# TITLE 8

**PUBLIC WAYS AND PROPERTY**

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CHAPTER 1

STREET CONSTRUCTION

SECTION:

8-1-1: Standards Adopted
8-1-2: Interpretation
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8-1-1: **STANDARDS ADOPTED:** There is hereby adopted for the purpose of regulating and controlling roadway and street construction within the City the Standard Specifications, prepared by the Idaho Transportation Department, 1990 Edition, and all changes and alterations issued by the Idaho Transportation Department or by the City, and the same is hereby adopted and incorporated as an ordinance of the City as fully as though set forth at length herein. (Ord. 509, 2-13-1990)

8-1-2: **INTERPRETATION:** All reference to the State of Idaho, the Idaho Transportation Department, or the State Highway Engineer, will be read to mean the City of Wallace, Idaho, its designated engineer, architect, and/or appointed City construction inspector. (Ord. 509, 2-13-1990)

8-1-3: **COPIES ON FILE:** Three (3) copies of the Idaho Transportation Department Standard Specifications, 1990 Edition thereof, and as the same may hereafter be amended, duly certified by the City Clerk/Treasurer shall be kept on file in the office of the City Clerk/Treasurer for use and examination of and by the public. (Ord. 509, 2-13-1990; amd. 2000 Code)
CHAPTER 2
CONSTRUCTION; EXCAVATION

SECTION:
8-2-1: Permit Required
8-2-2: Fees
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8-2-1: PERMIT REQUIRED:

A. Permit Required: No person shall make or perform any general construction, excavation, opening, digging, construction, or alter any public streets, alleys, curbs or sidewalks within the City for any purpose which would include gaining access to, constructing or repairing any utilities service, gas or electric transmission line, sewer line, water line, pipe, cable, conduit, duct or tunnel, or any extensions thereto situated beneath or adjoining any public street, alley, sidewalk or curb within the City, without having first secured a permit for such work from the office of the City Clerk/Treasurer.

B. Application: Such person shall make application to the City Council giving the location of the proposed work to be done on the street, alley, curb or sidewalk, and the purpose for which the same is to be used.
C. Required Information: The application shall further set forth the plans and profiles showing work to be done, location, limits of work, location of pavement replacement types, estimated dates of beginning and completion of work, together with such further information as the City Council may require.

D. Issuance Of Permit: If the Council grants the request and the request is approved by the City Building Inspector, the City Clerk/Treasurer shall issue a permit for the work to be done.

E. Supervision: All such work shall be done under the supervision and direction of the City Engineer and the Street and Alley Committee and shall conform to the requirements set forth herein.

F. Bond: No permit shall be issued unless the person shall first deposit with the City Clerk/Treasurer a bond covering the costs of repairing such streets, alleys, curbs or sidewalks as estimated by the City Engineer; which bond shall be approved by the Mayor and City Council.

G. Emergency, Disaster Work: In the event of an emergency or disaster that shall require immediate excavation, opening, digging, construction, or alteration in any public street, alley, curb or sidewalk for the purpose of providing uninterrupted service to and/or to ensure the protection of the health and welfare of the residents within the City, then and in the event of such emergency or disaster, application for a permit shall be made on the next working day, or the Council may elect to waive such application for a period deemed appropriate by the Council. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

8-2-2: FEES: The fee to be charged for such permit shall be determined by using the fee schedule in the current Uniform Building Code. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

8-2-3: GENERAL REQUIREMENTS:

A. Performance Of Work: All work shall be performed in a good and workmanlike manner, and so programmed as to cause the minimum of interference with traffic and inconvenience to the public.

B. Access: Free and unobstructed access shall be provided to all mailboxes, fire hydrants, water gates, valves, manholes and other
public service structures and property as may be required for emergency use.

C. Traffic: The working area shall be confined so as not to obstruct roadways and walks unnecessarily. It shall be the duty of the permittee making any excavation in any public street, alley, sidewalk or curb to maintain safe travel for vehicle and pedestrian traffic upon all streets, alleys, and to curbs and sidewalks.

D. Slope Of Approach: Whenever a curb is cut under the provisions hereunder where a combination curb and sidewalk exists, the standard slope of the sidewalk, under the specifications for sidewalks in the City, shall be maintained for the full width of the sidewalk, except that one foot (1') may be used for the slope of approach; and where a curb is cut where a sidewalk is ten feet (10') or more in width the standard slope of the sidewalk shall be maintained on at least six feet (6') of the sidewalk next to the property line.

