

CHAPTER 98: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 98.01 OBSTRUCTIONS.

(A) No person or persons, firm, or corporation, shall make or cause to be made any obstruction upon or about any sidewalk, street, alley, park, or other public place of the city, or interrupt the free use or passage of the same, or suffer to remain upon any sidewalk immediately adjacent to the premises occupied by such person or persons, firm, or corporation, any obstruction for a period longer than three hours. No person or persons, firm, or corporation, shall provide or cause to be provided any seating area or accommodation upon or about any sidewalk except by means of a bench, unless such person or persons, firm, or corporation shall be serving food or beverages pursuant to a permit issued by the Jefferson County Health Department, in which such case seating providing the use of a table may be permitted. If the use of outdoor seating is permitted, the person or persons, firm, or corporation must clear a pathway of at least 36 inches on the sidewalk. However, a portion of the sidewalk not to exceed one-third the width, may be used by the occupant of the premises immediately adjacent thereto, for the stacking or grounding of boxes, wood, barrels, coal or other fuel, lumber, brick, stone, or other materials or articles, for a necessary and reasonable time, after which same shall be

removed from the sidewalk by such occupant. Further, all necessary materials used in the repair or construction, or made by the removal or tearing away of any building, may be placed upon the sidewalk and not to exceed one-third of the street immediately adjacent to such premises, when a permit has been issued granting the right to make such repair, construction, removal, or the like of the building contemplated on such premises but only for the time specified in the permit and no longer. If scaffolding is required for repair or construction, the person or persons, firm, or corporation shall make a request to the City Building Inspector and he or she shall approve, deny, or suggest modifications to said request. Anyone who disagrees with the City Building Inspector's decision shall appeal to the Board of Public Works and Safety in writing.

(B) Whenever the excavation, construction, or repair of any building, lot, street, sidewalk, or public way interferes with normal pedestrian or vehicular traffic thereon, an alternative route shall be provided by the business, company, or persons causing such interference in accordance to rules established by the Building Inspector.

('66 Code, § 130.03) (Ord., passed 5-4-05; Am. Ord. 1998-11, passed 9-8-98; Am. Ord. 2014-14, passed 9-2-14) Penalty, see § 10.99

§ 98.02 OPENINGS IN SIDEWALKS.

No person or persons, firm, or corporation, shall keep, cause to be kept, or suffer any opening in any sidewalk, alley, street, or other walk used by the public, to be or remain open so as to endanger the safety of passers-by, except when such opening is being repaired, cleaned out, or used in the storing of articles, and then only when someone in charge is present.

('66 Code, § 130.09) (Ord., passed 5-9-05) Penalty, see § 10.99

§ 98.03 REMOVAL OF SNOW AND ICE.

(A) It is the duty of every owner, lessee, or occupant of any premises abutting or bordering upon any street in the city, to remove, or cause to be removed, all snow and ice from the sidewalk in front of such premises to the full paved width of the sidewalk within eight hours after such snow or ice shall have fallen or accumulated thereon.

('66 Code, § 130.12) Penalty, see § 10.99

§ 98.04 HEAVY TRUCKS, LOADS.

(A) No person or persons, firm, or corporation, shall haul or drag, or cause to be hauled or dragged, upon any street or alley of the city any stone, timber, or other heavy substance, in such a way or manner as to break or otherwise injure the surface of such street or alley; or drive or tow any vehicle in such a way or manner as to break or otherwise injure the

surface of such street or alley; or otherwise injure or cause to be injured in any manner, any street, alley, park, sewer, drain, or bridge, belonging to the city.

(B) Further, no person shall take or cause to be taken from any street, alley, sidewalk, gutter, cemetery, park, or other public place of the city, any sand, clay, gravel, stone, brick, or other earth or material, without express permission from the authorities having charge of same; or sprinkle, throw, or deposit such sand, clay, gravel, stone, brick, or other earth or material, in, upon, or over any street, alley, sidewalk, gutter, park, sewer, or drain, of the city, without express permission from the authorities having charge of same.

