

## CHAPTER 96: STREETS AND SIDEWALKS

### SECTION

#### Obstruction of Public Ways

- 96.01 Obstructing Streets
- 96.01.01 Definitions (Ord. 49-2008)
- 96.02 Merchandise on Sidewalks (Ord. 49-2008)
- 96.03 Awnings and Canopies over Sidewalks
- 96.04 Gates along Sidewalks

#### Excavations in Streets

- 96.10 Excavations
- 96.11 Streets Under Repair
- 96.12 Installation of Utilities when Paving Street
- 96.13 Applicable Laws

#### General Regulations

- 96.20 Barbed Wire Fences
- 96.21 Debris on Streets
- 96.22 Spitting on Sidewalk
- 96.23 Water from Downspouts
- 96.24 Cleaning Sidewalks
- 96.25 Damaging Streets and Sidewalks
- 96.26 Portable Engines on Streets

#### Building Numbering

- 96.30 Building Numbering

#### Curb and Sidewalk Construction and Repair

- 96.35 Voluntary Curb and Sidewalk Partnership Program

### OBSTRUCTION OF PUBLIC WAYS

#### 96.01 OBSTRUCTING STREETS

No person shall obstruct or endanger, or place or permit anything to obstruct or endanger the free passage or proper use of the public of any street, sidewalk, crosswalk, bridge, or entrance to any church, school, theater, hotel, or public building,

except as may be necessary while loading or unloading merchandise or materials, and except as may be permitted under this chapter. ('72 Code, 4.01) Penalty, see 10.99

#### 96.01.01 DEFINITIONS

- (a) "BUSINESS (ENTERPRISE)" Per 154.13.16 – The use of land or a structure for manufacturing, processing, wholesale or resale of products. Also, the provision of services to customers and/or clients. This definition is not intended to include sales permitted under chapter 125 of this Code.
- (b) "ENCROACHMENT" – Any private or public temporary or long-term use of a sidewalk for purposes other than movement of pedestrians or other use by the City of Richmond in conducting its business.
- (c) OUTDOOR SEATING – Seating provided at a table directly adjacent to a retail establishment where food is sold as a primary or secondary part of its daily operations.
- (d) "PEDESTRIAN" - Any person walking, walking with the assistance of a walking device, or in a wheelchair.
- (e) "SIDEWALK" - That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.
- (f) "SIGN" Per 154.13.88 - Any writing, pictorial representation, emblem, flag or any other figures of similar character which is a structure or part thereof or is attached or painted on or in any manner represented on a building or structure; and is used to announce, direct attention to, or advertise; and is visible from outside a building. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event. Further, this definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty. (Ord. 57-1997)
- (g) "SPECIAL EVENT" – An event planned in conjunction with other businesses in a business district where three or more businesses plan to encroach on the sidewalk for a like period of time.
- (h) "STREET" Per 154.13.97 - A public right-of-way fifty (50) feet or more in width or any such right-of-way less than fifty (50) feet in width provided it existed prior to the adoption of this Ordinance which has been improved and accepted by the responsible local governmental unit for maintenance and which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

(Ord. 95-1984) (Ord. 57-1997)

