

CHAPTER 3

STREETS

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STREETS

DIVISION 1

STREETS AND EXCAVATIONS

3-1-1 DEFINITION

The word "person" when used herein shall include any individual, firm, association or corporation.

3-1-2 SUPERINTENDENT

It shall be lawful for the Superintendent of Streets and Alleys to open, abolish, alter, widen, extend establish, improve and keep in repair streets, alleys, and public grounds in said city and erect, maintain and keep in repair bridges, drains and sewers, at such times and places as he shall be directed by the City Council of said, city, either by ordinance or resolution.

3-1-3 STREET IMPROVEMENTS

The Superintendent of Streets and Alleys, when he shall be directed by the City Council of said city to carry into effect any ordinance, to open, abolish, alter, widen, extend, or establish a street or alley, shall immediately give notice of such order to any or all persons through whose property the same shall be located, or when property shall be bounded by such street or alley of such owner if the owner be a resident of the City of St. Elmo; if a non-resident, then notice shall be left with the occupant of the same; if the property is not occupied, then public notice of such ordinance or resolution shall be deemed sufficient.

3-1-4 CLAIMS FOR DAMAGES

It shall be lawful for any person or persons who shall consider himself, herself or themselves damaged or injured by the opening, widening, abolishing, altering, or establishing of any street or alley, upon notice being given or served on him, her or them as specified in the preceding article, to notify the City Clerk of his, her, or their claims, whereupon the Clerk shall notify the Mayor of the City Council, whose duty it shall be to call a meeting of the City Council at the earliest convenient period and notify such claimant or claimants and the City Council shall agree upon the amount to be paid in full of such damages, it shall be deemed a final settlement of such claim and an order shall be drawn on the Treasurer for the same in favor of said claimant or claimants; but in case the said claimant or claimants and the City Council cannot agree upon the damage

to be paid; then it shall be the duty of the city authorities to proceed as by statute provided.

3-1-5 WORK TO PROCEED AT ONCE

Upon the settlement and payment of such damages by the City Council as specified in this ordinance or according to the proceedings under statute (as the case may be) it shall be the duty of the Superintendent of Streets and Alleys to proceed at once to alter, open, widen, abolish, clean or establish such street or alley as provided in this ordinance.

3-1-6 OBSTRUCTING SUPERINTENDENT

Any person or persons who shall obstruct or aid and abate any person or persons in obstructing the Superintendent of Streets and Alleys *in the discharge of his duty as prescribed in this ordinance*, shall be found guilty of a misdemeanor and shall be fined not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) *for each offense*.

Amended April 5, 2010, Amended October 5, 2011

3-1-7 PERMIT

No person, firm, or corporation shall tunnel under or make any excavation in any street, alley or public ground of the City unless he shall first have obtained a permit thereof.

Each applicant for permit shall apply to the City Treasurer upon forms provided and pay a fee of Fifteen Dollars (\$15) for such permit. Each block shall require a separate permit.

Specifications for Installation:

1. All lines will be buried with a minimum of twenty four (24") inches cover.
2. Thirty six (36") inches coverage will be required in all ditches.
Revised April 4, 1994
3. All utility lines will be bored under black top and concrete roads. If the blacktop or concrete road has to be cut it cannot be less than twenty (24") wide. Any black top or concrete road that is cut will require a minimum of six (6") inches of concrete or compacted black top.
4. Any road cut shall be sand back filled and compacted every foot depth. The ditch is to be compacted through the bar ditches.
5. All ditching will conform to OSHA practices. Revised June 6, 1994

3-1-8

BOND

If it should appear from the application that the excavation shall exceed 15 feet in length, the applicant shall be required to give a bond with surety approved by the City Treasurer for the repair and replacement of the public way to be disturbed.

3-1-9

LIABILITY POLICY

Each person or corporation making application for permit shall file with the City a public liability policy with the City as the named insured, insuring the City against liability from personal or property damage in the minimum amount of Fifty Thousand Dollars (\$50,000.00) for any one person and One Hundred Thousand Dollars (\$100,000.00) in any one accident for bodily injury or death and property damage of Five Thousand Dollars (\$5,000.00).

3-1-10

RESTORATION

It shall be the duty of any person, firm or corporation making any excavation in any street, alley or public ground, to refill such excavation and to restore the surface which may have been opened or otherwise disturbed, to a condition equally as good as it was before being so opened or disturbed, on or before the estimated completion date set forth in the application for permit or any extensions granted by the City Clerk.

3-1-11

COMPLIANCE WITH RESTORATION

In the event of the failure of permittee to restore the surface within the time specified in the permit or in a satisfactory manner, the City Clerk shall give a notice to comply with the requirements hereof within five (5) days at the end of which time if same has not been complied with, the City Clerk shall have the work done and the permittee shall be billed the cost thereof, plus twenty-five percent (25%).

3-1-12

INSPECTION

In all cases where a permit is issued authorizing the cutting, tearing up, removing or repairing of any pavement, sidewalk, for any of the purposes mentioned in this ordinance, the person to which such permit is issued shall, as soon as the work for which the permit was issued is completed, and the earth portion of the excavation or opening is ready to be refilled, notify the Superintendent of Streets and Alleys or such person as may be designated by him, shall inspect the excavation and direct the work of refilling and repairing or restoring the pavement or sidewalks; or if requested by the holder of the permit to do so, cause the same to be refilled and repaved or repaired, charging the said person the actual cost and expense incurred thereby, including labor and material, plus 25%

thereof. The paving or sidewalk or surface course of a stabilized roadway shall be of the same type as that which was removed or disturbed and the surface thereof shall be restored to a condition equally as good as it was before being disturbed.

