**TITLE XV: LAND USAGE**

Chapter

 **150.** **COMPREHENSIVE DEVELOPMENT PLAN**

 **151. STREETS, SIDEWALKS AND PUBLIC PLACES**

 **152. BUILDINGS AND CONSTRUCTION**

 **CHAPTER** **150:** **COMPREHENSIVE DEVELOPMENT PLAN**

Section

150.01 Plan created; adopted by reference

 **150.01 PLAN CREATED; ADOPTED BY REFERENCE.**

The city has duly adopted the Comprehensive Development Plan, which includes the adoption of current and future land use maps, comprehensive development plans and other official documents. The complete Comprehensive Development Plan is on file with the citys Finance Officer and may be inspected, reviewed or examined by any interested party by contacting the office.

(Ord. 2007‑01, passed 7‑2‑2007)

 **CHAPTER 151: STREETS, SIDEWALKS AND PUBLIC PLACES**

Section

***Excavations in Public Places***

151.01 Permit required to make excavation in or under any public street, sidewalk, alley and other public place

151.02 Application required prior to permit being issued; replenishment of deposit

151.03 City personnel to supervise excavations

151.04 Openings on sidewalks; regulations

151.05 Excavations made in bituminous and gravel streets; regulations

151.06 Excavations made in concrete streets; regulations

151.07 Guards and flares required

151.08 Time limit for obtaining permit

151.09 Appeal

***Sidewalks and Crosswalks***

151.20 Sidewalk measurements

151.21 Crosswalk measurements

151.22 Materials

***EXCAVATIONS IN PUBLIC PLACES***

 **151.01 PERMIT REQUIRED TO MAKE EXCAVATION IN OR UNDER ANY PUBLIC STREET, SIDEWALK, ALLEY AND OTHER PUBLIC PLACE.**

No person shall make or cause to be made any excavation in or under any street, sidewalk, alley or public place or remove any soil, paving, gravel or other material there from without having first obtained a permit therefor, as hereinafter provided.

(Ord. 2002‑02, passed 8‑5‑2002) Penalty, see  10.99

 **151.02 APPLICATION REQUIRED PRIOR TO PERMIT BEING ISSUED; REPLENISHMENT OF DEPOSIT.**

Application for an excavation permit shall be made to the Finance Officer. Before any such permit is issued, the person requiring the same shall state, in his or her application therefor, where such excavation is to be made, the extent thereof, for what purpose said excavation is to be made.

(Ord. 2002‑02, passed 8‑5‑2002)

 **151.03 CITY PERSONNEL TO SUPERVISE EXCAVATIONS.**

The inspector, under the general direction of the Commissioner of Streets, shall supervise all excavations made for any purpose in the streets, roads, alleys or other public places, and he or she shall require that all excavations be backfilled in the manner specified.

(Ord. 2002‑02, passed 8‑5‑2002)

 **151.04 OPENINGS ON SIDEWALKS; REGULATIONS.**

No permanent opening shall be made or maintained in any sidewalk in any of the public streets of the city for the purpose of providing stairways leading to any basement or cellar or for the purpose of admitting light or for any other purpose; provided that, openings in sidewalks for the admission of coal, light, air or for other purposes, if covered with suitable iron covers, iron gratings or glass set in iron or concrete set level with the surface of the sidewalk and of such construction as not to be dangerous to pedestrians passing over the same may be constructed upon the approval of the Building Inspector under a permit obtained from him or her specifying the type of construction to be employed.

(Ord. 2002‑02, passed 8‑5‑2002) Penalty, see  10.99

 **151.05 EXCAVATIONS MADE IN BITUMINOUS AND GRAVEL STREETS; REGULATIONS.**

(A) Trenches that are made in streets that have a bituminous or gravel surface shall be made in the following manner: on bituminous surfaces, the width of the paved surface removed shall be at least six inches wider than the bucket on the excavating equipment or the completed excavation. The material shall be saved and replaced in its original position after the excavation is completed and backfilled. The backfilling and replacing of excavated material from

trenches excavated within city streets, roads, alleys and other public places shall be free from large clods, stones, frozen earth and boulders. The material shall be placed in layers not exceeding 12 inches in depth of uncompacted material, moistened or aerated to the optimum condition for compaction, as the case may be, and thoroughly tamped in place by a mechanical tamper to a density of 95%. Any excess material shall be removed from the site and the surface smoothed off to the original condition before the excavation was made.