96.02 MERCHANDISE ON SIDEWALKS (Ord.49-2008)

- (a) No person shall for the purpose of display, exhibition, seating, or sale, place or permit or allow the placing of any merchandise or commodity beyond the real estate boundary of the premises occupied by him facing a public highway or sidewalk without a valid sidewalk encroachment permit, if applicable. Activities performed without a valid sidewalk encroachment permit are a violation of the provisions of this chapter. Planters, public benches without advertising and trash containers may be placed on a sidewalk directly adjacent to a business without a sidewalk encroachment permit as long as a minimum clear straight pathway of 48 inches can be maintained at all times. Bike racks may be installed by a business district as long as a minimum clear straight pathway of 48 inches can be maintained at all times, including when bicycles are attached, and shall meet all other provisions of this chapter. Bike racks must compliment the architecture of the business district and shall have approval of the Board of Public Works and Safety.
- (1) Eligible sidewalks for encroachment shall be all sidewalks where a minimum of 48 inches of clear straight pathway can be maintained adjacent to a business after the encroachment is located on the sidewalk.
- (2) All sidewalk encroachment permits shall be approved by the City of Richmond Board of Public Works and Safety and may be subjected to approval of other applicable agencies including but not limited to the Indiana Department of Transportation and City of Richmond Department of Public Works.
- (3) Encroachments shall not limit access to any public safety related public improvements such as fire hydrants or infringe upon a pedestrian's free and safe passage along a sidewalk.
- (4) Businesses requesting a sidewalk encroachment permit for outdoor seating shall be businesses who sell retail food as a primary or secondary part of their daily operations and shall abide by all requirements established in Chapter 154 for outdoor seating. No alcoholic beverages may be served in outdoor seating areas located on a sidewalk.
- (a) If a business requesting a sidewalk encroachment permit for outdoor seating is required by law, statute or regulation to enclose or separate the encroachment from the rest of the public right of way, the method of enclosure or separation, such as a fence, shall be reviewed and approved by the Department of Public Works and Safety and shall abide by all requirements established in chapter 154 for outdoor seating.
- (5) Businesses eligible for a sidewalk encroachment permit for merchandising shall be all businesses conducting retail sales as the major part of their daily

operations and whose businesses are housed immediately adjacent to the area of sidewalk requested for merchandising use.

- (6) Encroachment for outdoor seating may be approved for a one year period. Permits will valid for a calendar year, January 1 – December 31.
- (7) Encroachment for outdoor merchandising may be approved for up to a 48 hour period. Permits may not be granted for back to back 48 hour periods and may be limited in number by the Board of Public Works and Safety. Permits for regular or reoccurring encroachment may be considered on a case by case basis. Encroachments for a period up to 72 hours may be approved only if 24 hours of the request falls on Independence Day, Memorial Day or Labor Day.
- (8) All sidewalk encroachment requests shall be accompanied by the appropriate application fee, required attachments and a form prescribed by the Department of Metropolitan Development which shall include the following information at a minimum:
  - (A) Name, street address and phone number and email address of applicant;
  - (B) Name and street address of property owner if the owner is not the applicant;
  - (C) Street address of the property where encroachment is requested;
  - (D) A certificate of insurance establishing proof of a comprehensive general liability policy naming the City of Richmond as one of the insured to remain in effect during the term of encroachment;
  - (E) A drawing to scale of the proposed encroachment demonstrating how the clear straight pathway will be maintained including:
    - (1) the relationship to public improvements including but not limited to, planters, fire hydrants, utility poles, trees, tree grates, landscaping, trash containers and benches;
    - (2) the location and type of merchandise or seating to be displayed;
    - (3) The existing and proposed circulation pattern for pedestrians with the exact dimensions of the clear straight pathway; and other information applicable to the type of encroachment requested.
  - (F) Length of time requested for the encroachment;
  - (G) Plans for the operation of the encroachment including, but not limited to, hours of operation, services to be provided, maintenance and cleaning;

- (H) Evidence that adjacent property owners have been notified of the proposed encroachment.
- (9) Applications for a sidewalk encroachment permit should be submitted at least 30 days prior to the date the applicant wishes to encroach, but no earlier than 90 days.
- (10) Applications for an annual sidewalk encroachment permit for outdoor seating shall be assessed an application fee of \$50.00 for a one year permit.
- (11) Applications for a sidewalk encroachment permit for outdoor merchandising for a single event, up to 48 hours, shall be assessed an application fee of \$15.00. If multiple dates for separate events, up to 48 hours each, are listed on the same application, an application fee of \$25.00 shall be assessed.
- (12) Applications for special events may be submitted on one application as long as all information required in 96.02 (a) 8 is included for all businesses that plan to encroach on the sidewalk. The application fee for a special event encroachment shall be \$35.00.
- (13) The applicant shall maintain a copy of their permit and application at their location for inspection upon request by any city official/officer.
- (14) Any encroachment permit may be revoked by any city official/officer of authority if that official/officer has found that any petitioner for that permit has violated any terms or conditions of the permit whereas public safety is compromised
- (a) No person shall place any signs along and on the sidewalks, unless allowed by Chapter 154, or in the area between the sidewalks and the curbs of the city.

