CHAPTER 19

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CHAPTER 19

STREETS AND SIDEWALKS

ARTICLE I. OBSTRUCTIONS

SECTION 19-1. SIDEWALKS TO BE CLEARED OF SNOW, ICE, DIRT, ETC.

(a) For the purpose of this ordinance, Business District(s) shall mean all those businesses or commercial lots located on:

1. Pine Avenue between Onyx Street and Quartz Street;
2. Sapphire Street from Cedar Avenue to Pine Avenue;
3. J.C. Penney Avenue;
4. South Main Street;
5. Park Avenue;
6. Klondyke Street;
7. Coral Street;
8. Central Avenue.

(b) It shall be unlawful for any person to fail to keep the sidewalks, and areas commonly used as sidewalks, in front of and adjacent to the premises owned, controlled or occupied by such a person, clean and free from snow, slush, ice, mud, dirt, rubbish or other refuse.

'(c) All sidewalks through the business district(s) of the City shall be kept clear, during business hours, at all times during any continued or heavy snowfall for the safety and comfort of pedestrians and in any event, all snow accumulated on any sidewalk, in the business district of the City, shall be removed by 10 a.m. each day or during business hours when the accumulation on the sidewalk is greater than two (2) inches.

(d) No person(s) or business of whatever nature shall place, remove or otherwise locate snow from a private parking area or lot, drive-way or parkway onto city street.

(e) Snow from private driveways, parkways or sidewalks, excluding business parking areas or lots, may be placed no further than four feet from the curb into the street but it may only be placed in the street before the city plows have begun plowing the street after it

has snowed or it must be pushed to the berm, which has been created by the city plows, in the middle of the street until the berm is removed. Snow must not be placed in the street any further than the gutter at any other time. The beginning of the next storm sequence shall be considered when 4"of snow has fallen and additional accumulation is anticipated. Violation of this paragraph of this section shall be a misdemeanor and subject to the penalties set forth in Section 1-5 of this Code.

(f) In the event a person or business shall violate any portion of this section the City may, in addition to any other action permitted by this Code, take all necessary steps to protect the public welfare as follows:

1. Notify the person or business in writing by personal service or first class mail of the violation and the steps the City will take if the violation is not corrected.

2. If the violation is not corrected within eight (8) hours of personal service or twenty-four (24) hours of receipt of notice by mail, the City may employ such means as necessary to correct the violation.

3. City will bill the person or business the actual cost of correcting the problem plus any administrative or legal fees incurred in relation to correcting the violation and collecting costs incurred.. Such billing will be due and payable within thirty (30) days of receipt of the billing. One percent (1%) interest per month will be charged on any unpaid amount after the due date. Collection of unpaid billings may be pursued through all legal means including, if applicable, liens against property.

4. Once a violation is issued pursuant to paragraph (e) of (f) of this Section, the person is presumed to have given the City permission to continue to correct the condition causing the violation at the person's or business' expense, pursuant to subparagraph 3. above of this subsection, until such time as the person or business either notifies the City in writing otherwise or corrects the violation.

SECTION 19-2. DEPOSIT OF PETROLEUM PRODUCTS ON STREETS, ETC.

(a) It shall be unlawful for any person to drain or deposit upon any street, sidewalk, alley, park or public place or into any sump, gutter, catch basin, manhole, conduit, sewer, pond, river or waterway in the city any tar, asphalt, gasoline, lubricating oil, greases, waste oil from motor vehicles or any other petroleum product or by-product.

(b) In addition to the penalties set forth in Section 1-5 of this Code, the city may require the person violating this section to restore any damaged property to its previous condition or in the alternative, the city may so restore and bill the violator.

SECTION 19-3. OBSTRUCTIONS ON STREETS, SIDEWALKS, ETC. - GENERALLY.

It shall be unlawful for any person to erect, build or set up in the city, any fence, sign post, shop or any other building in or upon any street, sidewalk, alley or other public place; or to suspend any sign, awning or other obstruction from any building, post or any other thing into or over any sidewalk, street or alley in such a way as to obstruct the free passage of pedestrians or motor vehicle traffic on or over any sidewalk, street or alley.