(B) The expense of opening the pavement and backfilling the ditch to original compaction, including supervision and inspection thereof, will be paid by the applicant. A deposit in the amount of $200 shall be deposited with the citys Finance Officer and shall be returned to the applicant upon satisfactory completion of the work.

(C) (1) The permittee shall cut or require the cut to be made by sawing a neat line and shall provide warning lights and barricades for at least 24 hours after he or she has completed his or her work on all bituminous streets.

(2) The permittee shall notify the city of the approximate time the excavation will be ready for the base and surface material to be replaced.

(D) Plumbers, contractors and sewer builders doing work under this subchapter shall maintain all trenches for a period of one year from the date the excavation is made.

(Ord. 2002‑02, passed 8‑5‑2002) Penalty, see  10.99

 **151.06 EXCAVATIONS MADE IN CONCRETE STREETS; REGULATIONS.**

When it is necessary to cut any concrete-surfaced street for water, sewer, gas or for any other service connections, the person making the cut shall fill and mechanically tamp the excavation to 95% density at optimum moisture content and replace concrete surfacing.

(Ord. 2002‑02, passed 8‑5‑2002) Penalty, see  10.99

 **151.07 GUARDS AND FLARES REQUIRED.**

(A) Any person receiving a permit to make an excavation on any street, road, alley or other public place shall, during the progress and continuation of the work, erect and maintain around the same, both by day and night, suitable guards, fences, flares and signals so as to prevent injury to persons, animals or vehicles on account of such excavations. Flares shall be kept lighted from sundown until sunrise.

(B) It shall be unlawful for any person, owner or occupant of any lot or parcel of land within the city to make or cause to be made any excavation on said lot or parcel of land, except when the same shall be securely guarded so as to prevent the injury of any person or persons or animals passing upon or along sidewalks, streets, roads, alleys or any other public places.

(Ord. 2002‑02, passed 8‑5‑2002) Penalty, see  10.99

 **151.08 TIME LIMIT FOR OBTAINING PERMIT.**

(A) When any person shall commence any activity within the city which, under this subchapter, requires a permit prior to having first obtained a permit and such person then makes application for a permit, in such event no permit shall issue until an official from the city shall have inspected the premises described in the application to determine that the work already preformed shall have been completed in accordance with this subchapter.

(B) A fee of not less than $200 shall be charged for such inspection.

(C) Nothing in this section shall be interpreted as a waiver of the requirement that a permit be required to commencement of any activity for which a permit is required.

(Ord. 2002‑02, passed 8‑5‑2002)

 **151.09 APPEAL.**

In case any difference should arise between a city official and the owner, or any person engaged in or desirous of doing excavation regarding the interpretation of any of the provisions of this subchapter or the enforcement of the same, appeal may be made to the City Council, whose decision thereon shall be final.

(Ord. 2002‑02, passed 8‑5‑2002)

***SIDEWALKS AND CROSSWALKS***

 **151.20 SIDEWALK MEASUREMENTS.**

(A) The sidewalks, including curb, within the city shall be at least eight feet wide, measured from the lot line toward the street center, on each side of Main Street from Railroad Street to Third Street.

(B) The sidewalks, including curb, within said city shall be eight feet wide measured from the lot line toward the street center, at the following locations:

(1) Along the south side of Railroad Street, for a distance of one‑half block each way from Main Street;

(2) Along the north side of First Street, between Main Street and Pine Street, and for one‑half block west from Main Street;

(3) Along the south side of First Street, for one‑half block each way from Main Street;

(4) Along the north and south sides of Second Street between Main Street and Elm Street;

(5) Along the north side of Second Street between Main Street and Pine Street, and along the south side of Second Street for one‑half block east from Main Street; and

(6) Along the north side of Third Street for one‑half block each way from Main Street.

(C) The sidewalks in all other locations within the city shall be four feet wide, the inside line of which shall be two feet outside the lot line.

(D) The sidewalks and curbs on the corners of all blocks shall conform to the widths prescribed above.

(E) All sidewalks eight feet or larger as provided for, shall have a rise of two inches, measured from the top of the outer edge of the curb to the lot line; and the curbs shall be square in all places, except where driveways across such sidewalks are approved by the City Council. Where such driveways are so approved, a roll type of sidewalk, curb and gutter may be constructed. Such roll type of construction shall be permissible only where such is necessary to provide vehicular access across such sidewalks into a building or onto a lot.