### 96.03 AWNINGS AND CANOPIES OVER SIDEWALKS

No person shall erect, construct, or maintain over, along, or across any sidewalk along any street, alley, or thoroughfare within the city, any awning, shed, suspended canopy, marquee, cover, or other suspended structure, except a temporary canvas or woven cloth awning hinged with iron frame hinges to a building, without a permit from the Board of Public Works. Before any awning, shed, suspended canopy, or marquee, or any other structure may be erected over or maintained over a sidewalk along a street, alley, or thoroughfare, the owner or occupant of the building and entrance in the front of which it is to be erected, shall submit the plans and specifications for the construction and the manner of maintenance to the Board of Public Works for investigation and approval. Only on the approval of the plans by the Board shall the same be constructed. A permanent awning, shed, suspended canopy, or marquee made of metal or other fireproof material may be erected and maintained over sidewalks along a street, alley, or thoroughfare, immediately in front of the entrance to any hotel or theater if it does not extend more than 12 feet on either side of the center line of the

entrance to the building and the height is not less than 12 feet above the sidewalk at the lowest point of the structure. ('72 Code, 4.03) (Ord. 853-1926) Penalty, see 10.99

#### 96.04 GATES ALONG SIDEWALKS

(a) The owner of any property in the city having a frontage on any street or sidewalk shall not maintain or construct a gate on the premises in such a manner that the gate swings over the street or sidewalk bordering on the premises.

(b) It shall not be deemed a violation of this section if the gate automatically swings back into a closed position after being used, by means of springs, weights, or other mechanical contrivance, so that it will not extend over the street or sidewalk when not in use. ('72 Code, 4.04) (Ord. passed 1-16-06) Penalty, see 10.99

#### EXCAVATIONS IN STREETS

##### 96.10 EXCAVATIONS

(a) Permit Period

No person shall dig or make an excavation of any kind in any public street, alley, or sidewalk of the City, without first obtaining a written permit from the City Controller or his designee to do so. For purposes of this chapter an applicant shall obtain one permit for each city block in which work is to be performed; however, the applicant may obtain one permit for a planned construction project as long as the plans and specifications for that planned construction project are included with the initial permit application and are clearly identified as a single construction project, and such application for a single construction project permit is made at least seven (7) days prior to start of construction. (Ord. 36-1986)

(b) Application for permit

Applicant for the permit shall execute, in triplicate, a written application to be furnished by the office of the City Engineer. The application shall contain the following information;

(1) The date when the proposed excavation is to be made and the estimated time for completion of the work necessitating the excavation

(2) The location of the area where the excavation is to be made and the purpose

(3) The approximate dimensions of the excavation

(c) Agreement of applicant

(1) By his application the applicant agrees to the following specifications to fill, close, seal, and resurface the excavation

(A) To backfill opening of street, alley, or sidewalk with clean gravel or stone, and to tamp in top of that part of the trench which is in the traveled street or alley and to maintain the street or alley surface which has been disturbed in a smooth and uniform condition for a period of 52 weeks after traffic is again permitted to pass over the filled trench, unless otherwise specially provided. (Ord. 58-1991)

(B) If permanent paving materials are readily available, to resurface all openings within 20 days of refill. If permanent materials are not available, temporarily seal all openings within 3 days after work is completed, and when paving materials are readily available, to resurface permanently within 30 days.

(C) To stop the work at any time on request of the City Engineer.

(D) To resurface with the same kind of material removed by cutting.

(E) To haul from the project all unused material used in the refill.

(F) To notify the City Engineer of the date of cutting and refill for proper inspection. All work must be approved by the City Engineer when completed.

(2) The applicant further agrees that in the event the excavation is not properly filled, closed, and sealed or resurfaced pursuant to the established standards and regulations of the City Engineer and after due notice from the City Engineer of the defects or omissions, the applicant shall immediately proceed to correct the defects and omissions in the closing of the excavation.

(3) In the event that street excavations are not properly filled, closed and sealed in accordance with Section 96.10 (c)(1), the City Engineer shall proceed to properly close and resurface the excavation, and shall bill the applicant for the cost of labor and material required to properly close and resurface the excavation. The applicant shall agree to reimburse the city for costs so incurred. (Ord. 58-1991)

(4) The applicant agrees to erect and maintain, as safeguards and warnings to the public, proper and adequate guards and sufficient and adequate red lights about the work and excavation until the project is complete and the surface is properly restored.

