

## CHAPTER 28

### STREETS AND SIDEWALKS

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### ARTICLE I. IN GENERAL

#### SEC. 28-1100. DUTIES OF ABUTTING PROPERTY OWNERS.

- (a) The occupant of property abutting a public right-of-way or the owner thereof if said property is vacant, or any person acting as the agent of either, shall have the following duties in relation to said public right-of-way:
- (1) To remove within a reasonable time from the portion of any public sidewalk abutting said property all snow and ice.
  - (2) To refrain from putting, pushing, blowing or otherwise depositing any snow removed from a public sidewalk or private property upon any improved public roadway.
  - (3) To refrain from allowing, causing, permitting or making any accumulation of sand, gravel, soil, ashes, debris, or other matter to be washed, blown, carried or deposited by the elements or otherwise from private property to the public right-of-way, including, but not limited to, streets, alleys, sidewalks, catch basins and storm drains, and to remove any such matter so washed, blown, carried or deposited onto said public right-of-way within a reasonable time.
  - (4) To maintain the boulevard in accordance with the ordinances of the City.
- (b) For purposes of this section, "**reasonable time**" shall mean as follows:
- (1) "**Snow removal.**" Within twelve (12) hours after cessation of a snowfall or, if a snowfall ceases in the nighttime hours, within twelve (12) hours after sunrise.
  - (2) "**Other material.**" Within twelve (12) hours after such matter has been washed, blown, carried or deposited onto the public right-of-way or; if the cause of said washing, blowing, carrying or depositing of such matters onto public right-of-way is an ongoing activity such as excavation, construction or transportation; within two (2) hours after the close of each workday, providing, of

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course, that all necessary permits to carry on such activity have been obtained and that all necessary precautions to protect the traveling public have been employed.

(c) For purposes of this section, any accumulation of snow six (6) inches or greater in depth constitutes prima facie evidence of a violation of subsection (a)(1) above.

(d) The failure to comply with the requirements listed hereinabove shall constitute a public nuisance.

### **SEC. 28-1101. DISCHARGE OF WATER PROHIBITED.**

(a) The occupant of property abutting a public right-of-way or the owner thereof if said property is vacant, or any person acting as the agent of either, shall not discharge water originating from sumps, sump pits, sump pumps or other pumps or any reservoir serving as a drain or receptacle for water onto any roadway surface or sidewalk when the daily low ambient temperature is thirty-five (35) degrees Fahrenheit or less or forecast by the National Weather Service or related agency to be thirty-five (35) degrees Fahrenheit or less.

(b) The failure to comply with the requirements listed hereinabove shall constitute a public nuisance.  
(Ord No. 94-11-1; new §28-1101 enacted 11/01/94; EFFECTIVE 07/01/95)

## **ARTICLE II. STREET USE**

### **DIVISION 1. IN GENERAL**

#### **SEC. 28-2100. SHORT TITLE.**

This article shall be known, cited and referred to, as the "Street Use Ordinance."

#### **SEC. 28-2101. DEFINITIONS.**

As used in this article, the following terms shall have the meanings ascribed to them:

- (1) **Public place** shall be construed to include any public park or public parkway in the City.
- (2) **Public way** shall be construed to include any public street, avenue, boulevard, sidewalk, public utility easement on public property, alley, or any intersection thereof, in the City.
- (3) **Street Use** shall be construed as any use of a public place or public way within the City.

#### **SEC. 28-2102. PURPOSES OF THIS ARTICLE.**

This article is adopted to:

- (1) Protect the City from suits caused by negligence and other acts of omissions.
- (2) Prevent damage to streets, alleys and other property of the City.
- (3) Prevent encroachments upon and obstructions thereof.
- (4) Regulate the use of space in, on, over, or under such streets and alleys.
- (5) Regulate public utility easements on public property and other property.

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- (6) Set standards for the use and work for such places.
- (7) Require permits for such use and prescribe fees therefor.

### **SEC. 28-2103. APPLICABILITY OF THIS ARTICLE TO THE CITY.**

The various departments of the City shall be exempted from this article as it pertains to applications, permits and fees, but not to the standards of replacement prescribed in this article.

### **SEC. 28-2104. WHEN CONTINUING GUARANTY BOND IS REQUIRED FOR STREET USE.**

In the event of a street opening, sidewalk opening or other modifications of any improved portion of the public ways by a public utility, the construction must meet designed standards or restoration standards prescribed by this article. If the public utility has a franchise agreement or other agreement regulating and permitting Street Use, it shall be included as part of any such agreement that all improvements, repairs and/or reconstruction be warranted for a period of four (4) years after acceptance of such work by the City. In the event that the public utility does not have such an agreement, said utility shall provide a guaranty bond in the amount of the total cost of the improvement or repair or, in lieu thereof, may execute a Street Use agreement with the City and provide a blanket bond pursuant thereto.

