

CHAPTER 58**DRIVEWAY REGULATIONS**

58.01 DEFINITIONS. As used in this Chapter, the following terms have these meanings:

1. "Owner": means the person owning the fee title or the contract purchaser.
2. "Portland Cement": means any type of cement except bituminous cement.
3. "Driveway": means that part of any approach for motor vehicles to private property that provides access to a public street, highway or alley.

58.02 PERMIT. Before any person shall construct, repair, reconstruct, or replace a driveway, said person shall obtain a written permit from the City Administrator. A written application for the permit shall be filed with the City Administrator. The application shall include the street address or legal description of the property, the name of the owner, the name and address of the person, firm, corporation or business performing the work, and the proposed plan of construction or repair. The plan of construction or repair must include the depth, width, and type of surface used. The City Administrator shall issue the permit if the proposed plan meets all the requirements of this Chapter, including any specifications contained herein, if the fee is paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street for public travel or drainage. A permit shall expire six (6) months from the date of issuance, if not constructed at that time.

58.03 PERMIT FEE. The person who makes a driveway construction or repair permit application shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

58.04 STANDARD DRIVEWAY SPECIFICATIONS. The Superintendent shall prepare complete plans and specifications for the construction, reconstruction and repair of driveways and, which, upon approval of the Council, shall be kept on file in the office of the City Administrator. The specifications shall include descriptions in the use and placement of barricades and warning lights. All driveway repairs or construction on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision of and subject to inspection by the Superintendent. All such work must be performed in accordance with the plans and specifications adopted by the City.

58.05 DRIVEWAY REQUIREMENTS. All driveways which shall be constructed at any place where no sidewalk exists shall conform to the appropriate standards or specifications adopted by the Superintendent and approved by resolution of the City Council. All driveways shall be constructed of Portland cement from the street to the property line. All driveways shall be constructed of portland cement or asphalt at any location beyond the property line. All driveways shall be constructed so that the normal flow of drainage in the adjoining street will not be diverted or obstructed. In the event any person shall be unable to construct a driveway to grade, the owner must sign a waiver agreeing to indemnify the City from all liability arising from the maintenance and construction of the driveway.

58.06 GRADE VARIANCES. In any case where it shall appear that a steeper driveway grade than that specified in this section shall be necessary or desirable, because of existing terrain conditions, a driveway may be constructed, in any place where no sidewalk exists, at such steeper grade. It shall be a condition to the granting of any permit to construct a driveway at a grade other than that specified that all rights acquired by virtue of such permit shall be subject to the right of the City to construct sidewalks at the established grade. In any place where sidewalks have, prior to July 28, 1958, been constructed at a different grade than that specified in this section, driveways may conform to the grade of the existing sidewalks. Nothing herein shall permit the construction of any driveway so as to divert or obstruct the normal flow of drainage in the adjoining street.

58.07 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any driveway construction or repair is made that does not conform to the provisions of this Chapter and with the specifications, or when any driveway construction or repair is made without a permit, the City Administrator shall serve notice to the property owner and the contractor doing the work that a permit must be obtained. If the driveway is in the course of construction or repair, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the driveway work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the City Administrator shall have the work completed by an outside contractor, and assess the costs to the property owner as provided in section 58.09 of this Chapter.

58.08 INSPECTION AND APPROVAL. Upon final completion, the Superintendent of Public Works shall inspect the work. The Superintendent may order corrections in the work if it does not meet specifications.

58.09 REPAIRING DEFECTIVE DRIVEWAYS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days notice from the City to repair, replace, or reconstruct all broken or defective driveways in the city right-of-way abutting said property owner's property. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Superintendent of Public Works shall proceed to repair, replace or reconstruct the driveway. Upon completion of work, the Superintendent of Public Works shall submit to the Council an itemized and verified statement of expenditures for material, labor, and the legal description of the property abutting the driveway on which work has

been performed. These costs shall be assessed to the property as taxes.