(5) In consideration of the grant of a permit for a street cut or excavation, the applicant agrees to indemnify, defend and hold harmless the City of Richmond, Indiana, its officials and employees from any liability due to damage or injuries to the person or property of anyone on or off the right of way arising out of or resulting from the issuance of this permit or the work connected therewith caused by or resulting from the negligence of Applicant, its agents, employees, or subcontractors engaged in the performance of the work or the joint negligence of any of them. The Applicant also agrees to pay all reasonable expenses and attorney fees incurred by or imposed on the City arising out of a lawsuit filed against the City for damages, provided a court of competent jurisdiction makes a determination that the Applicant, its agent, employees or subcontractors has been guilty of negligence in pursuance of the work resulting from the issuance of a permit for a street cut or excavation, which negligence caused damage to the prevailing, aggrieved, party, provided the City was not guilty of independent or concurring negligence. (Ord. 36-1986)

(6) The applicant agrees to make the excavation within a period of 30 days after issuance of the permit.

(d) Conditions of permit; Fee

(1) Before the granting of a permit to any person the City Controller shall

(A) Require the applicant to file with the Controller an insurance policy, or a certificate showing insurance to be in effect, issued by a responsible insurance carrier to protect the applicant and the city from personal and property damage arising from or caused or affected to any extent by any excavation made pursuant to the permit

(B) Check the records of the city to ascertain whether the applicant has ever failed to reimburse the city for any work or materials furnished by the city in the filling and resurfacing of any excavation made by the applicant on a previous permit. In the event that the city records disclose any unpaid account owed by the applicant the permit shall not be granted until payment is made in full.

(C) Require the payment of a \$25 permit fee. (Ord. 5-1992)

(2) Thereafter the City Controller shall issue a permit to the applicant and the permit shall contain the name of the applicant, the date of issuance of the permit, the place where the excavation is to be

made, and the approximate dimensions thereof. The permit shall be authority to break the street, alley, or sidewalk specified therein.

(e) Emergencies

In the event of an emergency requiring the immediate excavation of a street, alley, or sidewalk, any person may proceed to open or make the excavation necessary to alleviate the condition causing the emergency without first applying for and being granted a permit. However, within 48 hours after making the excavation, the person shall make application for a permit as set forth above.

(f) Issuance of permit

On the issuance of a permit the City Controller shall mark each copy of the application "Approved and Permit Issued" to which he shall also note the date of issuance and his signature. The original shall be retained by the City Controller, a copy shall be delivered to the City Engineer, and a copy shall be issued to the applicant.

(g) Inspection

The City Engineer shall inspect each project for which a permit has been issued to determine whether proper safeguards and lights may have been installed, to see that the excavation is properly closed and resurfaced, and to give notice and properly close and resurface the opening or excavation in the event that the restoration is not completed within a reasonable time or is inadequately or improperly completed by the permittee. On final inspection the City Engineer shall note on his copy of the application the completion of the project. He shall further note any moneys expended by the city on behalf of the permittee in completing the project and shall then return his copy to the City Controller.

(h) Excavation and Backfill

The applicant shall excavate and backfill any cut in a street, sidewalk, or alley in conformance with City standards on file in the office of the City Engineer. All utility work shall also meet the requirements of the respective regulatory commissions. (Ord. 38-1997)

(i) Excavation in Improved Streets, Sidewalks, or Alleys

No applicant shall excavate in an improved street, sidewalk, or alley within one year after the improvement, except for emergencies as approved by the City Engineer. (Ord. 38-1997)

(j) Penalty

Any person violating this section shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense and Five Hundred Dollars (\$500.00) for each subsequent offense. ('72 Code, 4.13) (Ord. 1663-1958; Ord. 1862-1961) (Ord. 58-1991) (Ord. 38-1997)

(k) No permit shall be necessary for any curb and sidewalk repair or construction performed pursuant to Section 96.35. (Ord. 36-1997)