(F) All sidewalks eight feet or larger as above provided for, shall be at least four inches thick; and all four-foot sidewalks as above provided for, shall be at least three inches thick; except that, where driveways are authorized and approved by the City Council, as above provided, the sidewalks and gutters shall be at least six inches thick and reinforced with steel wire mesh. All crosswalks shall be at least six inches thick and reinforced in a like manner.

(G) Gutters shall abut on all eight feet or larger sidewalks and curbs. Such gutters shall be a straight slab two feet wide and at least four inches thick, except as above provided for driveways.

(Ord. 91‑1, passed 8‑5‑1991)

 **151.21 CROSSWALK MEASUREMENTS.**

Crosswalks shall be four feet wide and shall extend across all intersections that are not hard surfaced.

(Ord. 91‑1, passed 8‑5‑1991)

 **151.22 MATERIALS.**

The materials used for construction of sidewalks, curbs and gutters shall be as follows.

(A) All such construction shall be of concrete, and such concrete ingredients shall consist of at least one part portland cement, two and one‑half parts washed sand and five parts crushed rock (or equivalent depending upon the size of the aggregate); except that, aggregates that have been shown by test or actual service to produce concrete of required strength, durability, water tightness, fire resistance and wearing qualities may be used when such are authorized and approved by the City Council.

(B) No concrete shall be placed during freezing weather, except when all possible precautions are taken. Provisions shall be made to heat the materials and keep concrete above freezing temperatures until it is thoroughly set. No frozen materials shall be used in concrete work and no concrete shall be placed over frozen ground. Concrete placed during hot weather must be protected from the rays of the sun or from air currents that might tend to cause rapid drying, and shall be wetted daily, or more often, until thoroughly set. All concrete slabs shall be finished with a straightedge, and floated to a hard, uniform surface free from pits and depressions.

(C) Expansion materials shall be composed of asphalt and shall be placed at least every 25 feet and on each side of all driveways.

(Ord. 91‑1, passed 8‑5‑1991)

 **CHAPTER 152: BUILDINGS AND CONSTRUCTION**

Section

152.01 Adoption of National Code

152.02 Building Committee

152.03 Right of entry

152.04 Permits required; application

152.05 Blocking prohibited; repairs

152.06 Plans to be filed

152.07 Moving houses or buildings

152.08 Yard requirements

152.09 Time limit for obtaining permit

152.10 Appeal

 **152.01 ADOPTION OF NATIONAL CODE.**

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of building and structures, including permits and penalties, that certain building code known as the Uniform Building Code, 1982 edition, published by the International Conference of Building Officials, save and except such portions as are hereinafter deleted, modified or amended of which not less than one copy has been and is filed in the office of the citys Finance Officer and the same is hereby adopted and incorporated as fully as is set out at length herein, and from the date of which this chapter shall take effect, the provisions thereof shall be controlling in the construction of all buildings and other structures within the corporate limits of the city.

(Ord. 91‑1, passed 8‑5‑1991)

 **152.02 BUILDING COMMITTEE.**

(A) A committee is hereby created and the same shall be composed of the citys Finance Officer and two residents of the city to be appointed by the Mayor and approved by the City Council.

(B) It shall be the duty of the Building Committee to enforce all laws relating to the construction, alteration, moving, removal and demolition of buildings and structures.

(Ord. 91‑1, passed 8‑5‑1991)

 **152.03 RIGHT OF ENTRY.**

The Building Committee, or a member thereof, in the discharge of his, her or its official duties and upon proper identification, shall have authority, after notice has been given to the owner or occupier, to enter any building, structure or premises at any reasonable hour for the sole purpose of inspection to determine compliance with the terms and conditions of this chapter.

(Ord. 91‑1, passed 8‑5‑1991)

 **152.04 PERMITS REQUIRED; APPLICATION.**

(A) The Building Committee shall issue a building permit according to the fee schedule established by the City Council. All permits shall be signed by the citys Finance Officer and one other member of the Building Committee. A building permit shall be required prior to commencement of any of the following activities:

(1) Any construction costing $750 or more for materials and labor (including the value of any labor performed by the owner or donated by others) where the exterior dimensions of any existing structure are altered;

(2) Any construction of an additional structure upon any lot where the cost of such new structure for materials and labor (including the value of any labor performed by the owner or donated by others) equals or exceeds $750;

(3) Any construction, regardless of cost, involving the moving of any building or structure, including mobile and prefabricated houses, to, on or from any lot within the city; and

(4) Any construction, regardless of cost, involving the dismantling, razing, destruction or tearing down of any building.

