable results than more moderate pruning with respect to the tree's natural form and which is generally hazardous to the overall health and stability of the tree.
- K. "Tree Policy Manual" means a document prepared by the Community Services Department which states policies (approved by the City Council), procedures and other relevant information regarding the selection, planting, maintenance and removal of all City trees.
- L. "Urban Forest" or "Urban Forestry" means the ecology of native and nonindigenous plantings creating a forest in the human living environment, and emphasizing the practice of wise, professional,

planned management of all tree resources within an urban area for multiple use and benefit of the entire community. (07-04)

**12.26.020 Duties of Community Services Commission.**

The Community Services Commission serves as the City's tree advisory board. The commission shall:

A. Study the problems and determine the needs of the City in connection with its tree planting and maintenance programs; establish and revise the designated street tree list; and hold discussions of tree-related issues at public meetings.

B. Hear and determine appeals from staff decisions regarding street tree removal. The commission may grant an appeal if it finds that the staff decision would result in a burden on the property owner that substantially outweighs the benefit to the public. The commission's decision may be appealed to the City Council if a written appeal, setting forth the grounds, is filed with the City Clerk within ten days of the commission decision. If no timely appeal is filed, the decision shall be final.

(07-04)

**12.26.030 Duties of Director of Community Services.**

The powers and duties of the Director of Community Services, or his or her designee, under this chapter are as follows:

A. To designate a particular place within the City easement or on any City-owned property where a City tree will be planted.

B. To recommend to the Community Services Commission any changes or additions to the designated street tree list.

C. To draft a tree policy manual that states policies and procedures concerning the selection, planting, maintenance and removal of trees in public places to promote a viable urban forest.

D. To grant or deny the issuance of permits in accordance with the terms of this chapter.

(07-04)

**12.26.040 Duties of private property owners.**

The duties of any owner of private property whose property has a City easement on its for street purposes are as follows:

A. To accept, protect and provide adequate water to any City tree planted in the public easement over his or her property, and not to interfere with the City's provision of water to such trees, whether by water truck or other means;

B. To notify the Community Services Department of any suspected tree hazards or maintenance needs of any City tree on his or her property. (07-04)

C. To remove any vines from City street trees planted in the easement over his or her property; (09-06)

D. To remove all fallen leaves and other deadfall from any City tree planted in the public easement over his or her property, and to properly dispose of the deadfall in an appropriate waste receptacle. (09-06)

**12.26.050 Street trees.**

No tree shall be planted within a parkway other than the species designated as the street tree for that particular street, or portion of a street, by the Community Services Commission. No street tree shall be planted, except by the City, until a tree permit has been issued for it as provided in Chapter 12.26.070 of this chapter. (07-04)

**12.26.060 Tree planting in subdivisions.**

Any subdivider of land shall install City trees in accordance with the requirements of the Land Use and Development Code and the provisions of this chapter and any related resolutions. (07-04)

**12.26.070 Permits.**

A. No person shall plant or otherwise disturb any City tree without first obtaining a permit from the Director of Community Services.

B. Applications for permits must be made to the Community Services Department on forms provided by the department, and shall include such information as the director deems necessary to review the application.

C. Work undertaken by the permittee or his or her agents may be stopped immediately and the permittee's permit may be revoked by oral or written order of the director when the director determines that the program of work or conditions outlined in the permit are not being complied with.

D. The director's decision may be appealed to the Community Services Commission if a written appeal, setting forth the grounds, is filed with the Community Services Department within ten days of the director's decision. If no timely appeal is filed, the decision shall be final. (07-04)

**12.26.080 Fees.**

Fees for permits and appeals shall be established by resolution of the city council. Any previously adopted resolution establishing fees in relation to prohibited activities shall be repealed. (07-04)

**12.26.090 Protection of City trees.**

A. It is unlawful for any person to injure, cut, damage, carve, transplant, prune, root prune or remove any public tree. (07-04)

B. It is unlawful for any person to attach, cause to be attached or keep attached to any public tree, or to the guard or stake of a public tree, any rope, wire nails, tacks, staples, advertising posters, decorations, ornaments, flags, toys, swings, lights or any other contrivance whatsoever without first obtaining a permit or explicit approval from the City. (09-06)