3-1-13

BILL FOR REPAIRS, COLLECTION OF PAYMENT

Upon completion of the work of repaving or repairing pavements and replacing or repairing sidewalks or reconstruction or repairing surface courses of stabilized roadways, as provided in the preceding Section, the Superintendent of Streets and Alleys, or such person as may be designated by him, shall make out an itemized bill of the cost of same and deliver it to the City Treasurer, whose duty it shall be to collect the amount set forth in said bill from the person removing or disturbing said pavement or sidewalks. All bills for the doing of such work shall be rendered to the person owing the same on the first day of the month following the completion of the same and shall be due payable within ten days thereafter, and a failure to make payment promptly as set forth herein shall constitute a breach of the bond herein before required.

3-1-14

PROTECTIVE BARRIERS

Any person making any excavation as provided for herein shall protect the same by barriers and flashing lights or flares while the work is in progress and during the night time so as to warn motorists or pedestrians of such excavation hazard; and any person violating this provision shall be liable to a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Amended April 5, 2010; Amended October 5, 2011

3-1-15

LOAD LIMITS, FINE

It shall be unlawful, and a violation of this ordinance, for any person, firm, or corporation to drive or operate a motor vehicle having a total weight for vehicle and load of more than five tons (10,000 pounds) on or over such public streets and alleys in the City of St. Elmo as may from time to time be posted by authority of the City Council with signs giving notice of such load limit.

Any person, firm, or corporation found in violation of this ordinance shall be fined in the sum of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00) for each violation.

Amended April 5, 2010; Amended October 5, 2011

3-1-16

BARRIERS, ETC.

Any person making any excavation as provided herein shall protect the same by barriers, red lights and/or flares while the work is in progress and during the night time so as to prevent persons or animals passing thereby from falling in.

3-1-17

ENCROACHMENTS

Representatives of the CITY and the STATE will, by visual inspection, cooperatively establish project right of way lines and mutually determine the disposition of any encroachments.

It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, to retain or cause to be retained, an ENCROACHMENT (herein after defined), within the limits of the project right of way or roadway right of way where no project right of way lines have been established.

- (a) Roadway Right of Way is defined as those areas existing or acquired by dedication or by fee simply for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;
- (b) Project Right of Way is defined as those areas within the project right of way lines established jointly by the CITY and the STATE which will be free of encroachments except as hereinafter defined;
- (c) Encroachment is defined as any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right of way or the roadway right of way where no project right of way line has been established;
- (d) Permissible Encroachment is defined as any existing awning, marquee, sign advertising activity on the property or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway, the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right of way line and not confined by adjacent buildings;
- (e) Construction Easement Area is defined as the area lying between the project right of way limits and the platted street limits which the CITY, by concurrence in the establishment of the project right of way lines,

will permit the STATE to enter to perform all necessary construction operations.

3-1-18

DRAINAGE PERMIT

It shall be unlawful for any person or persons to place a drain pipe or drain tile in any ditch situated on City property without first obtaining from the Superintendent of Streets a permit.

3-1-19

DRAINAGE INSPECTION

The Superintendent of Streets shall give no permit for the laying of a tile or drain in any City ditch until he has first investigated the drainage needs at the location involved and is satisfied that the drainage tile or pipe will not interfere with proper drainage at that point. The standard minimum size for the laying or constructing of a drainage pipe or tile shall be 10 inches in diameter or its equivalent; however, exceptions can be made at the discretion of the Superintendent of Streets wherein an existing drainage tile is being extended or replaced and has been found to meet all drainage needs at that point.

Revised 7/5/00

3-1-20

OBSTRUCTION

It shall be unlawful for any person or person to obstruct or interfere with the normal drainage in any ditch located on the City property.

3-1-21

PENALTY

Any person or persons violating this ordinance or any provision thereof, shall, upon conviction therefore, be punished by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Amended April 5, 2010; Amended October 5, 2011

3-1-22

FINES

Violation of any provisions hereof, which does not have its own fine, shall be punished by a fine of not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars (\$500.00).

Amended April 5, 2010; Amended October 5, 2011

DIVISION 2

PUBLIC LAND AND PARKS

3-2-1

REGULATIONS GOVERNING CITY RESERVOIR

- (a) No person shall hunt or trap on the City's North Reservoir or East Reservoir without prior written permission from the City.
- (b) No person shall swim in said Reservoirs.
- (c) No person shall cut timber or underbrush on the City's property surrounding the said Reservoirs.
- (d) No person shall construct any building or duck blind on the said Reservoirs or the City's land surrounding same without the prior written permission of the City.
- (e) No person, without the prior permission of the City, shall put any fish or minnows into the said Reservoirs.
- (f) No person shall feed the fish by using a trout line, an unattended line, minnows, nor shall any person use what is commonly known as "jug fishing" or "light bulb fishing."
- (g) No person shall use any motor boat on the said Reservoirs powered by a motor in excess of 7 1/2 Horsepower. Where the permission of the City is required for the doing of certain acts as specified above, such permission shall be by the Mayor or a Committee duly appointed by the Mayor for such purpose.
- (h) Every violation of this ordinance shall be punished by a fine of not less than One Dollar not more than Twenty Five Dollars for a first offense, and not less than One Hundred Seventy-Five Dollars (\$175.00) nor more than Five Hundred Dollars.

Amended April 5, 2010; Amended October 5, 2011