(B) (1) The application for permit shall contain such information as may be required by the Building Committee and shall in all cases be accompanied by a plot plan showing the location of all structures on the proposed building site.

(2) A majority of the Building Committee shall review each application to ensure compliance with all laws and ordinances of the city and shall approve or disapprove the same.

(3) If the application is not approved, the reasons for disapproval shall be given and the applicant shall be given an opportunity to correct any deficiencies and reapply for a permit without payment of any additional fee.

(4) Any applicant whose application is denied may appeal such denial to the City Council.

(5) If the Council determines that the permit shall be granted, the Council may issue the same and allow construction to begin.

(C) No owner, contractor or builder shall attempt to proceed with any work or improvement of any kind for which a permit is herein required without first having obtained a permit therefor.

(D) Before granting any permit to raze, tear down, dismantle or destroy a building, the Building Committee shall require the applicant to state the plans and time schedule for filling all basements and cellars left open as a result of such razing, tearing down, dismantling or destruction, clearing away all concrete floors and foundations left on the premises and leaving the premises vacated thereby in a safe, sanitary, neat appearance and condition.

(Ord. 91‑1, passed 8‑5‑1991) Penalty, see  10.99

 **152.05 BLOCKING PROHIBITED; REPAIRS.**

It shall be a condition and requirement of every permit that sidewalks, streets, alleys and highways shall not be blocked, or partially blocked, unless permission is granted in the permit and also that all debris shall be removed and not permitted to accumulate on the sidewalks, streets, alleys or highways; and that the applicant shall not engage in any construction, except in accordance with the permit and the provisions of this chapter. In addition, the applicant shall agree to repair and make good to the satisfaction of the City Council, any and all damage to any pavement, sidewalk, crosswalk, hydrant, street, alley or other property done or caused by himself or herself, his or her servants or employees, in connection with the project for which the permit is requested and that he will immediately indemnify and save harmless the city against any and all liability for damages, costs or expenses arising, or which may arise in favor of any person by reason of any negligence on his or her part, or on account of his or her servants or employees in connection with the project.

(Ord. 91‑1, passed 8‑5‑1991) Penalty, see  10.99

 **152.06 PLANS TO BE FILED.**

It shall be the duty of the citys Finance Officer to keep a file of all plans, specifications and work statements upon which building permits are granted with an appropriate index for the same.

(Ord. 91‑1, passed 8‑5‑1991)

 **152.07 MOVING HOUSES OR BUILDINGS.**

Any person moving a house or building over or across any street shall, when so provided with his or her permit, cause such street to be protected by laying planks thereon.

(Ord. 91‑1, passed 8‑5‑1991) Penalty, see  10.99

 **152.08 YARD REQUIREMENTS.**

No part of any structure of any kind, except a fence, shall be located on any lot within the city within 20 feet of the front boundary of the lot and three feet of the back boundary of the lot and eight feet of each side boundary of the lot; except that, the City Council may after hearing waive any yard requirements in this chapter upon a showing of special hardship.

(Ord. 91‑1, passed 8‑5‑1991) Penalty, see  10.99

 **152.09 TIME LIMIT FOR OBTAINING PERMIT.**

When any person shall commence any activity within the city which, under this chapter, requires a building permit prior to having first obtained a building permit and such person then makes application for a permit; in such event, no permit shall issue until an official from the city shall have inspected the premises described in the application to determine that the work already performed shall have been completed in compliance with this chapter. A fee of not less than $50 shall be charged for such inspection. Nothing in this section shall be interpreted as a waiver of the requirement that a building permit be required prior to commencement of any activity for which a building permit is required.

(Ord. 91‑1, passed 8‑5‑1991)

 **152.10 APPEAL.**

In case any difference should arise between the Building Committee and the owner of any building, or any person engaged in or desirous of doing any construction, repair, alteration, moving or demolition of buildings, regarding the interpretation of any of the provisions of this chapter or the enforcement of the same, appeal may be made to the City Council, whose decision thereon shall be final.

(Ord. 91‑1, passed 8‑5‑1991)