C. It is unlawful for any person to cause or allow any poison or other substance harmful to tree life to lie, leak, pour, flow or drip upon or into the soil within the drip line of any public tree; or set fire or permit any fire to burn when such fire or heat thereof will injure any portion of any public tree; or to operate any equipment, such as mechanical weeding devices, in such a manner as to cause damage to a public tree in any way. (07-04)

D. No person shall injure any public tree located within an easement or public right-of-way on his or her private property by neglecting to provide the necessary amount of water, as determined by the Tree Policy Manual and the terms of this chapter, required for said tree's continued good health and viability. (07-04)

E. No person shall impact the drip line area of a City tree in a way that may reasonably be expected to damage the root system, compact the soil over the roots, or impede free passage of water, air or fertilizer to the roots of any public tree. (07-04)

F. Special consideration shall be afforded public trees determined by the Community Services Commission to be heritage trees. Such trees shall be removed only when public interest served by removal outweighs the interest in preservation and heritage status. (07-04)

G. All trees of any species or variety of the genus *Ulmus* which are found to be infected with *Ceratocystis ulmi* (Dutch Elm disease) in the city are a threat and a hazard to all trees of the genus *Ulmus* in Claremont. This section requires that all aboveground portions of such infected trees be destroyed or properly disposed of as provided in this chapter. (07-04)

H. No person shall possess, store or transport into the City all or any part of the trees of the genus *Ulmus* infected with *Ceratocystis ulmi* (Dutch Elm disease); provided, however, that wood, branches and roots of such trees may be transported either to a safe place for burning or burial, under a minimum of two feet of earth, within five days following the discovery of such infection, or to such sites, and under such conditions, as are approved by the Community Services Commission for the processing and subsequent elimination of the disease hazard. Infected trees may be treated in a manner approved by the county agriculture commissioner to affect a cure for the disease if and when an effective cure becomes known. (07-04)

I. During the construction, repair, alteration, moving or removal of any building, structure of any other type of construction in the City, no person in control of such work shall leave any public tree, shrub or plant in the vicinity of such activity without sufficient guards or protectors as identified in the tree policy manual to prevent injury to the tree, shrub or plant in connection with such construction, repair, alteration, moving or removal. The costs of any such protection shall be borne by the person responsible for the improvement. (07-04)

**12.26.100 Interference with director of community services.** No person shall hinder, prevent, delay or interfere with the director or any of his or her agents while engaged in carrying out the execution or enforcement of this chapter. Provided, however, that nothing in this section shall be construed as an attempt to inhibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction.

tion for the protection of property rights by the owner of any property within the City. (07-04)

**12.26.110 Violation-Penalty.**

A. Any violation of this chapter shall be a misdemeanor or infraction at the discretion of the city attorney or district attorney.

B. Irrespective of and cumulative to any criminal conviction for a violation of this chapter, the City may, pursuant to Government Code Section 36901, impose a civil penalty in an amount not exceeding one thousand dollars on any person who commits a violation of this chapter. The City may recover the penalty either through an administrative hearing or a civil action brought either by the city attorney or a designated employee of the City.

C. Irrespective of whether the City pursues criminal and/or civil action under this chapter, nothing in this chapter shall prevent the City from seeking restitution for damage to City property as an alternative to criminal action and/or civil action to recover a civil penalty in accordance with subsection (B) of this section. (07-04)

## Chapter 12.28

### NEWSRACKS

#### Sections:

- 12.28.010 Definitions.**
- 12.28.020 Placement prohibitions.**
- 12.28.030 General requirements.**
- 12.28.040 Numerical limitations.**
- 12.28.050 Encroachment permit required.**
- 12.28.060 Indemnification statement required.**
- 12.28.070 Abandonment.**
- 12.28.080 Existing newsracks.**
- 12.28.090 Violations--Removal of rack.**

#### **12.28.010 Definitions.**

As used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section:

- A. "Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display and sale of newspapers or news periodicals.
- B. "Parkway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway also includes any area within a roadway which is not open to vehicular travel.
- C. "Roadway" means that portion of a street improved, designed and ordinarily used for vehicular travel.
- D. "Sidewalk" means any surface provided for the exclusive use of pedestrians.
- E. "Street" means that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks. (Ord. 76-5)

#### **12.28.020 Placement prohibitions.**

No person shall install or maintain any newsrack which rests upon or projects onto the roadway of any public street.