### **SEC. 28-2105. BARRICADES.**

(a) The street use permit holder shall ensure that the street use occurs with minimal inconvenience and minimal hazard to the public safety. The permit holder shall provide, erect, and maintain all barricades and signs necessary to protect the work and the public, in compliance with the Manual on Uniform Traffic Control Devices, subject to the amendments set forth in the Illinois National Supplement to the Manual on Uniform Traffic Control Devices. These standards may be obtained from the Code Compliance Office. If the signing and barricading at any street use is found by the city engineer to be inadequate and the permit holder is unable or unwilling to correct the problem immediately, the Municipal Services Division of the Public Works Department will make the necessary corrections and all the costs for this work will be charged to the permit holder.

(b) No street or alley may be closed without the written permission of the city engineer. Fire hydrants, gutters, and storm inlets adjacent to the work may not be obstructed without the written permission of the city engineer.

(c) No street or alley may be closed, barricades installed, or public way encroached upon without first notifying the affected nearby businesses, homes, and/or property owners. The affected parties shall be notified forty-eight (48) hours prior to the beginning of the public way encroachment. The proposed extent and method of notification shall be submitted in writing to the city engineer at least forty-eight (48) hours before notification is to begin.

### **SEC. 28-2106. OPENINGS ON PUBLIC WAYS TO BE PROTECTED.**

No person shall leave open, uncovered, unguarded, or in any unsafe condition, any cellar door, hatchway, pit, vault, excavation or excavations, upon or adjoining any sidewalk, street, alley or public place of the City.

### **SEC. 28-2107. UNDERGROUND AREAS TO BE FILLED.**

All underground areas shall be sealed from any adjacent building and filled with compacted sand when such area is no longer used or when the presence of the underground area is detrimental to the safe use of the public

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way or public place. Upon notification, this work shall be performed within fifteen (15) days by a licensed, bonded contractor, under the supervision of, and to the satisfaction of, the city engineer.

### **SEC. 28-2108. DUMPSTERS.**

(a) All dumpsters shall be placed on private property whenever possible. Where the private property does not allow space for a dumpster, a dumpster may be placed in the right-of-way provided that the dumpster:

- (1) Does not block the right-of-way.
- (2) Is not placed within fifteen (15) feet of a fire hydrant.
- (3) Is not placed within fifteen (15) feet of a private driveway.
- (4) Is not placed within twenty-five (25) feet of an intersection.
- (5) Is located in a legal parking area if placed on a street.
- (6) Exhibits legible identification of the dumpster owner including address, contact information, and a 24-hour contact telephone number.
- (7) Has sufficient reflective stripes and/or reflectors to identify the dumpster to motorists.
- (8) Possesses a barricade with flashing lights at each street-side corner
- (9) Owner provides an insurance certificate naming the City as an additional insured, in the City's usual and customary form, in amounts determined sufficient by the Loss Control Manager after consultation with the City Attorney.

(b) Special circumstances will be addressed by the Building Official and/or City Engineer on a case-by-case basis.

(c) The owner of the dumpster shall be responsible for acquiring any required permits and ensuring compliance with all applicable sections of the code. (Ord. No. 3009-2004; new Sec. 28-2108, entitled "DUMPSTERS" enacted; 02/10/04)

## **DIVISION 2. STREET CUT, NEW PAVING**

### **SEC. 28-2200. DUTY OF PROPERTY OWNERS TO MAKE CONNECTIONS PRIOR TO PERMANENT IMPROVEMENTS; SPECIFICATIONS; SUPERVISION.**

Whenever the Council orders any street, alley, public ground or place permanently improved by paving, it shall be the duty of the owners of the property abutting thereon and adjacent there to make the connections from gas, water, sewer, underground electric conduit or underground telephone cables to the curb line of the abutting or adjacent property before the improvement is made. The excavations, connections, and backfilling shall be made under the direction of the city engineer; the work shall be done according to the specifications of the Engineering Division.

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### **SEC. 28-2201. LOCATION OF CONNECTION; NUMBER REQUIRED.**

(a) Connections required by this division shall be made for each sixty-six (66) feet of frontage in the residence district and for each twenty-two (22) feet of frontage in the business district, or as determined to be necessary for future development by the Director of Planning and Development and the Director of Public Works.