SECTION 19-4. OBSTRUCTIONS ON STREETS, SIDEWALKS, ETC. - BUILDING MATERIALS, MACHINERY, ETC.

It shall be unlawful for any person to cause or permit any building materials, machinery, sand, dirt or other object to be in or upon the streets, alleys or sidewalks of the city without first (1st) obtaining a permit from the city for such use of streets, alleys or sidewalks; provided, that in any event a safe pedestrian route shall be provided.

SECTION 19-5. OBSTRUCTIONS ON STREETS, SIDEWALKS, ETC. - ELECTRIC POLES, POSTS, ETC.

It shall be unlawful for any person to encroach into or upon any of the sidewalks, streets or alleys of the city by erecting or maintaining thereon any pole, post or other structure used in the transmission of electric current by wire, including electric light, telegraph or telephone poles, or attach or maintain upon such poles, posts, or other structures, any wire for any purpose whatsoever, except in accordance with the rights conferred by the city council.

SECTION 19-6. CELLAR DOORS, PITS, ETC.

It shall be unlawful for any person to allow any cellar door, pit, vault or other subterraneous opening on or adjacent to any highway or sidewalk to be left or kept open or be in an insecure condition so that passers-by will be in danger of falling into such cellar, pit, vault or other subterraneous opening.

ARTICLE II. EXCAVATIONS

DIVISION 1. GENERALLY

SECTION 19-7. DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Excavation. 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.

Facility. Any material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

SECTION 19-8. PERMIT - REQUIRED.

(a) No person shall make any excavation or fill any excavation in any public place without first (1st) obtaining a permit to do so from the city engineer, except as otherwise provided in this article. The city engineer may issue an annual blanket permit for the purpose of placing, replacing, maintaining or repairing any facility within a public place to the following:

(1) A public utility regulated by the Wyoming Public Utilities Commission.

(2) A person holding a franchise from the city.

(3) The Kemmerer-Diamondville Water and Wastewater Joint Powers Board.

(b) No person, corporation or business of any kind shall use any city street, alley, sidewalk or dedicated non-paved walkway for a business purpose, other than for routine vehicular transportation, public parking, or pedestrian usage on such roadways or walkways as provided in this Code, without first (1st) obtaining a permit or license from the city; provided, that in any event a safe pedestrian and vehicular route shall be provided.

(1) Definition of Business Purpose - Business Purpose shall mean any activity by a person(s) or business designed to earn money or otherwise promote or further the interests of such person(s) or business.

SECTION 19-9. PERMIT - APPLICATION; APPROVED APPLICATION BECOMES PERMIT; PERMIT FEE.

(a) No excavation permit shall be issued unless an application for the issuance of an excavation permit is submitted to the city engineer. The application shall state the name and address and principal place of business or the applicant, the authority of the applicant to occupy the public place for which the permit is sought, the location and the dimensions of the installation or removal for which excavation is to be made, the purpose of the facility and the length of time which will be required to complete such work, including backfilling such excavation and removing all obstructions, material and debris.

(b) The application, when approved and signed by the city engineer, shall constitute a permit.

(c) The fee for a permit to excavate in a public place shall be Ten Dollars ($10.00) together with a bond in the amount of Two Hundred Dollars ($200.00) or such other and further amount as in the sole reasonable discretion of the city engineer is necessary to ensure completion of the excavation in accordance with the conditions of the permit. Such bond to be cash, certified or cashier's check only. Upon completion of the excavation and backfilling operations, and inspection by the city engineer ensuring compliance with the conditions of the permit, the bond will be returned to the permittee.

(d) In the event the City finds the conditions of the permit have not been fulfilled within 90 days of the issuance of the permit, or 10 days from the stop of work, whichever occurs first, the City will notify the permit holder of the deficiency in writing by regular first class mail. If the deficiency is not corrected to the City's satisfaction within 30 days of said notice, the City may have the deficiency corrected and charge the permit holder the actual cost of the corrective action. The City may, at its sole discretion, grant written extension to the time periods contained in this paragraph.

SECTION 19-10. BARRIERS AND WARNING DEVICES FOR SAFETY.

(a) It shall be the duty of every person, cutting or making an excavation in or upon any public place, to place and maintain such barriers and warning devices as may be necessary for safety.