No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public use, or when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes or other objects permitted at or near such location, or when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery. The public works director shall be required to assure that no newsrack violates these prohibitions. (76-5)

#### **12.28.030 General requirements.**

A. Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway in the village area as shown on the map attached to Ordinance 76-5, on file in the city clerk's office, shall comply with the following provisions:

- 1. No newsrack shall be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack, or to any permanently fixed object.
  - 2. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.
  - 3. Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times.
- B. The design, style, location and method of installation of all newsracks in such area must be in accordance with standards on file in the office of the director of public works. (76-5)

#### **12.28.040 Numerical limitations.**

A. No more than eight newsracks shall be located on any public right-of-way within a space of two hundred feet in any direction within the same block of the same street; provided, however, that no more than sixteen newsracks shall be allowed on any one block. As used herein, "block" means one side of a street between two consecutive intersecting streets. This shall not limit the utilization of an individual newsrack in connection with a publication or distribution office within the city limits, such design, location and installation subject to approval by the director of public works.

B. In determining which newsracks shall be permitted, the director of public works shall be guided solely by the following criteria:

1. First priority shall be given to those newsracks existing on the public sidewalk or parkway as of February 10, 1976, except that racks will be limited to one per publication per location;

2. Second priority shall be given newsracks used for the sale of publications which have been adjudicated to be newspapers of general circulation for Los Angeles County, pursuant to the procedures set forth in Division 7, Article 2 of the State Government Code;

3. Third priority shall be given to newsracks used for the sale of daily publications (those published on five or more days in a calendar week) which have not been adjudicated to be newspapers of general circulation for Los Angeles County;

4. Fourth priority shall be given to newsracks used for the sale of weekly publications (those published on at least one but less than five days in a calendar week) which have not been adjudicated to be newspapers of a general circulation for Los Angeles County;

5. Fifth priority shall be given to newsracks for which the newspaper publisher demonstrates to the director of public works that there is insufficient capacity in one newsrack at a particular location and a second rack is necessary. (76-5)

#### **12.28.050 Encroachment permit required.**

Within thirty days after May 6, 1976, any person or other entity shall obtain an encroachment permit from the public works department for any newsrack installed on any public right-of-way of the city. Such permit shall contain the name, address and telephone number of the person or entity responsible for the maintenance of the newsrack. (Ord. 76-5)

#### **12.28.060 Indemnification statement required.**

Every person or custodian who places or maintains a newsrack on a public sidewalk or parkway in the city shall file a written statement with the city clerk satisfactory to the city attorney, whereby he agrees to indemnify and hold harmless the city, its officers, directors or employees from any loss or liability or damages, including expenses and costs, for bodily or personal injury and property damage sustained by any person as a result of the installation, use, maintenance, removal or storage of such a machine within the city. (76-5)

#### **12.28.070 Abandonment.**

In the event any newsrack installed pursuant to this chapter is not serviced with the publication it is designed to disseminate for a period of fourteen days, the city reserves the right to remove the same pursuant to the procedure set out in Section 12.28.090. For purposes of this section, abandonment shall include, but is not limited to, circumstances where no publication is in the rack for a period of fourteen days. (76-5)

#### **12.28.080 Existing newsracks.**

The director of public works shall not be required to remove or cause the removal of any existing newsrack from a public sidewalk or parkway by reason of the failure of the owner to comply with the provisions of Section 12.28.030 until thirty days from the effective date of the ordinance codified in this chapter have first elapsed. The director of public works is directed to send written notice as soon hereafter as practicable to the owners, occupiers and users of all existing news racks located on a public sidewalk or parkway in the city of the content of this chapter. (76-5)

#### **12.28.090 Violations--Removal of rack.**

A. Any newsrack installed, used or maintained in violation of the provisions of this chapter may be summarily removed and stored in any convenient place by the director of public works or his

designated representative. Prior to removal he shall take reasonable steps to notify the owner thereof. Upon failure of the owner, following notice, to claim such newsrack and pay the expenses of removal and storage within thirty days after such removal, such newsrack shall be deemed to be unclaimed property in possession of the public works department and may be disposed of pursuant to law.

