

Chapter 510

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I

Streets, Sidewalks, Alleys and Driveways—Regulations and Specifications

Section 510.010. Conveyance of Land. [Ord. No. 224 §1(60.010), 6-8-1998]

Any person wishing to establish a new street for the City of Diamond must convey to the City, by Warranty Deed, the land set aside for the new street and shall pay the costs of preparation and recording of the deed. The City must create an ordinance to accept the new City street.

Section 510.020. Location of Street. [Ord. No. 224 §1(60.020), 6-8-1998]

- A. The system of streets designated for the subdivision must connect with streets already dedicated in adjacent subdivisions or existing streets in the City street plan.
1. No dead-end streets will be approved unless such dead-end streets are provided to connect with future streets in adjacent land. Cul-de-sac or "courts" may be permitted, but the length of the street and turning radius cannot exceed four hundred (400) feet, and the outside turning radius must be a minimum of forty (40) feet.
 2. Intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets. Block length shall not exceed one thousand (1,000) feet in length, except that in outlying subdivisions a greater length may be permitted where topography or other conditions, in the opinion of the Board, justify such length. Business use blocks shall not exceed six hundred (600) feet in width.

Section 510.030. Width of Street Right-Of-Way and Width of Driving Surface. [Ord. No. 224 §1(60.030), 6-8-1998]

- A. The width of the street right-of-way and the driving surface width must be approved by the Board of Aldermen.
1. In areas where business buildings or multi-family building are apt to be built in the future or where there is through arterial traffic, the proposed arterial street right-of-way shall be at least sixty (60) feet in width and the driving surface shall be a minimum of thirty-two (32) feet in width.
 2. In residential areas where the proposed street connects with main arterial streets and will probably serve as a collector street, the right-of-way width

shall be fifty (50) feet, and the driving surface shall be a minimum of twenty-four (24) feet in width.

3. In remaining residential areas, the proposed minor residential street right-of-way width shall be forty (40) feet in width, and the driving surface shall be a minimum of twenty (20) feet in width.
4. Alleys shall be provided in business and multi-family areas. Alleys shall be twenty (20) feet in right-of-way width. Alleys shall not be used as primary or exclusive route of access to a business, residence or mobile home.

Section 510.040. Paving of Street. [Ord. No. 224 §1(60.040), 6-8-1998]

- A. New streets and alleys in the subdivision shall be graded and paved.
 1. Arterial streets and alleys shall have a minimum paving of six (6) inches of crushed limestone base rock and two (2) inches of hot-mix asphalt.
 2. Collector and residential streets shall have a minimum paving of six (6) inches of crushed limestone base rock and a double-bituminous chip and seal coat asphalt surface (DBST). The City reserves the right, if money is available in the Street Fund, and if the Board of Aldermen approves, to pay for the additional cost for two (2) inches of hot-mix asphalt in lieu of the double-bituminous chip and seal asphalt surface (developer liable for the cost for preparation, base rock and DBST, City liable only for additional cost of two (2) inches of hot-mix asphalt).

Section 510.050. Concrete Curb and Gutter. [Ord. No. 224 §1(60.050), 6-8-1998]

Curbs and gutters shall be constructed on all new streets in proposed new subdivisions. Also, it is desirable for property owners to construct curb and gutter on all existing City streets. The curb and gutter shall be a minimum of thirty (30) inches in width. A drawing for standards (two (2) types, mountable and barrier) are on file in the office of the City Clerk. The Board of Aldermen shall determine the type of curb and gutter. The City reserves the right, if money is available in the Street Fund, and if the Board of Aldermen approves, to pay for the cost of concrete only (developer, property owners are liable for the cost of preparation, base rock and labor).

Section 510.060. Utilities. [Ord. No. 224 §1(60.060), 6-8-1998]

No utility infrastructure, water mains, sanitary sewer mains, gas mains, or communications cables, etc., shall be constructed underneath or paralleling any City street. Construction of utility lines to be outside curb or ditch line or in a dedicated easement.

Section 510.070. Driveways, Sidewalks and Culverts. [Ord. No. 224 §1(60.070), 6-8-1998]

- A. All driveways, sidewalks and culverts are to be constructed at the exclusive expense of the property owner.

- B. All driveways constructed to adjoin any City street shall be constructed with adequate size to allow for drainage of all surface water along the ditches, curb and gutters and drainage area. Size to be determined by the City Engineer or representative. The minimum length of culvert shall be twenty (20) feet in width.

Section 510.080. Traffic Control During Construction. [Ord. No. 224 §1(60.080), 6-8-1998]

Any person or contractor constructing a new or improving any street, alley or private driveway with the City of Diamond shall do so in a careful and prudent manner using barriers, signs, lights, cones or the Manual for Uniform Traffic Control Devices, if applicable.

Section 510.090. Permit. [Ord. No. 224 §1(60.090), 6-8-1998]

Prior to any construction or improvement of any street, alley, sidewalk or private driveway by a property owner, contractor, developer, firm, corporation or any other person, he/she or it shall obtain a construction permit. The fee for the permit is five dollars (\$5.00).