(b) Warning lights shall be used from sunset of each day to sunrise of the following day and shall emit light of sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

(c) Failure to comply with the provisions of this section shall be unlawful.

SECTION 19-11. CROSSINGS AND PASSAGEWAYS FOR PEDESTRIANS AND VEHICLES.

A permittee under this article shall maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections, where possible, and safe crossings for pedestrians. If any excavation is made across any public street, alley or sidewalk, at least one (1) safe crossing shall be maintained, when possible, for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half (1/2) of the sidewalk width shall be maintained along such sidewalk line.

SECTION 19-12. ROUTING OF TRAFFIC; CLOSING OF STREETS.

A permittee under this article shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public; provided, that the chief of police may permit the closing of streets and alleys to all traffic for a period of time prescribed by him, if in his opinion it is necessary.

SECTION 19-13. EMERGENCY EXCAVATIONS.

Nothing in this article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in any conduit or pipe or for making repairs; provided, that the person making such excavation shall apply to the city engineer for an excavation permit on the first (1st) working day after such work is commenced.

SECTION 19-14. LIABILITY OF CITY AND CITY EMPLOYEES.

This article shall not be construed as imposing upon the city or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued,nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized under this article, the issuance of any permit or the approval of any excavation work.

DIVISION 2. CONDUCT OF WORK

SECTION 19-15. PROMPT COMPLETION OF WORK AND RESTORATION REQUIRED.

After an excavation is commenced, the permittee under this article shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street, sidewalk or alley 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.

SECTION 19-16. CITY ENGINEER MAY CAUSE WORK TO BE DONE TWENTY-FOUR HOURS PER DAY.

If in his judgement, traffic conditions, the safety or conveniences of the traveling public, or the public interest require that the excavation work be performed as emergency work, the city engineer shall have full power to order, at the time the permit for excavation work is

granted, that a crew of men and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

SECTION 19-17. INCONVENIENCE, ANNOYANCE, ETC., TO GENERAL PUBLIC AND OCCUPANTS OF NEIGHBORING PROPERTY.

Each permittee under this article shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris, and, during the hours of 10:00 p.m. to 7:00 a.m., shall not use, except with the written permission of the city engineer or, in case of an emergency, as otherwise provided in this article, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of neighboring property.

SECTION 19-18. INTERFERENCE WITH ACCESS TO FIRE HYDRANTS, FIRE ESCAPES AND OTHER VITAL EQUIPMENT.

All excavation work under this article shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures or any other vital equipment as designated by the city engineer.

SECTION 19-19. RELOCATION AND PROTECTION OF FACILITIES.

A permittee under this article shall not interfere with any existing facility without the written consent of the city engineer and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the city shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee and approved by the city engineer. The cost of moving privately owned facilities shall be similarly borne by the permittee, unless he makes other arrangements with the person owning the facility. The permittee shall support and protect all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across such work. In case any of such pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the person owning them and the expense of such repairs shall be charged to the permittee and his bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other facility. The permittee shall inform himself as to the existence and location of any underground facilities and protect the same against damage.

SECTION 19-20. PROTECTION OF ADJOINING PROPERTY.

A permittee under this article shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other

measures suitable for that purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose and, if he cannot obtain a license from such owner, the city engineer may authorize him to enter the private premises solely for the purpose of making the property safe.

The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his failure to properly protect and carry out such work.

SECTION 19-21. CARE OF LAWN AREAS; REMOVAL OF TREES AND SHRUBS FROM PARKING STRIP AREAS.

(a) Whenever it may be necessary for a permittee under this article to trench through any lawn area, all construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed before such work began.

(b) The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first (1st) obtaining the consent of the city.

SECTION 19-22. BREAKING THROUGH PAVEMENT.

(a) The following provisions shall be applicable where any excavation requires breaking through or opening any paved or oiled street.

(1) Heavy duty pavement breakers may be prohibited by the city engineer when the use endangers existing substructures or other property.

(2) Saw cutting of cement concrete may be required by the city engineer when the nature of the job or the condition of the street warrants.

(3) Approve cutting of bituminous pavement surface ahead of excavations may be required by the city engineer to confine pavement damage to the limits of the trench.