B. In the case of violations of this chapter relative to restrictions upon attachments of newsracks to property other than that owned by the owner of the newsrack, to fixed objects or each other, and upon location of newsracks, the director of public works or his designated representative may, as an alternative to removal under subsection A of this section, remove such attachment and/or move such rack or racks in order to restore them to a legal condition. (76-5)

## Chapter 12.30

### SKATEBOARDS AND ROLLER SKATES

#### Sections:

- 12.30.010 Definitions.**
- 12.30.020 Skateboards and roller skates--Prohibited in the village shopping district and certain other areas.**
- 12.30.030 Skateboards and roller skates prohibited in places where posted.**
- 12.30.040 Posting procedure.**
- 12.30.050 Designated areas.**
- 12.30.060 Skateboarding or roller skating as nuisance.**
- 12.30.070 Violation as infraction.**

#### **12.30.010 Definitions.**

For purposes of this chapter only, the following definitions shall apply:

- A. "Roller skates" means any footwear or device which may be attached to the foot or footwear to which wheels are attached and such wheels may be used by the wearer in moving, including in-line skates known as roller blades. The definition of these terms shall include a single roller skate, or parts thereof, used by the wearer in moving.
- B. "Skateboard" or "skateboards" includes any board of any material which has wheels attached to it where such wheels may be used for movement or propulsion.
- C. "Official sign" means a sign which meets the specifications set by the police department and which prohibits operating skateboards or roller skates on the property. (92-12)

#### **12.30.020 Skateboards and roller skates--Prohibited in the village shopping district and certain other areas.**

It is unlawful for any person to skate, ride or be propelled upon roller skates or skateboards upon or along any sidewalk within those portions of the city described as follows:

- A. Within the village shopping district: on the north by the north property line of 4th Street, from the south by the centerline of Santa Fe Railroad, on the east by the west property line of College Avenue and on the west by the east property line of Indian Hill Boulevard.
- B. On portions of Mountain Avenue: on the surface of Mountain Avenue, and/or sidewalks as they may be constructed, from Thompson Creek Flood Control Channel to its northerly terminus. (92-12)

#### **12.30.030 Skateboards and roller skates prohibited in places where posted.**

It is unlawful for any person upon roller skates or skateboards, to go upon and/or ride upon any public or private property, public or private parking lot or shopping center parking lot, or any applicable portion thereof, provided official signs prohibiting such acts are erected in accordance with Section 12.30.040. (92-12)

#### **12.30.040 Posting procedure.**

Persons who own, lease, rent or otherwise have control over real property, and who wish to post signs prohibiting the use of roller skates or skateboards on such property must obtain and post official signs, prohibiting the use of skateboards and roller skates, on the property. Such official signs must be posted in plain view at all entrances to the property, or at all entrances to that portion of the property for which the use of skateboards and roller skates is prohibited. Public property shall be posted using the same procedure. (92-12)

#### **12.30.050 Designated areas.**

- A. The city council may, from time to time, designate certain areas for the use of skates and/or skateboards. Such areas shall be designated by resolution of the city council and posted with signs which are consistent with the standards for signs adopted by the Claremont Land Use and Development Code.

B. All persons using a skateboard in an area designated for the use of roller skates and/or skateboards are required to wear a helmet, elbow pads and knee pads pursuant to California Health and Safety Code Section 25906. Failure to wear the required helmet, elbow pads and knee pads results in a violation of this section as provided in Section 12.30.070. Areas designated by resolution of the city council as areas for the use of roller skates and/or skateboards shall have signs posted stating that all persons using a skateboard in the area must wear a helmet, elbow pads and knee pads and that failure to wear such a helmet, elbow pads and knee pads will result in a citation pursuant to Section 12.30.070 of the Claremont Municipal Code. (92-12 § 2 (part), 1992)

C. The following regulations shall apply within the designated skateboarding areas: (1) No person shall skate or skateboard at times other than those established as the hours of operation. The hours of operation shall be 6:00 a.m. until 10:00 p.m.; (2) No person shall use the skateboarding areas for uses other than for skateboarding and in-line skating; (3) No person shall use the designated skateboarding areas unless they wear proper safety equipment including a helmet, elbow pads, and knee pads; (4) No person shall ride or cause bicycles to be on the skating surface of the skateboarding area; (5) No person shall use alcohol or drugs in the designated skateboarding area; (6) All persons using the skateboarding area must place trash in cans provided by the City or such persons shall be removed from the designated skateboarding areas; (7) No person shall cause graffiti or tagging on the skateboarding areas; (8) No person shall skate on the curbs and driveways of the City-owned area surrounding the skateboarding areas. (98-09)