E. Downtown Improvement District: All work shall be performed in conformance with the downtown improvement district. A copy of all such specifications may be obtained from the City Clerk/Treasurer's office during regular business hours. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

8-2-4: PROSECUTION OF WORK; EXTENSION: After the work has been started, it shall be diligently and continuously prosecuted until completed, and all work shall be completed within a reasonable time of the date specified in the permit unless an extension of time for good cause shown is approved, in writing, by the City Council. A request for an extension shall be made in writing and filed with the City Clerk/Treasurer and approved, in writing, by the Council. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

8-2-5: BARRICADES; WARNING SIGNS: During the performance of the work, the permittee shall provide and maintain fences, barricades, warning and directional signs, flares, red lights, watchmen, and flagmen as may be required by existing traffic laws and regulations to ensure full and complete safety to the general public. (Ord. 94-4, 9-13-1994)

1. See also subsection 10-3-8D of this Code.
8-2-6: USE OF AREA BY CITY: At all times during the performance of work, the City shall have the right to use all, or any part of the area occupied by the permittee under the permit. (Ord. 94-4, 9-13-1994)

8-2-7: NOTICE OF COMPLETION: Notice of completion shall be filed with the City Clerk/Treasurer by the permittee within ten (10) days after completion of the work. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

8-2-8: RESPONSIBILITY FOR ACCIDENTS: The permittee shall be responsible for all claims and liabilities arising out of work performed under the permit or arising out of permittee’s failure to perform the obligations with respect to the permit. The permittee shall, and by acceptance of the permit agrees to defend, indemnify, save and hold harmless the City, its officers and employees, from and against any and all suits, claims or actions brought by any person for and on account of any bodily injuries, disease, or illness or damage to persons and/or property sustained or arising from the work performed under the permit or in consequence of permittee’s failure to perform the obligations with respect to the permit. (Ord. 94-4, 9-13-1994)

8-2-9: RESTORATION: Following the issuance of the permit, the permittee shall have the authority to proceed to make or perform the excavation, opening, digging, construction or alteration upon the public street, alley, sidewalk or curb, for the purpose of performing general construction, gaining access to, replacing, constricting, and/or repairing any utilities service, gas, electric transmission line, sewer line, water line, or any extensions thereto situated beneath or adjoining any public street, alley, sidewalk or curb within the City. Upon completion of such construction and/or replacement or repair, such City street shall be restored to a similar or like condition which existed at the time the permit was applied for and issued by the City. (Ord. 94-4, 9-13-1994)

8-2-10: INSPECTION: Upon completion of such work, the permittee shall cause the restored area of the public street to be inspected within five (5) days by the City street overseer, and obtain approval from the City street overseer that such restoration work meets the standards set forth in this Chapter. (Ord. 94-4, 9-13-1994; amd. 2000 Code)
8-2-11: FAILURE TO RESTORE: In the event any person shall fail to perform such street, alley, curb or sidewalk restoration work and restore the public street, alley, curb or sidewalk to a like or similar condition which existed at the time the permit was applied for and granted, the City shall proceed to perform such restoration work, or have the authority to hire any person to perform such work and the reasonable cost or value of such restoration work, including any reasonable attorney fees incurred in the prosecution of this matter, shall constitute a liability of the permittee and be paid by the permittee to the City upon presentation of a written statement of the costs incurred. (Ord. 94-4, 9-13-1994)

8-2-12: EXTENSION OF TIME; REVOCATION:

A. Permit Deemed Void: Any permit issued hereunder shall be void if the work is not commenced and completed within the date specified on the permit unless an extension of time for good cause is granted as hereinafter provided.

B. Extension Of Time: In order to obtain an extension, a request must be made in writing and filed at the City Clerk/Treasurer's office and approved by the Council.