(4) Sections of sidewalks shall be removed to the nearest score line or saw cut edge.

(5) Unstable pavement shall be removed over cave outs and over breaks and the subgrade shall be treated as the main trench.

(6) Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

(7) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(8) Boring or other methods to prevent cutting of new pavement may be required by the city engineer.

(9) A permittee under this article shall not be required to repair damage existing prior to excavation done by him unless his cut results in small floating sections that may be unstable, in which case the permittee shall remove and pave the area.

(b) Charges for the breaking or opening of paved or oiled streets by the city or its employees shall be paid to the City in advance in an amount sufficient to cover actual cost of the work, as determined by the city engineer in his sole reasonable discretion.

For such cost the city will cut the paved or oiled mats, back-fill under the pavement or oil mat, tamp, maintain and repair. The above rates are subject to change, from time to time, by resolution of the city council.

(c) Any work subject to this article not done by the city or its employees shall be subject to the inspection and approval of the city engineer.

SECTION 19-23. DISPOSITION OF MATERIALS FROM EXCAVATION.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or other users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the city engineer shall have the power to require that the permittee under this article haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.

SECTION 19-24. REMOVAL OF DEBRIS.

As excavation work progresses, all streets, sidewalks and alleys shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be completed to the satisfaction of the city engineer and immediately after completion of such work the permittee shall, at his own expense, clean up and remove all refuse and unused materials of any kind resulting from such work.

SECTION 19-25. GUTTERS TO BE KEPT FREE AND UNOBSTRUCTED.

A permittee under this article shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot (1') in width from the face of such curb at the gutter line.

SECTION 19-26. DISPOSAL OF MUCK, SILT, ETC.

A permittee under this article shall make provisions to dispose of all surplus water, muck, silt, slicking or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

SECTION 19-27. BACKFILLING.

All backfill material shall be free from cinders, ashes, refuse, organic and frozen material, boulders, or other materials that are designated unsuitable by the city engineer. Each lift shall be rolled and tamped, in accordance with the procedures outlined in the issued permit. Such backfill shall be done in a manner that will permit the restoration of the surface to condition equivalent to that in which it was prior to excavation.

SECTION 19-28. RESTORATION OF SURFACE.

(a) Resurfacing of excavations shall be done with such materials and in such manner as to restore the surface to a condition at least as good as the surface prior to the commencement of the excavation.

(b) Temporary surfacing may be required by the city engineer where the backfill is likely to settle. The temporary surface shall be replaced with permanent resurfacing once proper backfilling operations are completed.

(c) All surfaces and subsurfaces shall conform to the method of construction of the street, sidewalk or alley in which the excavation was made.

ARTICLE III. CONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS

SECTION 19-29. DUTY OF ADJOINING LANDOWNERS.

All owners of land adjoining any street, road, alley or other public way in the city shall construct, reconstruct or repair sidewalks and curbs along such street, road, alley or other public way adjoining to such land when ordered to do so by the city council.

SECTION 19-30. ORDERS TO CONSTRUCT, ETC. - FORM AND CONTENTS.

When an order is issued to a property owner to construct, reconstruct or repair sidewalks or curbs, the order shall be in writing and shall designate the location, manner of construction, construction material, width and grade of such sidewalk or curb to be constructed, reconstructed or repaired; provided, that the specifications of the city engineer shall not be such as to require any property owner to construct a sidewalk or curb of different material or in a different manner than is required of the owners of the land in the same block fronting the same street, road, alley or other public way.

SECTION 19-31. ORDERS TO CONSTRUCT - CRITERIA FOR ISSUANCE.

The city council shall order the construction, reconstruction or repair of sidewalks and curbs:

(a) To provide safe and satisfactory walkways for children going to and from school; or

(b) To promote the public safety, convenience and general welfare.

SECTION 19-32. ORDERS TO CONSTRUCT - SERVICE ON LANDOWNER.

The written order provided for in Section 19-30 shall be served personally upon the property owner, if he is to be found within the city, by the chief of police or some member of the police force designated by the chief of police to make such service. Service shall be by registered or certified mail if the owner lives outside the city and his address is known; otherwise, such order shall be published once in a newspaper of general circulation published in the city.

