

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. ROAD CUTS AND BORINGS.

CHAPTER 1

MISCELLANEOUS

SECTION

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- 16-110. Fires in streets, etc.
- 16-111. Abutting property owners to keep sidewalks in good repair.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1989 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1989 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

Ord. #08-122 "Manual for Public Works Construction and Material Specifications" is available in the office of the city recorder.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1989 Code, § 12-103)

16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1989 Code, § 12-104)

16-105. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1989 Code, § 12-105)

16-106. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1989 Code, § 12-106)

16-107. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1989 Code, § 12-107)

16-108. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets or parks without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately.

The city manager may require a refundable deposit of one hundred fifty dollars (\$150.00) from permit applicants. Should the city find it necessary, upon recommendation of the city manager or other person designated by him, to clean and/or pick up refuse and/or litter as a result of said activity, the costs of so doing shall be deducted from said deposit and the remaining funds, if any, shall be returned to the applicant. Should such costs exceed the amount of the

deposit, the applicant will be billed and held accountable for payment of the difference. (1989 Code, § 12-108)

16-109. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1989 Code, § 12-109)

16-110. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1989 Code, § 12-110)

16-111. Abutting property owners to keep sidewalks in good repair. (1) It shall be the duty of the property owners of all property within the City of Lakeland to keep the sidewalks abutting their property in good repair. The Code Enforcement Department of the City of Lakeland, when it determines that a portion of all of a sidewalk or driveway apron or inlet is in need of repair as authorized by the board of commissioners, may on its own motion, order the same to be done.

(2) The order of the Board of Commissioners of the City of Lakeland by resolution duly adopted, direct the Building Official of the City of Lakeland or his delegates to serve notice in writing upon the owner of the property abutting the improvement to make such repairs as requested within ninety (90) days from the date of notification. Such repair to conform to all standards currently adopted and enforced through the subdivision regulations of the City of Lakeland and the building codes and other related technical codes.

(3) The Building Official of the City of Lakeland shall report to the public works department shall thereupon, request the repair to be done either by it's crews or by contract. All repair costs are to include but not necessarily be limited to the following:

(a) Construction cost including removal and disposal, temporary repairs and barricading, materials and labor cost.

(b) Administrative cost of \$100.00 or 15% which ever is greater.

(4) The cost of any improvements required by the board of commissioners shall be assessed against the owner or owners of the abutting property and where such cost has not been paid within thirty (30) days of notice by registered mail the public works department shall certify to the City of Lakeland said assessment for filing against the property.

(5) **Right of appeal.** The Board of Commissioners of the City of Lakeland shall appoint the board of appeals to hear and determine protest, appeals, or hardship cases. The board of appeals shall have the power to wave administrative costs in the event a hardship is proven.

(6) The building official shall provide to the City of Lakeland a record of damaged walks and inlets as they are inspected. If sidewalks are not repaired in a timely manner notice shall be filed on the tax records for the property and recorded at the Shelby County Register Office as a lien on the deed and will provide a notification of such to all parties requesting tax data during the sale or transfer of the property.

(7) The building official shall, upon adoption of this ordinance, provide public notification for a minimum of two (2) days in a publicly circulated newspaper, advising all real estate agents and the general public that the ordinance has been amended and that the sidewalks and drive inlets of each house shall be inspected and repaired, if necessary, so as not to create an unexpected problem at closing.

(8) When a sidewalk section must be replaced that is in the location where a handicap ramp is required the curb shall be removed and the ramp installed according to the subdivision specifications and design provided by the code enforcement department. (Ord. #98-06, June 1998)

CHAPTER 2

ROAD CUTS AND BORINGS

SECTION

- 16-301. Definitions.
- 16-302. Permit required.
- 16-303. Application.
- 16-304. Fee.
- 16-305. Bond.
- 16-306. Insurance.
- 16-307. Protection of existing improvements.
- 16-308. Performance of work.
- 16-309. Routing traffic and street closure.
- 16-320. Time limitations.

16-201. Definitions. For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given in this section:

(1) "Applicant" means any person making written application to the city engineer for road cut permit hereunder.

(2) "Person" means any individual person, partnership, corporation, association, governmental corporation, estate, trust, or two (2) or more individual persons having a joint or common interest.

(3) "Settlement" means any variation of the finished street surface from the testing edge of a ten foot (10') straight edge between any two (2) contact points with the surface.