C. Revocation: Any permit granted hereunder may be revoked by the City Council for noncompliance with any of the provisions of this Chapter. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

8-2-13: VIOLATION; PENALTY: Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 94-4, 9-13-1994; amd. 2000 Code)

1. See also Section 8-2-4 of this Chapter.

City of Wallace
CHAPTER 3
SIDEWALKS, STREETS AND ALLEYS

SECTION:

8-3-1: Vehicles And Animals Prohibited On Sidewalks
8-3-2: Obstructing Sidewalk
8-3-3: Trees
8-3-4: Snow Removal
8-3-5: Trains Obstructing Street Crossings

8-3-1: VEHICLES AND ANIMALS PROHIBITED ON SIDEWALKS:
It shall be unlawful for any person, within the corporate limits of the City, to lead, drive or ride any horse, mule, cow or beast of burden, whether hitched to a vehicle or not, or to drive, push or propel any vehicle, wagon, car, motor vehicle or car upon any sidewalk, within the corporate limits of the City or to pass over or upon any crosswalk, sidewalk, curb or gutter while the same is closed to traffic or being repaired or where any crosswalk, sidewalk, curb or gutter has been recently constructed and the same is not yet set or hardened or opened to traffic. (1944 Code § 4-404)

8-3-2: OBSTRUCTING SIDEWALK:

A. Time Limitation: It shall be unlawful for any person to occupy any street with a team or wagon or any other vehicle, where the walk crosses the same, to the obstruction of such walk for the passage of travel on foot more than three (3) minutes at any time.

B. Violation: Penalty: Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 4-410; amd. 2000 Code)
8-3-3: TREES:

A. Cutting Down; Removal:

1. Permit Required: All trees hereafter to be cut down and removed from the streets of the City shall be done under the supervision of the overseer of streets, and any person desiring to cut down or remove any tree in front of his premises shall first apply to the overseer of streets for a permit.

2. Violation; Penalty: Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 4-409; amd. 2000 Code)

B. Height Of Limbs Above Curb Line:

1. Height Restriction: It shall be unlawful for any person to allow or permit the branches of any tree growing upon his or her premises or upon the curb line of any abutting street to extend over such curb line at a lesser height than eleven feet (11').

2. Grant Of Right And Privilege To City: Any persons violating the provisions of this subsection do, by such violation, expressly grant to said City and the employees thereof the right and privilege to trim said trees to the proper height above said curb line.

3. Violation; Penalty: Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 304, 1-9-1950; amd. 2000 Code)

8-3-4: SNOW REMOVAL:

A. Authority To Restrict Or Prohibit Parking: The Chief of Police is authorized to restrict or prohibit the parking of vehicles on any of the streets of the City whenever, in his judgment, such action is necessary to facilitate the plowing or removal of snow from such streets.

B. Notice To Residents:

1. Public Announcement: The Chief of Police, whenever feasible, shall notify the residents of the City by public announcement, either
through the daily newspaper or by spot radio bulletins, that the City Street Department will plow and remove snow during stated periods and that vehicles should be removed from the City's streets or parked only in designated areas.

2. Streets, Zones Or Areas Designated: Any such announcement by the Chief of Police only need be general; provided, however, that when practical, particular streets, zones, or areas in the City from which vehicles should be removed shall be named.

C. Signs; Compliance Required: All signs prohibiting or restricting parking of vehicles in parking meter or residential zones, or on streets where such signs are in place on the date of enactment hereof shall be observed and complied with by all persons using or desiring to use such zones or streets as places to park vehicles.

D. Removal Of Vehicles; Impoundment: Vehicles parked in violation of the provisions of this Section may be removed from such restricted or prohibited area by the City and impounded until redeemed by the owner or operator thereof, and any attempt to remove any such vehicle without authority from the impounded area shall be a violation of this Section.

E. Violation; Penalty: Any person violating any provision of this Section shall be guilty of an offense and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 366, 12-19-1963; amd. 2000 Code)

8-3-5: ** TRAINS OBSTRUCTING STREET CROSSINGS:

A. Time Limitation: It shall be unlawful for any railway corporation, the manager or conductor of any train, or any engineer, to obstruct any street where the railroad, upon which his or its train may run, intersects such street, by any cars, engines or train of cars and engine for more than five (5) minutes at any one time, so that such street may not be used by any and all persons either on foot or with vehicles.