SECTION 19-33. COMMENCEMENT OF WORK AFTER SERVICE OF ORDER.

When an order has been served, mailed or published, as provided for in Section 19-32, the owner shall, within two (2) weeks after such service, mailing or publication, commence the construction, reconstruction or repair of such sidewalk or curb and finish same as soon as practicable.

SECTION 19-34. CONSTRUCTION, ETC., BY CITY UPON FAILURE OF LANDOWNER TO DO SO; COLLECTION OF COST OF CONSTRUCTION FROM LANDOWNER.

In the event an owner fails to proceed as provided in Section 19-33 the city shall proceed without delay to cause the sidewalk or curb to be constructed, reconstructed or repaired, paying for the cost thereof out of available funds of the city authorized by law, and shall immediately assess and levy the cost thereof against the lot or parcel of land upon which such sidewalk or curb shall front, shall certify the same to the county treasurer, where it shall be collected in the manner provided for the collection of city taxes, and shall, upon becoming delinquent, be subjected to the same interest, penalty and liens as other delinquent city taxes.

SECTION 19-35. DISPOSITION OF MONEY COLLECTED FROM LANDOWNERS FAILING TO CONSTRUCT, ETC.

All money collected and returned to the city under the provisions of Section 19-34 shall be credited to the fund from which payment for the construction, reconstruction or repair of sidewalks or curbs was made.

ARTICLE IV. CONSTRUCTION AND REPAIR OF DRIVEWAYS

SECTION 19-36. DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Driveway. Any area, construction or facility between the roadway of a street and private property providing access for vehicles from the roadway of a street to private property.

Change of Use. Any change of purpose for which any land, building or structure is occupied, maintained, arranged, designed or intended.

Parking Strip. The space between the street roadway or curb line and the property line, with the exception of the sidewalk area.

Roadway. The paved, improved or proper driving portion of the street, designed and ordinarily used for vehicular traffic.

Sidewalk Area. That portion of the space lying between the street roadway or curb line and the property line which is reserved for sidewalks, either existing or proposed.

Street. Any street, alley or other public place within the city.

SECTION 19-37. COMPLIANCE WITH ARTICLE.

Any access from a public roadway to private property provided, constructed altered or repaired shall be through driveways constructed according to the provisions of this article.

SECTION 19-38. PERMITS - REQUIRED.

Except when included in a building permit, no person shall commence work on the construction, alteration, repair or removal of any driveway or the paving of any parking strip on any street, alley or other public place in the city without a written permit first having been obtained from the city engineer.

SECTION 19-39. PERMIT - APPLICATION.

Any party requesting a permit required by Section 19-38 shall file a written application therefor with the city engineer. Such application shall include:

(a) The name and address of the applicant.

(b) The name and address of the owner of the property abutting the street where the work is proposed.

(c) The exact location of the proposed work, giving the street address or legal description of the property involved.

(d) A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features within the limits of the frontage of such property.

(e) The location of buildings, loading platforms or off-street parking facilities being served or to be served by such driveways.

The city engineer may require, at his discretion, the filing of any other information when, in its opinion, such information is necessary to properly enforce the provisions of this article.

SECTION 19-40. PLANS TO COMPLY WITH OTHER CITY REGULATIONS.

No plan shall be approved nor a permit under this article issued where it appears that the proposed work or any part thereof conflicts with the provisions of this Code or any other ordinance of the city; nor shall issuance of a permit under this article be construed as a waiver of the provisions of this Code or other ordinance requirements.

SECTION 19-41. COMPLIANCE WITH CITY STANDARDS AND SPECIFICATIONS.

All construction outlined in this article shall be performed in accordance with the standard plans and specification of the city, and shall be performed to the satisfaction of the city engineer.

SECTION 19-42. LOCATION AND SIZE.

Every driveway hereafter constructed or altered in street rights-of-way shall conform to the following regulations:

(a) Location.

(1) No driveway shall be located so as to create a hazard to pedestrians or motorists or invite or compel illegal or unsafe traffic movements.

(2) Unless otherwise approved, all driveways including the returns, shall be constructed within lines at right angles to the curb line and passing through the front property corners.