(b) Each separate building and piece of property shall have a separate connection, except where there are two (2) adjacent buildings or where there is any number of buildings not abutting upon a street where any gas, water, sewer, underground electric conduit or underground telephone cables are located, are connected by one common service, only a replacement of the common connections being required.

### **SEC. 28-2202. NOTICE TO PROPERTY OWNERS; FILING OBJECTIONS; ACTION IF OBJECTIONS OVERRULED.**

The Council shall cause notice to be given to the owners of property abutting a proposed improvement subject to this division by publication of the notice in two (2) issues of any newspaper published in the City and by mailing the notice to the last known address of the owner of record of the property by certified mail, return receipt requested, at least ten (10) days before connections to underground utilities work is required to be done, notifying the owners to make the connections or to show cause in writing why such connections should not be made. At the expiration of the time fixed, the Council shall consider all objections so filed and, if overruled, shall by resolution order the making of such connections as it deems necessary.

### **SEC. 28-2203. TIME WITHIN WHICH CONNECTIONS TO BE MADE.**

When the Council orders any street or place permanently improved, the Council shall by resolution fix the time within which connections from gas, water, sewer, underground electric conduit or underground telephone cable shall be made to property abutting the improvement, which time shall not be less than ten (10) days after the notice required by this division is given.

### **SEC. 28-2204. CITY MAY MAKE CONNECTIONS UPON FAILURE OF PROPERTY OWNER TO ACT; ASSESSMENT, COLLECTION OF COSTS.**

(1) If the owners of the property on public ways or grounds subject to this division fail to make the connections required by this division in the manner and within the time fixed by the Council, the Council may cause the connections to be made and assess the cost thereof against the property for which they are made.

(2) An invoice will be sent to the owner of the property for the cost of the connections, and if the invoice is not paid within ten (10) days of the mailing of the invoice, the City shall certify the cost to the county auditor as a special tax against the property for which the connections were made.

### **SEC. 28-2205. MORATORIUM ON PAVING CUTS.**

No paving cuts shall be allowed on any street, alley, public ground or place permanently improved by paving within four (4) years of date of opening of said improvement to the public except as provided for in section 28-2206.

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### SEC. 28-2206. EMERGENCY REPAIRS TO UTILITIES.

Paving cuts shall be allowed at any time for emergency repairs to public utilities by the City or its contractor, or to private utilities having a valid franchise with the City by the respective utility company or its contractor under the following conditions:

- (1) Said repairs shall be of emergency nature only and shall not constitute normal maintenance to the utility or extension thereof.
- (2) Notice shall be served to the Public Works Department at the first available opportunity during normal City working hours stating the location of the cut, the nature of the emergency, and when said portion of the pavement will be patched and open to traffic.
- (3) Removal and replacement of pavement and traffic control for the duration of closing shall be in accordance with the applicable sections of the Code of Ordinances.
- (4) No paving cut will be allowed if utility is within six (6) feet of the back of the curb or edge of pavement.

## DIVISION 3. PERMITS

### SEC. 28-2300. WHEN REQUIRED.

(a) It shall be unlawful for any person to perform any of the following acts without first obtaining a permit therefore from the Code Compliance Office in the manner provided in this division:

- (1) **Driveways.** To construct or build, any driveway or culvert over, across, or upon any public way or sidewalk, or that enters or connects with any public street.
- (2) **Excavations and other openings in the public way.** To make any opening in or cut in, or to remove any dirt or earth, or pavement, from any public way or public place.
- (3) **Overhead structure or devices.** To build, construct, erect, maintain or replace any structure on or over any public way or public place.
- (4) **Underground devices.** To place, replace or maintain any underground transmission or conduction device, such as, electric or gas devices.
- (5) **Underground area.** To construct, build, or use any space underneath the surface of any public way or public place, or to construct or maintain any structure thereunder.
- (6) **Sidewalks, etc.** To construct, build, maintain, or replace a sidewalk, crosswalk, steps or landing on any public way or public place.
- (7) **Dumpsters/refuse containers.** To place or occupy any space or area in, on, or under any public way or public place.
- (8) **Other areas.** To construct, build, establish, use, or occupy any space or area in, on, or under any public way or public place.

Failure to obtain proper Street Use Permits or properly follow said Street Use Permit requirements shall result in a fine of not less than two hundred fifty dollars (\$250.00), nor more than seven hundred fifty dollars (\$750.00), for a first offense, as against the adjacent property owner or

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licensed contractor or other violator for each such occurrence. Any subsequent offense shall result in a fine of not less than five hundred dollars (\$500.00), nor more than seven hundred fifty dollars (\$750.00). Any fine shall be due in addition to the required permit fees.