('66 Code, § 131.04) (Ord., passed 5-9-05) Penalty, see § 10.99

§ 98.05 DEBRIS IN STREETS.

(A) No person, persons, firm, or corporation, shall place glass of any kind, nails, tacks, domestic ashes, or any other refuse matter destructive of or injurious to automobile tires, horses, or other animals, in the streets and alleys of the city, except in the proper containers provided. For the purpose of this section, the term "DOMESTIC ASHES" shall mean the ashes made or created in the stoves and furnaces in the homes of city residents.

(B) No person or persons shall leave the scene of any automobile accident in the streets and alleys of the city without having first removed as far as possible the fragments of any broken glass or other refuse made incident thereto of destructive nature to automobile tires or injurious to horses or other animals.

('66 Code, § 131.05) (Ord., passed 6-10-27) Penalty, see § 10.99

§ 98.06 DRIVEWAYS.

No person, firm, public utility or corporation or the agents thereof, shall locate any driveway adjacent to the streets or alleys in the right-of-ways of the city, without first making application for and obtaining a permit to do so from the Office of Planning, Preservation and Design of the city, and by making a minimum deposit as hereinafter provided in cash or approved surety bond with the Clerk-Treasurer of the city for the satisfactory performance of the work in the street or alley in accordance with the specifications outlined in this section.

(A) Application.

(1) Within the city limits, no one shall place a driveway adjacent to a city right-of-way without first obtaining a permit from the Office of Planning, Preservation and Design.

(2) The form of such permit shall be determined by the Office of Planning, Preservation and Design. Forms shall be available at the Office of Planning, Preservation and Design or online.

(3) Applicants for a permit for any driveway adjacent to a right-of-way shall submit a sketch or drawing or otherwise clearly communicate the location and design, and the traffic control plan.

(4) Permits issued shall be valid for a period of no more than 90 days until work commences, and all work shall be performed within an additional 90 day period. Permit must be posted and visible at the job site.

(B) Driveway conditions.

(1) In the city, no one shall:

(a) Make any alteration within a public right of way, block a city street gutter or;

(b) Construct a new driveway for the purpose of driving on and off a city street, without first obtaining the approval and written permission of the Office of Planning, Preservation and Design of the city for such driveway. A permit fee of \$25 shall be imposed for each driveway permit (residential or commercial) issued. Inspections shall be done by an employee of the City of Madison or third party as directed by the Mayor.

(2) The following specifications apply to all that portion of the driveway which falls within the right-of-way of the city street:

(a) All efforts shall be made to locate all driveways off of local streets, rather than arterial or collector streets. No driveway shall be placed within 50 feet of an intersecting public street. No driveway shall be placed closer than ten feet to another driveway as measured at the right-of-way line. All driveways shall be perpendicular to the street they are connecting to from the connection point to the right-of-way line.

(b) All new residential driveways shall meet the street with a minimum radius of ten feet. The minimum radius for driveways intended for commercial traffic or high volumes of vehicle traffic shall be 25 feet. That portion of the driveway which falls within the right-of-way of the city street shall have a minimum width of ten feet as measured at the right-of-way for residential driveways, or a minimum width of 20 feet as measured at the right-of-way for commercial or high traffic driveways.

(c) If the new driveway is to cross a drainage or roadside ditch, or for any other reason it is deemed necessary that a culvert is required to be placed in the public right-of-way, such culvert shall be no less than 12 inches in diameter and 20 feet in length. Larger diameter and length culverts may be required by the Inspector, if drainage conditions so warrant. In order to prevent impeding normal drainage, culverts for new driveways are never in any case to be smaller than the closest upstream culvert.

(d) In the construction of the new driveway, the portion which falls inside the city street right-of-way is to be composed of hard surface material of the same character as the material of the connecting street and/or sidewalk or better surface.

(e) Traffic control and safety is the responsibility of the contractor. If additional traffic control is deemed necessary by the Inspector, the contractor may be required to utilize Indiana Department of Transportation Maintenance of Traffic requirements.