**12.30.060 Skateboarding or roller skating as nuisance.**

No person shall use a skateboard or roller skates in a manner which creates a nuisance. For purposes of this section, "nuisance" is defined as an activity which:

- A. Threatens injury to person or property;
- B. Creates an obstruction or presents a hazard to the free use of public or private property by pedestrians or motorists; or
- C. Generates loud or unreasonable noise. (92-12)

**12.30.070 Violation as infraction.**

A violation of any section in this chapter is deemed to be an infraction and is punishable as such according to the provisions of this code and state law. (98-09; 92-12)

## Chapter 12.32

### MISCELLANEOUS PROVISIONS

#### Sections:

#### **12.32.010 Injuring curbs and gutters.**

#### **12.32.010 Injuring curbs and gutters.**

It is unlawful for any person to obstruct, break down or otherwise injure or destroy any dirt, wood, rock or cement curb or gutter by driving over, plowing, cultivating or otherwise within the city.

(Prior code § 20.9)

## Chapter 12.36

### STREET SWEEPING

#### Sections:

- 12.36.010 Fees--Establishment--Classes.**
- 12.36.020 Fees--Property owner liability--Special exemptions**
- 12.36.030 Bills--Due and payable when--Late charge.**
- 12.36.040 Delinquent accounts--Collection procedure.**

#### **12.36.010 Fees--Establishment--Classes.**

The city council may by resolution determine, fix and establish fees or charges to be paid the city for providing and making available a service in the sweeping of streets, curbs, and gutters. Such charges may be established by classification for single-family dwellings, for all apartments of less than five units, and for commercial establishments, churches, schools, apartments of five or more units, and any other sources other than residential. (78-20; prior code § 11.40)

#### **12.36.020 Fees--Property owner liability--Special exemptions**

The fees established by the city council shall be billed to and paid for by the owner of the premises; provided, however, that the owner shall have the right to reimbursement from the respective occupants for whose benefit the charge is paid; and provided further, that such fees may be billed to and paid for by the owner, proprietor, or occupant of commercial establishments, churches, schools and any other source other than residential.

All owners of places and premises in the city are made liable for the fees as prescribed by this chapter except upon special exemption by the city council. (78-20; prior code § 11.41)

#### **12.36.030 Bills--Due and payable when--Late charge.**

All fees for sweeping of streets, curbs, and gutters may be billed semiannually and shall be payable upon presentation date at the office of the city clerk, and shall be delinquent thirty-one days after the date of such presentation. Such bills shall be issued by the city clerk and may be combined with statements for other services. Fees shall be calculated in the same manner provided by this section for monthly charges, except the charges shall be increased by six times the amount of the monthly charge. There shall be added to all delinquent fees a late charge in order to cover extra administration costs for failure to pay the fees before delinquency to be computed as follows: Ten percent of the amount of the fee, plus one percent for each month or portion of a month, after the delinquent date. (78-20; prior code § 11.42)

#### **12.36.040 Delinquent accounts--Collection procedure.**

Any fees authorized pursuant to this chapter which remain unpaid for a period of six or more months after the date upon which they are billed may be collected thereafter by the city as provided in Section 8.08.160 of this code. (78-20; prior code § 11.43)

## Chapter 12.42

### SPECIAL EVENTS

#### Sections:

- 12.42.010 Intent.**
- 12.42.020 Definitions.**
- 12.42.030 General requirements.**
- 12.42.040 Application.**
- 12.42.050 Review process.**
- 12.42.060 Contents of permit.**
- 12.42.070 Appeal procedure.**
- 12.42.080 Alternative route--Time--Date.**
- 12.42.090 Notice to city and other officials.**
- 12.42.100 Public conduct during event.**
- 12.42.110 Revocation of permit.**
- 12.42.120 Permit exemptions.**

#### **12.42.010 Intent.**

It is the intent of the city to encourage special events, such as parades, races, runs, walks, on or in a part of the right-of-way, as they express pride in the city and support for community organizations. The city supports such events to the degree they create and maintain a safe, clean and maneuverable environment for participants and the citizens of the city. However, it is the city's desire that such events do not detract from normal city operations and services provided to the citizens-at-large. These special events need to pay for their impacts on city services in order not to hinder or cause a drain on the city's limited resources. (89-18)