#### 96.11 STREETS UNDER REPAIR

No person shall drive any vehicle on any street under repair except by permission of the person in charge of the repairs, or except to reach or leave any property not otherwise accessible. No person shall injure, remove, or tamper with any material, equipment, or guards used in the construction or repair of any street. ('72 Code, 4.14) (Ord. passed 10-5-1891) Penalty, see 10.99

#### 96.12 INSTALLATION OF UTILITIES WHEN PAVING STREET

(a) Inspection of underground utilities

Before the roadway of any street or alley within the city is permanently improved it shall be the duty of every public utility that is using the street or alley or any part thereof for gas, water, or similar pipes or conveniences, to carefully and thoroughly inspect and make all needed or necessary repairs to all pipes, which shall include all service pipes then in use or theretofore laid in the street or alley, so as to make all pipes and all connections thereto in a high state of efficiency and in first class condition in all respects. It shall likewise be the duty of the owners of property abutting on the street or alley to make all new private connections with sewer, gas, water, and other similar pipes and conveniences, and to bring the connections inside the curb line of the street and outside of the line of the alley, within 30 days after the adoption of the preliminary resolution by the Board of Public Works and Safety or other legal authority of the city ordering the permanent improvements of the street or alley and the publication of notice as by law provided. Macadamizing or resurfacing with macadam or other material shall be deemed a permanent improvement within the meaning of this section.

(b) Notice to owner to connect to utilities

Whenever the Board of Public Works and Safety or other legal authority of the city shall adopt a resolution for the permanent improvement of the roadway of any street or alley or part thereof, it shall declare in the resolution its intention of making, by contract and at the owner's expense, all private connections with sewer, gas, water, and other like pipes and conveniences, and of bringing the connections inside the curb lines of the street and outside of the line of the alley for each lot, where it has not already been done by the abutting property owner

or other person or corporation for the use and benefit of any owner. The declaration of the Board's intention shall be made a part of the notice concerning the street or alley improvements as required by law. On default of any owner making the connection within the time specified, the Board shall proceed to do so at the owner's expense, and the expense shall be a lien on the property affected and collectible in the same manner as expenses for other street and sewer improvements. The work of making the private connections and bringing them within the curb line of the street or outside of the line of the alley at the expense of the abutting property owner shall be included in the general contract for the permanent improvement of the street or alley.

(c) Connection by city; lien

Bidders on the improvement of any street or alley shall state the amount bid per lineal foot on account of each kind of private connections with sewer, gas, water, or other like pipes and conveniences, and of bringing them within the curb line of the streets and outside of the line of the alleys including curb box and curb cock where not already done. The cost shall be charged by the Board to the owner of the property on the assessment roll, and the amount shall be a lien on the property and collectible in the same manner as the costs and expenses for other street improvements.

(d) Placement of utilities by city; lien

Whenever the Board of Public Works and Safety or other legal authority shall adopt a resolution for the permanent improvement of the roadway of any street or alley or part thereof, it shall declare in the resolution its intention of making by contract and at the expense of every public utility, a careful and thorough inspection of all gas, water, or other like pipes or conveniences and connections in the street or alley and owned or used by any public utility and of causing to be made all needed or necessary repairs to all pipes and connections to make all the pipes and connections efficient and in first class condition in all respects. The declaration of this intention by the Board shall be set forth in the published notice given concerning the street or alley improvement. On default of any public utility to inspect and repair any pipe or connection owned or used by it within the time specified, the Board or other legal authority of the city shall proceed to do so by contract or otherwise at the expense of the utility. All the expense shall be a lien on the property of the utility used in furnishing or supplying service to the city and the inhabitants. The lien may be enforced in any appropriate proceeding or method, or the full amount of the expense may be retained by the city out of any money it owes to the utility. The work of inspecting and repairing all pipes and conveniences at the expense of the utility shall be included so far as practical in the general contract for the permanent improvement of the street or alley, and bidders on any improvement shall state the amount per day or other unit that will be charged each public utility for

inspecting and repairing any pipe, in the event that the utility fails, neglects, or refuses to do so.

(e) Approval of City Engineer

All work of making the private connections and bringing them within the curb lines of streets and outside of the lines of alleys, and inspecting and repairing pipes already laid, as hereinbefore provided, whether done by the owner or by contract made by the Board of Public Works and Safety, or other legal authority of the city, shall be done only under permit from and subject to the approval of the City Engineer.