B. Violation; Penalty: Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 4-411; amd. 2000 Code)

City of Wallace
CHAPTER 4
STREET LIGHTING

SECTION:

8-4-1: Financing Of Cost
8-4-2: Minimum
8-4-3: Sufficiency
8-4-4: Inadequate Lighting
8-4-5: Quarterly Assessment
8-4-6: Service Fees
8-4-7: Billings

8-4-1: FINANCING OF COSTS:

A. Definition: "Improved real property", within the meaning of this Chapter, shall include real estate which:

1. Has City water service; or

2. Is paved; or

3. Landscaped; or

4. Has erected thereon any construction for which a building permit would be required.

B. Financing: The cost of all street lighting within the City shall be financed by fees assessed to the owners and occupants of improved real property. The fees assessed shall be included in the general utility billing as a separate item and as hereinafter set forth; provided, however, that the costs of lighting to illuminate parks and playfields shall be excluded and paid from the City Street Fund.

C. Assessment: Fees for street lighting hereinafter provided are hereby assessed to the owners and occupants of improved real property. (Ord. 92-5, 11-10-1992)
8-4-2: MINIMUM: At a minimum, street lighting shall provide lighting sufficient to promote public safety and the protection of improved real property within the City. (Ord. 92-5, 11-10-1992)

8-4-3: SUFFICIENCY: The sufficiency of street lighting at any particular location within the City shall be determined within the sound discretion of the City Council. (Ord. 92-5, 11-10-1992)

8-4-4: INADEQUATE LIGHTING: In areas where the lighting does not meet the minimum standards as herein provided, proper lights shall be installed to meet such standards as soon as practicable. (Ord. 92-5, 11-10-1992)

8-4-5: QUARTERLY ASSESSMENT: The owners and occupants of all improved real property parcels within the City are hereby assessed service fees for street lighting in an amount per quarter of twelve dollars fifty cents ($12.50). (Ord. 92-5, 11-10-1992)

8-4-6: SERVICE FEES:

A. Annual Assessment: Such service fees are assessed effective October 1 of each year.

B. Street Light Repair And Maintenance And Operation Fund: All billings for fees and fees levied and assessed under this Chapter shall be made by the City Clerk/Treasurer and all monies received under this Chapter shall be delivered to the City Clerk/Treasurer, who shall deposit the same to a special account to be known as the Street Light Repair and Maintenance and Operation Fund.

C. Payment:

1. Due: Such fees shall be due and payable to City Clerk/Treasurer within fifteen (15) days after mailing of said billings.

2. Delinquencies; Late Charge: In the event any such fee billed is not paid when due after thirty (30) days the same shall be deemed to be delinquent and a late penalty charge of ten percent (10%) of the amount of such fee shall be added thereto. If the fees shall remain delinquent and unpaid for a period of ninety (90) days, the City
Clerk/Treasurer shall certify the delinquency to the Tax Collector of Shoshone County, and the delinquency and penalty shall be placed by the Tax Collector upon the tax roll and collected in the same manner and subject to the same penalties as other City taxes.

D. Liability For Payment: The owners and occupants of improved real property shall be jointly and severally liable for such fees and the fees shall become a lien upon and against the property against which the charge is levied to the extent permitted by the laws of the State and the ordinances of the City and may be collected in any manner permitted or hereafter permitted by such laws and ordinances.

E. Determination Of Fees:

1. Amount: The foregoing fees are fixed and determined in amounts determined reasonably sufficient to pay the costs of street lighting within the City.

2. Change Or Amendment: Such fees shall be changed or amended by the City Council from time to time, as determined necessary to finance such costs. Any changes or amendments to such service fees may be made and fixed by the City Council by resolution.

3. Copies On File: Three (3) copies of such resolution, duly certified by the City Clerk/Treasurer, shall be kept on file in the office of the City Clerk/Treasurer for the use of and examination by the public.

F. Penalty: In addition, the City may elect to enforce this Chapter in accordance with Idaho Code 50-302. In that event, the maximum penalty for any offense shall be as provided in Section 1-4-1 of this Code. (Ord. 92-5, 11-10-1992; amd. 2000 Code)

8-4-7: BILLINGS: Billings for fees levied and assessed under the provisions of this Chapter shall be made quarterly or at such other intervals as may be determined by resolution of the Mayor and Council, and shall be fixed at such intervals as will correspond to billing of the same improved real property for sewer services. Such billing shall be billed on the same statement; provided, however, that the billings for such services shall be segregated. Such fees shall be due at the same time as fees for sewer service. (Ord. 92-5, 11-10-1992)