(f) City sidewalks are not to be used as driveways, nor are they to be driven upon. Existing city sidewalks are not to be used as portions of the new driveway. In the construction of the new driveway, the existing city sidewalk is not to be covered over or crossed by the new driveway material: but must be removed and the new driveway surface material must be placed flush with the remaining sidewalk surface, or, if not placed flush with the sidewalk surface, then sloping ramps must be placed in the sidewalk on each side of the drive so that there is a smooth continuation from sidewalk to driveway to sidewalk which is accessible to the handicapped.

(g) This section shall apply to any widening or reconstruction of any existing drive. This section shall not apply to the surfacing or resurfacing of existing driveways.

(C) Warranty. The applicant shall be entitled to a return of their cash bond or the release of their surety bond once the Inspector has determined that the work done as contemplated by the permit has been satisfactorily completed and the applicant has complied with all the terms and conditions of this section. If no such determination is made within 90 days of the date the bond is submitted to the city, any cash bond shall be forfeited and paid into the Local Road and Street Fund of the city and/or the city shall take appropriate action to collect any surety bond whose proceeds shall be paid into the same fund.

(D) Enforcement. Anyone found in violation of these conditions or found performing work in the right-of-way without a valid permit, shall be subject to a fine of not to exceed \$2,500, along with being responsible for the cost of any and all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each and every occurrence may be treated as a separate violation.

(Ord. 2002-7, passed 6-18-02; Am. Ord. 2002-11, passed 10-8-02)

RIGHT OF WAY EXCAVATIONS

§ 98.20 PERMIT REQUIRED; FEE.

(A) No person, firm, or corporation shall excavate in a street, alley, sidewalk or any public right of way of the city for any purpose whatsoever without first obtaining a permit from the Office of Planning, Preservation and Design. Permit must be posted and visible at the job site. ('66 Code, § 92.01)

(B) The Office of Planning, Preservation and Design shall, upon request of any person, firm, or corporation, issue a permit upon the payment of a permit fee of \$25.00 and a proper showing that the applicant is bonded by a reputable surety company in the penal sum of no less than \$10,000. The bond shall be conditioned to the effect that the person, firm or corporation shall replace the surface of the street, alley, sidewalk or other surface in the public right of way in the timeframe specified within the provisions. Such repair will

be inspected and approved to insure full compliance with the provisions of the City of Madison. The prescribed procedure and standards to fill such excavation shall be established by the Board of Public Works and Safety. Inspections shall be done by an employee of the City of Madison or third party as directed by the Mayor. Repairs, including backfill and right of way surface, to be warranted for up to one year by the contractor. That the person, firm, or corporation will promptly pay and discharge, on demand, all damages which may be incurred to any city water main or other city property by reason of such excavation; that the person, firm, or corporation shall offer satisfactory evidence of having public liability and property damage insurance in the total sum of \$10,000, which insurance shall pay all damages or claims of damage accruing to persons or property caused by the negligence of the person, firm, or corporation in making, maintaining, or refilling the excavation; and that the applicant further makes satisfactory showing of having all employees employed by the person, firm, or corporation protected under the provisions of the State Workers Compensation Law.

(C) Enforcement. Anyone found in violation of these conditions or found performing work in the right-of-way without a valid permit, shall be subject to a fine of not to exceed \$2,500, along with being responsible for the cost of any and all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each and every occurrence may be treated as a separate violation.

(D) Permits issued shall be valid for a period of no more than 90 days until work commences, and all work shall be performed within an additional 90 day period unless extended by the Board of Public Works and Safety. Permit must be posted and visible at the job site.

('66 Code, § 92.02) (Ord., passed 3-6-53) Penalty, see § 10.99

§ 98.21 PLUMBING INSTALLATIONS.

Any person, firm, or corporation making any installation of plumbing shall report, within ten days from the installation, all outlets for the domestic or commercial use of water on the premises involved.

('66 Code, § 92.03) (Ord., passed 3-6-53) Penalty, see § 10.99

§ 98.22 (RESERVED).