(f) Franchises unaffected

The provisions of this chapter shall not in any manner nor to any extent lessen or abrogate any provision, stipulation, or condition contained in any franchise granted by the city to any public utility relating or pertaining to the repair of streets or alleys. These provisions are supplementary and additional to the terms, conditions, and stipulations contained in any franchise. ('72 Code, 4.15) (Ord. 390-1914) Penalty, see 10.99

(g) All utility manholes or valves in the roadway of a city street or alley shall be adjusted to grade either before, while or immediately after permanent improvements are made. The utility shall perform this work in conformance with the City standards on file in the office of the City Engineer. (Ord. 58-1991) (Ord. 38-1997)

(h) Any persons violating this section shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense and Five Hundred Dollars (\$500.00) for each subsequent offense. (Ord. 58-1991) (Ord. 38-1997)

### 96.13 APPLICABLE LAWS

In addition to the foregoing provisions of the Code relating to street construction, excavation, and installation of utilities, a permittee, including utilities, shall adhere to any other applicable federal, state, or local laws, rules or regulations governing such excavation, construction or installation, including, but not limited to, the provisions of 610 IAC 5-1-13 of the Indiana Administrative Code. (Ord 126-1984)

### 96.14 PUBLIC UTILITY MASTER PLAN

(a) Every public utility that uses the streets or alleys or any part of the city right-of-way for gas, water, telephone, electricity, or similar pipes or conveniences, shall maintain on file with the City Engineer a three year master plan for construction and repairs on any part of the utilities' structures located within the streets, alleys, or right-of-ways. The master plan shall be updated on a

yearly basis. Any changes to the three year master plan shall be reported to the City Engineer for approval at least 60 days before implementing any work. In the event of emergency repairs, the utility shall give notice to the City Engineer within 48 hours after making the emergency repair.

(b) Any person violating this section shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense and Five Hundred Dollars (\$500.00) for each subsequent offense. (Ord. 58-1991)

## GENERAL REGULATIONS

### 96.20 BARBED WIRE FENCES

No person shall erect or maintain barbed wire along the line of any improved street, alley, or sidewalk of the city, or around or along any grass plot located in any street, unless the fence is at such elevation or is so located that pedestrians passing along it will not come in contact with it. ('72 Code, 4.05) (Ord. 52-1906) Penalty, see 10.99

### 96.21 DEBRIS ON STREETS

No person shall throw or place, or cause to be placed in the roadway of any street in the city, any nail, wire, glass, rubbish, debris, or any foreign matter of any kind. ('72 Code, 4.06) (Ord. 224-1910) Penalty, see 10.99

### 96.22 SPITTING ON SIDEWALK

No person shall spit on any sidewalk or on the floors, stairways, or platforms of any railway station, depot, theater, rink, public hall, or other public building within the city. Any person violating this section shall on conviction be fined in any sum not exceeding \$10. ('72 Code, 4.07) (Ord. , passed 12-1-02)

### 96.23 WATER FROM DOWNSPOUTS

No person shall erect or maintain any downspout or conductor pipe on any building in such a manner that the water from the pipe will discharge on the surface of any improved sidewalk within the city. ('72 Code, 4.08) (Ord. 487-1917) Penalty, see 10.99

### 96.24 CLEANING SIDEWALKS

(a) The owner or occupant of any lot or land abutting on any improved sidewalk shall not suffer or permit any dirt, earth, soil, gravel, or other material to be washed on or to slide onto the sidewalk. Where the abutting lot or land is elevated or terraced or is in any manner at a higher grade than the improved sidewalk, it shall be the duty of the owner or occupant of the lot or land to properly terrace, grade, or slope the property, and properly sod the terrace, grade, or slope, so that dirt, earth, soil, or gravel will be securely held in place, or

to build a permanent and substantial retaining wall of such height and construction as to prevent any dirt, earth, soil, gravel, or other material from being washed or from sliding onto the sidewalk.