#### **12.42.020 Definitions.**

The following words and phrases are defined for use in this chapter:

- A. "Block party" means a one-day social gathering of neighbors in which the associated residential street is temporarily closed.
- B. "Director" means director of community development and the director's designee.
- C. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- D. "Right-of-way" is any sidewalk, parkway, median and street.
- E. "Special event" means any parade, march, race, walk, procession or gathering of any kind or similar display that necessitates the exclusive temporary use and/or closure of public right-of-way or other public place in the city, excluding parks.
- F. "Special event" means any parade, march, race, walk, procession, or gathering of any kind or similar display that necessitates the exclusive temporary use and/or closure of a public right-of-way, publicly-owned parking lot, or other public place in the City, excluding parks and parking lots adjacent to parks (04-04; 89-18)

#### **12.42.030 General requirements.**

- A. A special event permit shall be obtained from the city prior to the start of any special event. City and/or chamber of commerce sponsored special events shall be subject to the requirements of this chapter.
- B. A street closure permit may be required as a condition of approval. If this is necessary, then the event sponsor shall coordinate with the engineering division for its issuance.
- C. Section 10.16.030 requires that only police personnel direct vehicular traffic. No event participant, official, etc., is allowed to direct the traffic at any time. If the police department determines traffic control is necessary, then this will be provided by the police and billed at the rate outlined in Section 12.42.040 (E) (2).

D. Events that require closure of the village area to traffic or streets designated as secondary arterials or greater in the general plan, should generally not be conducted during primary business hours or peak traffic times.

E. The applicant shall defend the city, its agents, officers, officials and employees against any legal proceeding in law or equity, and further shall indemnify and hold harmless the city and its agents, officers, officials and employees from any costs, awards, fees, including attorney fees, or judgments which arise from any act or omission, whether intentional or negligent, or from strict liability arising from the conduct of any participant, invitee, attendee, sponsor or any third person who is or is not an invitee, attendee, participant, or sponsor of the event.

F. A permit holder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The event chairman or other person heading or leading the activity shall carry the event permit upon his or her person during the course of the event. (89-18)

#### **12.42.040 Application.**

A. Submittal Requirements. A person seeking a special event permit shall file ten copies of the complete application on city forms with the department of community development not less than forty-five calendar days nor more than one hundred eighty calendar days prior to the date of the proposed event. The application shall contain the information below. Additional information may be required depending on the size and scope of the event. Each permit application must contain the following:

1. The name, address and phone number of the event sponsor and/or individual(s) responsible for its conduct;
2. A written description of the event and its purpose;
3. The date, the place of assembly, start and finish times of the event;
4. A written narration of the route to be traveled, including the assembly and parking areas, and the start and termination points;
5. A detailed map of the route to be traveled delineating which part of the right-of-way to be traveled, how street crossings are to be accomplished (i.e. use of barricades, police traffic control, etc.), assembly and parking areas;
6. The approximate number of persons (participants and spectators), and the number and type of vehicles (if any) which will constitute the special event;
7. The number and location of any rest stop/aid stations and the facilities to be provided (i.e. restrooms, refreshments, first aid, etc.);
8. If the event is to be conducted for or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
9. An indication of any route marshals to be provided by the event sponsor. If so, the map shall indicate their location along the route.

B. Application Fee. The applicant shall pay a fee as set forth from time to time by resolution of the city council.

C. Waiver of Fees and/or Deposits. The city council may waive a part or all of the fees if it can be shown that the city will benefit in some tangible way and such action will not cause a drain on public resources.

D. Proof of Insurance. The applicant shall submit proof of insurance in the amount determined by the director naming the city as an insured party.

E. Security Deposit.

1. Depending on the size, scale and location of the event, the director may require a deposit to cover the costs of clean-up. The amount of the deposit will be commensurate with the size of the event and determined by the department of community services. If the sponsor cleans up the route/course to the satisfaction of the department of community services, then the deposit will be refunded. If clean-up is not to department of community service satisfaction, then the sponsor will forfeit the deposit and be billed at one and one-half times the pay rate of the city crews to complete the clean-up.