Section 510.100. Acceptance of Work. [Ord. No. 224 §1(60.100), 6-8-1998]

The City Engineer or City representative must approve all work prior to release of the permit.

Section 510.110. Violation Is Misdemeanor. [Ord. No. 224 §1(60.110), 6-8-1998]

Any person or firm or corporation that construct or improves any public street, alley, sidewalk or driveway without proper permit or fails to observe any of the Sections of this Article as heretofore stated shall be deemed guilty of a misdemeanor.

ARTICLE II
Excavations

Section 510.120. Excavation Permit. [CC 1979 §61.010]

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or cause to be made any excavation in or under the surface of any street or alley or public or private property by a mechanical digger or earth mover for any purpose, excepting herefrom, however, any manual-performed labor by pick and shovel or similar manual-powered equipment on private property, unless such person shall first have obtained an excavation permit from the City of Diamond as provided herein.

Section 510.130. Application. [CC 1979 §61.020]

Application for permit shall be made at the office of the City Collector, and approved by the Mayor, subject to the regulations herein provide.

Section 510.140. Requirements For Applications. [CC 1979 §61.030]

- A. Persons, firms or corporations desiring to make excavations with any type of mechanical diggers or earth mover shall be required to purchase the regular City license required by Chapter 605 of this Code.
- B. Before being granted a City license, a person, firm or corporation operating a mechanical digger or earth mover shall furnish the City Collector, or other designated individual, a certificate of effective public liability and property damage insurance equal to or more than one hundred thousand dollars (\$100,000.00) a person, three hundred thousand dollars (\$300,000.00) each accident, and fifty thousand dollars (\$50,000.00) property damage. Said certificate of insurance shall also be accompanied by a performance bond in an amount approved by the City Street Superintendent.

Section 510.150. Clearance For Fire Equipment. [CC 1979 §61.040]

Excavation work, either by machinery or manual labor, shall be performed and conducted so as not to interfere with access to fire stations or fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fireplugs.

Section 510.160. Protection of Traffic. [CC 1979 §61.050]

- A. Permittees working on streets or alleys or private roads shall erect proper barriers for daytime use and suitable flares so as to safeguard the flow of traffic.
- B. Permittees crossing sidewalks or normal foot passageways shall erect proper barriers so as to prevent individuals from falling into any excavation the permittee is responsible for.

Section 510.170. Protection of Utilities. [CC 1979 §61.060]

- A. Permittee shall not interfere with an existing utility without consent of the owner of the utility.
- B. Permittee shall not interfere with existing City water or sewerage lines and shall not dig, by machine, closer than three (3) feet to any existing sewer main. The last three (3) feet must be dug manually, using extreme caution not to injure in any manner an existing sewer main.

Section 510.180. Protection of Adjoining Property. [CC 1979 §61.070]

Permittee shall at all times make every effort not to interfere or injure any adjoining property and shall take appropriate protective measures.

Section 510.190. Attractive Nuisance. [CC 1979 §61.080]

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety or health.

Section 510.200. Backfilling. [Ord. No. 222 §I(61.090), 4-13-1998]

Backfilling of excavated areas shall be done to comply with the requirement of the City Engineer and subject to his/her approval. At a minimum backfill of excavated areas shall be accomplished by using backfilling of eight (8) inch lifts and six (6) lifts.

Section 510.210. Inspection. [CC 1979 §61.100]

After completion of backfill, inspection shall be made of excavations where City water or sewer lines are involved, and if the City Engineer shall require additional work in order to comply with the requirements of Section 510.200 above, the permittee shall cause said requirements to be promptly made.

Section 510.220. Resurfacing Streets. [Ord. No. 222 §II (61.110), 4-13-1998]

- A. Resurfacing of all streets, alleys, sidewalks, or traffic passage ways under the provisions of this Section shall be made and performed by the City of Diamond under the supervision of the City Engineer.
- B. Permittee shall bear the expense incurred by the City while resurfacing said excavation and shall be charged the current dollar rate per square yard for paid repairs, as follows:
 - 1. The money for the resurfacing shall be collected at the time of the issuance of the excavation permit by the City Collector.
 - 2. The City Street Superintendent shall determine the charge by reviewing the permittee's or contractor's estimate of the proposed excavation.
 - 3. All repairs to the excavated areas shall be made with seven (7) inch thick, six (6) sack Portland cement concrete.
 - 4. The area to be resurfaced shall be saw-cut to include an additional six (6) inches outside the excavated area.

Section 510.230. Abandonment of City Street or Alley.

- A. The abandonment of a dedicated City street or alley is a long term decision and must be given serious consideration by the Board of Aldermen prior to making such a decision. To insure adequate decision making time and procedure, the following must be accomplished prior to abandoning a street or alley:
 - 1. A public hearing that describes the proposed abandoned City street or alley must be held. The meeting must be advertised two (2) weeks in advance, at a minimum of six (6) public facilities within the City.
 - 2. The City must be recompensed for the value of the property.
 - 3. A bill of sale must be executed.
 - 4. A quit-claim deed must be prepared and recorded by the City. The cost to be borne by the purchaser.

5. A City ordinance must be passed by the Board of Aldermen to document the transaction.