(b) If the owner or occupant of any lot or land in the city shall fail to comply with the provisions of this section the Board of Public Works and Safety shall adopt a resolution ordering the work to be done or improvement to be made, and notice of the passage of the resolution shall be served on the owner, if he is a resident of the city, or on the occupant of the premises. If the property is unoccupied, and if the owner is a nonresident of the city, the notice of passage of the resolution shall be posted in a conspicuous place on the lot or land. If after the expiration of five days from the date of the service or posting of notice the work is not performed or improvement made, the Board of Public Works and Safety shall cause the work to be performed or made and the cost shall constitute a lien on the property, to be assessed on the land. The cost shall be placed on the tax duplicate to be collected as other taxes and improvement liens are collected.

(c) It shall be the duty of the occupant, or owner if there is no occupant, of a tenement, building, lot, or parcel of land in the city, fronting on any improved sidewalk to clean the sidewalk in front of the tenement, building, lot, or parcel of land, of snow or ice, by 10:00 a.m. of each day, and to keep it clean of snow or ice. ('72 Code, 4.09) (Ord. passed 11-16-14) Penalty, see 10.99.

#### 96.25 DAMAGING STREETS AND SIDEWALKS

No person shall break, or cut into, or in any way damage any street, alley, bridge, culvert, curb, street sign, lamp post, sewer, or other appurtenance to any street in the city. ('72 Code, 4.11) (Ord. passed 2-5-06) Penalty, see 10.99.

#### 96.26 PORTABLE ENGINES ON STREETS

(a) No person shall operate any traction or portable engine on any public street or alley in the city unless the entire outer surface or periphery of each wheel which comes in contact with any of the street surface is equipped with a shield, band, or other similar or appropriate apparatus so that each wheel shall have smooth, plain, and level bearing surface the entire width free from all ridges, cleats, or other corrugations.

(b) No person shall operate any traction or portable engine on along, or over any part or portion of any public street or alley in the city without first obtaining a permit to do so from the City Engineer. The permit shall name the person to whom issued and shall state the exact date and names of the streets and alleys over which the engine may be operated. The permit shall be issued without charge. The City Engineer shall keep a copy of all permits issued by him. ('72 Code, 4.12) Penalty, see 10.99

## BUILDING NUMBERING

### 96.30 BUILDING NUMBERING

(a) Every house or building fronting on any street, avenue place, or court in the city shall be numbered by the owner or occupant on the front in a conspicuous place, and with figures no less than three inches in height. The numbering shall be done in conformity with the following plan or system.

(1) On Main Street, and on all other streets running east and west and parallel with Main Street, the buildings and lots on the north sides of the streets shall be numbered with even numbers and on the south sides with odd numbers, and on all streets running, at right angles, or across Main Street north and south, the buildings and lots on the west sides of the streets shall be numbered with even numbers, and on the east side with odd numbers.

(2) On Main Street and on all streets running east and west parallel with Main Street the numbering shall commence with the Whitewater River and the west branch of the river, and increase eastward and westward. On all streets running north and south at right angles, or across Main Street, the numbering shall commence at Main Street, and increase northward and southward. On all courts, places, and avenues the numbers shall commence at the places named as the beginning points, and the buildings and lots shall be numbered with odd and even numbers on the opposite side, as near as practicable in conformity with the plan hereinabove provided for other streets. On all streets, avenues, places, and courts, a number shall be assigned for every 20 feet front of ground, as near as practicable.

(3) On Main Street and all streets running east and west parallel with Main Street on the east side of Whitewater River and the west branch of the river the buildings and lots west of First Street shall be numbered with numbers one and two on the proper sides, and increase eastward in consecutive odd and even numbers to First Street, then beginning with numbers 100 and 101 on the proper sides increase in consecutive odd and even numbers to Second Street, then beginning with the numbers 200 and 201 on the proper sides increase in consecutive odd and even numbers to Third Street, and in the same manner progress eastward. That after each street crossing the numbering shall begin with a new hundred corresponding to the numerical name of the crossing street.