(4) "Street" means that portion of an easement of ground designated and dedicated to the public to accommodate a thoroughfare, avenue, road, highway, boulevard, parkway, drive, circle, court, lane, or alley within the city. (as added by Ord. #08-123, Nov. 2008)

16-202. Permit required. It shall be unlawful for any person to dig up, break, excavate, bore, tunnel, undermine, or in any manner, break up any street or to make or cause to be made any excavation in or under the surface of any street or in any street right-of-way without having first obtained a permit as herein required and without complying with the provisions of this section. It shall also be unlawful to violate or vary from the terms of any such permit; provided, however, any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without permit when emergency circumstances demand the work be done immediately, and a permit cannot reasonably and practically be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the City of Lakeland is open for business, and the permit

shall be retroactive to the day when the work had begun. Road cut permits are not required for the following types of work:

- (1) Removal and replacement of concrete curb, gutter, sidewalk, or curb cut;
- (2) Geotechnical work associated with city-funded street, water or sewer improvements;
- (3) Installation of electrical, sewer and/or gas underground utilities in conjunction with building, mechanical, plumbing or electrical permits for buildings when performing the excavation work on private property;
- (4) Normal street maintenance work being performed by the public works department. (as added by Ord. #08-123, Nov. 2008)

16-203. Application. Applications for such permits shall be submitted to the city engineer three (3) weeks before the work is to begin. The application packet shall consist of a completed road cut permit application, any required construction drawings, a traffic control plan and a time schedule for the completion of the work. The following standards shall be used to review the application and to inspect subsequent construction:

- (1) All proposed construction shall conform to the standard specifications adopted by the city;
- (2) The work shall be completed in a reasonable time as specified in the time schedule;
- (3) Barricades, flagmen, guards, fences, signage and other devices necessary to provide for public safety shall be provided and maintained at all times; and
- (4) The applicant shall repair all latent defects in construction for a period of one (1) year after final completion of the work. (as added by Ord. #08-123, Nov. 2008)

16-204. Fee. The fee for such permits shall be in accordance with the City of Lakeland fee schedule. (as added by Ord. #08-123, Nov. 2008)

16-205. Bond. Before any person shall do any work within the city limits as permitted by this chapter, a five thousand dollar (\$5,000.00) corporate surety bond or an irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) or a certified check or cash deposit in an amount equal to the estimated construction charges, whichever is greater, must be filed in the city engineer's office to guarantee the faithful performance of the provisions set forth in this chapter. (as added by Ord. #08-123, Nov. 2008)

16-206. Insurance. The applicant shall file a certificate of insurance indicating that he/she is insured against claims for property damage as well as claims for personal injury which may arise out of the work, whether such performance be done by himself/herself, his/her subcontractor or anyone directly

or indirectly employed by him/her. The insurance shall cover collapse, explosive hazards and underground work by equipment on the street and shall include protection against liability arising from completed operations. The amount of insurance shall not be less than one hundred thousand dollars (\$ 100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident and for property damages not less than twenty-five thousand dollars (\$25,000.00) for anyone accident and a seventy-five thousand dollar (\$75,000.00) aggregate. (as added by Ord. #08-123, Nov. 2008)

16-207. Protection of existing improvements. The applicant shall be responsible for the protection, repair or replacement of all improvements which exist within the limits of the construction area. For the purposes of this section, the term "improvements" means and includes, but is not limited to, the following: water lines, sanitary and storm sewer lines, street lighting, traffic signal systems, traffic signs, topsoil, sod, trees, public utility lines and systems, and street improvements including subgrade, base, pavement or other surfacing, curbs, gutters, medians, sidewalks, and all of the various appurtenances of these improvements. Where any piece of equipment is used, adequate provisions shall be employed to assure that those portions of the street surface which are not to be removed will not be damaged. This shall be accomplished with the use of protective planking, pads or other methods meeting the approval of the city engineer. In the event any portion of the street is damaged as a result of the applicant's operations, the applicant shall be responsible for the repair or replacement thereof in accordance with the directions of the city engineer. (as added by Ord. #08-123, Nov. 2008)

16-208. Performance of work. (1) All work performed and materials used pursuant to the issuance of a road cut permit shall be in accordance with the City of Lakeland Manual for Public Works Construction and Materials Specifications.

(2) Where trench structure excavation requires the removal of curb gutter, concrete sidewalks, or asphaltic or concrete pavement by means of backhoes, graders or loaders, the asphalt or concrete shall be cut in a straight line parallel to the edge of the excavation by the use of a spade bitted air hammer, concrete saw, or similar approved equipment, to obtain a straight vertical edge before any excavating has begun.

(3) When trench excavation is performed by a trencher, asphalt pavement need not be cut prior to excavating operations. However, should trenching operations begin to pull, lift and/or tear existing asphalt pavement, the trenching operation shall be discontinued until the asphalt is cut parallel to the edge of the excavation. The city engineer or his/her designee shall retain sole authority to determine whether the asphalt shall be cut prior to any excavating. The minimum width of pavement removal for utilities greater than six feet (6') in depth shall not be less than eight feet (8'), unless otherwise approved by the

city engineer. All necessary corners shall be cut at not more than a forty-five degree (45°) angle to the trench excavation.

(4) All trenches and bore pits shall be backfilled and compacted to a minimum ninety-five percent (95%) of maximum density. All disturbed areas shall be returned to their original state.