2. If a department finds that the special event will detract from normal city operations to such an extent that additional personnel or equipment is needed, that department shall so notify the director, indicating the estimated costs created by the special event, and the director shall require a security deposit to cover such costs in an amount equal to one and one-half times the applicable pay rate. Upon completion of the special event, the applicant shall be refunded any unused funds or billed for the services provided in excess of the deposit.

F. Notice Requirements. At the time of submittal, a public notice shall be placed in the local paper specifying the date and time of the special event along with the map of the route. The notice shall also state the time frames of the review period. In addition, notice to residents and/or merchants adjacent to route/course may be required by the director depending on the size, location and time of event. (89-18)

#### **12.42.050 Review process.**

A. The director shall review all applications within seven calendar days from the time of submittal. If the application is deficient, then the sponsor shall be informed and the processing will cease until the application is complete.

B. Once the application is deemed complete, the director shall forward copies of the application with the map to the following divisions/departments for review and comment. Each department shall evaluate the event's impact on its respective area of responsibility and respond accordingly.

1. City manager;
2. Police;
3. Fire;
4. Community services;
5. Human services;
6. Engineering division;
7. Any other affected department;

C. Responses shall be returned to the director within fourteen calendar days. If a project review committee meeting is scheduled within the response time, the item may be reviewed at this monthly in-house technical committee.

D. The director shall act upon an application for a special event permit within twenty-one calendar days after the application is deemed complete. A letter specifying the action and the appeal period shall be sent to the event sponsor and any concerned citizen.

E. If the event is of a size and type that warrants special consideration, staff may refer the item to the next scheduled meeting of the traffic and transportation commission as a public hearing item for action. If this were to occur, the twenty-one day time frames will not apply. The traffic and transportation action would be subject to the appeal procedures outlined in Section 12.42.070.

F. A special event permit shall be issued when it can be found that:

1. The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic in the city or damage public property;
2. The special event is scheduled to move from its place of beginning to its place of termination without unreasonable delays enroute;
3. The special event is not held for the sole purpose of advertising any product, good or event for private profit;
4. The special event provides a specific benefit to the city or to the business community, or to a recognized community organization;
5. The conduct of the special event will not require the diversion of so many police officers of the city to properly police the line of movement as to prevent normal police protection to the city;
6. The concentration of persons, animals and vehicles in and about the special event will not unduly interfere with proper fire and police protection in the area. (89-18)

#### **12.42.060 Contents of permit.**

Each special event permit shall state the conditions of approval, the starting and ending time of the event, the portions of the streets to be traversed that may be occupied by the event, the maximum length of the event, and such other information as the director shall find necessary to the enforcement of this chapter. (89-18)

#### **12.42.070 Appeal procedure.**

Any person aggrieved shall have the right to appeal the director's decision on a special event permit (approval, denial, alternative route) to the city council by filing a notice of appeal with the city clerk within five calendar days after the action. The appeal shall be placed on the next regular city council meeting after the appeal is filed and the city council's determination shall be final. (89-18)

#### **12.42.080 Alternative route--Time--Date.**

The director, in denying an application for a special event permit, may authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant wishing to accept an alternate permit shall file a written notice of acceptance with the city clerk within five calendar days after notice of the action. An alternate special event permit shall have the effect of a special event permit under this chapter. (89-18)

**12.42.090 Notice to city and other officials.**

Immediately upon the issuance of a special event permit, the director shall send a copy of the permit to the city manager, chief of police, fire chief, and the director of community services, the city engineer, each public transportation system whose vehicles will be affected by the route of the proposed special event, and any other public officials the director wishes to notify. (89-18)

**12.42.100 Public conduct during event.**

No person shall tamper, obstruct, or interfere with any special event or assembly or with any person, vehicle or animal participating or used in the special event. No driver of a vehicle shall drive between the vehicles or persons comprising the special event when the vehicles or persons are in motion and are conspicuously designated as a special event. If the city engineer has posted temporary signs restricting the parking, operation, or standing of vehicles in the area pursuant to Chapter 10.32 of this code, it shall be unlawful for any person to operate, park, or leave standing any vehicle in violation of such posted signs. (89-18)

**12.42.110 Revocation of permit.**

The director shall have the authority to revoke a special event permit if the event and/or participants are not complying with the conditions of the permit. (89-18 § 2 (part), 1989)

**12.42.120 Permit exemptions.**

No permit shall be required for funeral processions, school field trips or block parties. (89-18)