(4) On Main Street and all streets running east and west parallel with Main Street on the west side of the Whitewater River and the west branch of said river, the buildings and lots east of Southwest First Street or

Northwest First Street, as the case may be, shall be numbered with numbers one and two on the proper sides, and increase westward in consecutive odd and even numbers to Southwest First Street or Northwest First Street, as the case may be, then beginning with numbers 100 and 101 on the proper sides increase in consecutive odd and even numbers to Southwest Second Street or Northwest Second Street, as the case may be, then beginning with the numbers 200 and 201 on the proper sides increase in consecutive odd and even numbers to Southwest Third Street or Northwest Third Street, as the case may be, and in the same manner progress westward, so that after each street crossing the numbering shall begin with a new hundred corresponding to the numerical name of the crossing street.

(5) On all streets running north and south at right angles with or across Main Street, the buildings and lots shall be numbered beginning at Main Street with the numbers 1 and 2 on the proper sides, increase northward or southward, as the case may be, in consecutive odd and even number to North A and South A Streets or to Northwest A and Southwest A Streets, as the case may be, thence beginning with the number 100 and 101 on the proper sides increase in consecutive odd and even numbers to North B and South B Streets or to Northwest B and Southwest B Streets, as the case may be, then beginning with the numbers 200 and 201 on the proper sides increase in consecutive odd and even numbers to North C and South C or to Northwest C and Southwest C Streets, as the case may be, and in the same manner progress northward and southward, as the case may be, so that after each street crossing the numbering shall begin with a new hundred corresponding with the number of the alphabet with which the crossing street is named.

(6) On all avenues, places, and courts, the buildings and lots shall be numbered commencing at the beginning points with the number 1 and 2 on the proper sides, and increase progressively toward the other end, in consecutive odd and even numbers.

(b) The City Engineer shall prepare the necessary plats, books, blanks to show the proper number for every building and lot which is entitled to a number. He shall inform the owner or occupant of any building or lot of the number on application by the owner or occupant.

(c) When any building or room is erected, constructed, or removed on or to any lot fronting on any street, avenue, place, or court in the city it shall be the duty of the owner or occupant of the building or room to procure the necessary certificate, and to number his building in accordance with the requirements herein within one month after the completion, removal, or occupancy of the building. On his failure or refusal to do so, the city shall cause the numbering to be done and the costs to be collected from the owner or occupant. ('72 Code, 4.16) (Ord. passed 12-20-1880) Penalty, see 10.99

## CURB AND SIDEWALK CONSTRUCTION AND REPAIR

### 96.35 VOLUNTARY CURB AND SIDEWALK PARTNERSHIP PROGRAM

(a) Name/Purpose of Program

The program established by this chapter shall be referred to as the Voluntary Curb and Sidewalk Partnership Program. The intent of this program is to encourage adjoining property owners to repair and upgrade existing curbs and sidewalks at locations where the city agrees such repair is needed. The intent is not to provide materials for curb and sidewalk construction in newly constructed neighborhoods or subdivisions.

(b) Provision of Materials

As one method in assuring continued upkeep of public curbs and sidewalks, the City of Richmond shall offer a program whereby the City shall attempt to provide the materials for any curb or sidewalk construction or repair when the adjoining resident or business provides the necessary labor pursuant to this chapter. This program and provision of materials shall be subject to budgetary restraints and any priorities established by the City Administration.

(c) Provision of Labor

Any resident or business who desires to participate in the program outlined herein and have curb or sidewalk repairs or construction performed in a specific location shall provide all necessary labor as required by the Street Division. The adjoining resident or business may perform the labor themselves or hire a contractor to perform the labor. Nothing in this chapter shall prohibit another person or entity from performing or paying for the necessary labor on behalf of any resident or business. All labor performed must conform to City standards available at the Street Division.

(d) Administration of Program

This program shall be administered by the Street Division of the Department of Public Works and Engineering. The Street Division will adopt reasonable procedures for the orderly administration of this program.

(e) Funding of Program

This program shall be funded from the non-reverting infrastructure fund established by Ordinance No. 134-1996, which contains donations from property owners receiving tax abatements. Nothing in this section shall prevent other funds from being used for this program as needed.

(f) Neighborhood Associations and Civic Organizations

Neighborhood Associations, Civic Organizations, and others are encouraged to utilize this program to assist those who are financially or physically incapable of providing the necessary labor for curb or sidewalk repair or construction. (Ord. 36-1997)