(3) No driveway shall be constructed in such manner as to create a hazard to any existing street lighting standard, utility pole, traffic regulating device or fire hydrant. The cost of relocating any such street structure, when necessary to do so, shall be borne by the abutting property owner. Relocation of any street structure shall be performed only by or through the person holding authority for the particular structure involved.

(4) No construction, alteration or repair shall be permitted for any driveway which can be used only as a parking space or which provides access only to the area between the street roadway and private property.

(b) Size and Number.

(1) Except as otherwise provided in this article, the width of any driveway shall not exceed thirty-five feet (35'), exclusive of the radii of the returns, the measurement being made parallel to the center line of the street roadway. Where driveways are to enter on courts or alleys having a right-of-way width of forty feet (40') or less, the width of the driveways may exceed thirty-five fret (35"), and the limitation of the percentage of property frontage in driveways may be waived; provided, that the overall plan of the location of such driveways shall meet the approval of the city engineer.

(2) The width of any driveway shall not be less than ten feet (10"), exclusive of the radii of the returns, the measurement being made at right angles to the center line of the driveway.

(3) Except as otherwise provided in paragraph (1) of this subsection (b), the total width of all driveways for any one (1) ownership on a street shall not exceed fifty percent (50%) of the frontage of that ownership along the street. Any driveway which has become abandoned or unused through a change of the conditions for which it was originally intended or for which for any other reason has become unnecessary may be closed and the owner required to replace any such driveway with a standard curb and sidewalk under the provisions of Sections 19-30 to 19-36.

Whenever in a single ownership the total width of existing driveways on a street is over fifty percent (50%) of the frontage of the ownership of that

street, such existing driveways shall be made to conform to the provisions of this article in the event of any of the following changes:

i. Any alteration or repair of such existing driveways in excess of twenty-five percent (25%) of the frontage of the ownership on that street or any widening of any such existing driveways.

ii. Any construction of additional driveways in the ownership or the alteration or repair of any driveways in the ownership in excess of twenty-five percent (25%) of the frontage on which the driveways are to be altered or repaired, when the ownership has frontage on two (2) or more streets.

iii. Any change of use of the ownership. Upon the alteration or repair of any one (1) or more of the driveways as aforesaid, the city engineer may require such changes in any or all of the driveways of that ownership necessitated for better movement of traffic or to provide better protection to pedestrians.

(4) There shall be not more than two (2) driveways on one (1) street for any one (1) ownership except where a single ownership is developed into more than one (1) unit of operation each sufficient in itself to meet the requirements of off-street parking or loading, as may be required by this Code, and where the necessity for separate access to the street is evident. In such cases, there shall be not more than two (2) driveways on one (1) street for any one (1) unit of operation.

(5) The radius for any driveway return shall be five feet (5'), unless otherwise directed by the city engineer.

(6) The angle between any driveway and the street roadway or curb line shall not be less than forty-five (45) degrees.

SECTION 19-43. WAIVER OF LOCATION AND SIZE REQUIREMENTS.

In the event the city council should determine that, in the application of the provisions of Section 19-42 to the use of any property, there is created an undue hardship, the city council may, through action in regular meeting, grant an exception to the property owner insofar as complying with the provisions of Section 19-42 is concerned.

SECTION 19-44. OPERATING WITH LUGS, CLEATS, ETC., ON TIRES PROHIBITED; EXCEPTIONS.

(a) It shall be unlawful for any person to operate a motor vehicle, trailer or other vehicles, contrivances or devices having metal tires, over any of the oil, asphalt or concrete surfaced streets of the city if such vehicle has on the periphery of any of the rad wheels, any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the street is protected by putting down solid planks or suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the street provided that it shall be permissible to move farm machinery other than tractors having protuberances that will not injure the streets, and provided, further, that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required because of snow, ice or other conditions tending to cause the vehicle to slide or skid.

(b) Any person operating, driving or moving any vehicle, object or contrivance over a city street shall be liable for all damages, to-wit, the cost of repair or replacement thereof, which said street or appurtenances thereto or other structures in connection therewith, may sustain, as a result of any illegal operation.

(c) In addition to the provisions of subsection (b) above, any person violating this section shall be guilty of a misdemeanor and upon conviction therefor may be assessed the maximum penalty allowable by law.