(5) Upon completion of trenching and backfilling, applicant shall cut and remove both edges of the asphalt or concrete pavement, one foot (1') wider than the edge of the excavation. The cutting method shall be similar to that previously described.

(6) Rotomilling may be substituted instead of trimming asphalt or concrete pavement as outlined in subsection (3) above. This work shall include rotomilling both trench edges twelve inches wide to a depth no less than one and one-half inches (1 1/2"). Rotomilling of trench edges shall not be considered an approved option if the trench excavation material is of a noncohesive property and undermines any edge of the existing asphalt pavement.

(7) Upon completion of the work, all surplus construction materials and debris shall be removed, leaving the entire site free, clean, and in a neat condition.

(8) The applicant or his agent shall be responsible for the removal and replacement of the concrete curb, gutter, sidewalk, and pavement, and such shall be made within seven (7) working days after backfill is completed, weather permitting.

(9) All excavation, backfilling and resurfacing work shall be performed by the applicant or his agent. Upon completion of the work, the applicant or his agent shall give immediate notice to the city engineer that such work has been completed.

(10) The applicant shall assume the responsibility for any damage to underground facilities caused by the trenching, backfilling, boring, resurfacing, or any other activities of the work.

(11) All topsoil and sod removed by the contractor shall be replaced.

(12) When making excavations, the various materials excavated shall be piled separately. All concrete and bituminous materials, any soils which cannot be properly compacted, and all other deleterious materials shall be removed from the construction site and properly disposed of in accordance with applicable laws.

(13) All materials used for backfilling shall be compactable so as to meet the minimum density and moisture requirements spelled out in the city's construction standards. Backfill material may contain coarse materials up to six inches in diameter, but shall be free from large pieces of rock, frozen material, concrete, roots, stumps, tin cans, rubbish, and other similar articles whose presence in the backfill would, in the opinion of the city engineer or his/her designee, cause settlement of the trench or damage to the installed improvement. Material shall have a maximum plasticity index of six (6) and not exhibit pumping characteristics when proof rolled.

(14) As a condition of the permit, the applicant shall guarantee his work for a period of one (1) year from the date of final completion of the work. If settlement equal to or greater than one-half inch (1/2") or pavement separation equal to or greater than one-quarter inch (1/4") occurs at the site of the excavation, or immediately adjacent thereto, at any time within one (1) year from the date of final completion of the original restoration, the applicant shall be responsible for repairing such settled or separated areas in accordance with the directions of the city engineer. In addition, the applicant shall be responsible for reimbursing the city for any expenses incurred in the placement of warning devices and barricades for the protection of traffic due to such settlement. (as added by Ord. #08-123, Nov. 2008)

16-209. Routing traffic and street closure. The applicant or his agent shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions shall be maintained, as nearly normal as practicable, at all times. A traffic control plan shall be submitted with the permit application and shall include a sketch showing traffic routing, placement and type of traffic control devices to be used, a statement of the reason for the work, and the time during which the work is to be performed. The applicant or his agent shall route and control traffic, including his own vehicles, as per the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the Federal Highway Administration. Excavations which traverse a street shall be limited to one-half (1/2) the width of the street at anyone time, unless an emergency situation exists which requires that the entire width of the street be excavated. The city engineer may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. (as added by Ord. #08-123, Nov. 2008)

16-210. Time limitations. All work covered under this chapter shall be accomplished expeditiously until completion, in order to avoid unnecessary inconvenience to traffic, to pedestrians, and for the protection of other public interests. The applicant shall state, in his application for permit, the time which he estimates will be required to complete the work. Upon review of the application, the city engineer shall have the right to amend the time requested and issue the permit so as to allow the minimum amount of time which he determines will reasonably be required for such work. The time allowed for completion shall be extended as necessary if it is found that it is not possible to complete the work within the time allowed. In the event that the work is not being accomplished expeditiously in accordance with the time period set forth in the permit, or if the work on an excavation has ceased or is abandoned without due cause, the city engineer may, after ten (10) working days from date of receipt, give written notice to the holder of the permit of the city's intention to do so, have city forces correct the work, backfill the excavation, and effect all restoration as required by this chapter. In the event settlement of an excavation

occurs within one (1) year of the date of final restoration and the applicant is notified of such settlement or pavement separation, he shall accomplish the required restoration or repair within the time limit specified hereunder. Thereafter, if the work has not been accomplished, the city engineer may have city forces accomplish the work required. The entire cost of such work, including any materials used therefore, shall be paid to the city by the applicant of the permit upon demand. If payment is not made within thirty (30) days of the demand, no additional permits shall be issued to the applicant until payment has been made by the applicant or by his bonding company. In addition, the city may proceed to collect any of the costs due and owing in any manner allowed by law. (as added by Ord. #08-123, Nov. 2008)