Article I of Chapter 6 of this Code and franchise, license, or other agreement fees, conditions or requirements shall take precedent over requirements of this division.  
(G.O. 3040-2008; Sec. 28-2300 repealed; new Sec. 28-2300 enacted; 10/07/08)

### **SEC. 28-2301. APPLICATION.**

(a) An application for a permit required by this division shall be submitted to the building official and shall set forth:

- (1) The nature or purpose of the permit applied for.
- (2) The time when the street use or work will be commenced and completed, or the duration of the use or occupancy of any public way or public place described in the application.
- (3) A plat or drawing showing the location and dimensions of the proposed driveway, opening, device or structure, space or area.
- (4) The signature of the applicant.

(b) An application for a permit required by this article shall be accompanied by the fees and documents required by this division.

(c) The building official will approve or deny the application, or forward it to the proper City official for approval. If a permit is denied, that decision may be appealed to the city administrator. The form of such an appeal should be in letter form addressed to the city administrator.

### **SEC. 28-2302. BOND.**

(a) The application for a permit required by this division shall be accompanied by a bond executed by the applicant and the contractor, if any, in a reasonable sum as determined by the Director of Public Works conditioned as follows: That the applicant and the contractor, their heirs, successors and assigns, will indemnify, save and keep harmless the City from any loss, cost damage, expense, or liability of any kind whatever which the City may suffer, or to which the City may be put, or which may be recovered from the City from or on account of any act or thing done by virtue of the authority given in the permit.

(b) In case the use of any space underneath the surface of any public way or public place, or any structure thereunder is contemplated, the applicant will maintain the public way, public place, or sidewalk over such space or structure in a safe condition for the use of persons and vehicles passing over and upon the same; and that such spaces so used shall be forever free and open for the construction, repair and maintenance of all sewers, water pipes, gas pipes, electric conduits or wires which may be authorized or directed by said City, either above or below or through any part of the space, and provided further that the applicant will remove the device or structure and will replace or restore the public way or public place to a condition as required by the city engineer's office for the safe passage of persons and vehicles thereon as at the time of the removal.

(G.O. 3040-2008; Sec. 28-2302 repealed; new Sec. 28-2302 enacted; 10/07/08)

### **SEC. 28-2303. FEES.**

One or more of the following fees shall be paid to the building official at the time application is made for a permit required by this division:

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**(1) DRIVEWAYS**

- a. The fee shall be seventy-five dollars (\$75.00) for the first fifteen (15) feet measured at the property line and five dollars (\$5.00) for each additional foot; this fee is applicable to original construction as well as widening or replacement. Widening shall be at five dollars (\$5.00) for each foot.
- b. The fee shall be seventy-five dollars (\$75.00) for the first fifteen (15) feet, measured at the property line and five dollars (\$5.00) for each additional foot; this fee is applicable to original construction as well as widening or replacement. Widening shall be at five dollars (\$5.00) for each foot.

**(2) EXCAVATIONS AND OTHER OPENINGS IN THE PUBLIC WAY**

There shall be a fee of twenty-five dollars (\$25.00) for each excavation or other opening in the public way.

**(3) DUMPSTERS / REFUSE CONTAINERS**

There shall be a fee of twenty-five dollars (\$25.00) for a four (4) day permit. After four (4) days, the fee shall increase to one hundred dollars (\$100.00) for each additional 7 day period, or fraction thereof, the dumpster is on the public way.

It shall be the responsibility of the permit holder to provide proof of duration to the building official. All refuse container permits will be held in strict accordance with Sec. 28-2105, "BARRICADES" and pursuant to Sec. 28-2305, "PERMITTEE TO HOLD CITY HARMLESS."

(4) Reserved.

(5) Reserved.

(6) Reserved.

**(7) SIDEWALKS**

The fee shall be as follows:

- (a) Residential, ten dollars (\$10.00).
- (b) Nonresidential, ten dollars (\$10.00).
- (c) **Exempt:** Any properties participating in the Tax Increment Financing (TIF) Facade Improvement Program are exempted from paying the fee required herein, although all right-of-way ordinance requirements and all other City fees still apply.

This fee is applicable to original construction as well as widening or replacement.

(b) Additionally, the following fees shall be due and payable to the Accounts and Finance Director on the first day of January of each year in advance; however, if any permit is granted during the last six (6) months of any calendar year, one half of the annual fee shall be paid for the period to the first day of January next after the granting of said permit:

**(1) NEWSPAPER DISPENSING DEVICES**

The fee for newspaper dispensing devices shall be five dollars (\$5.00) each per year; each owner shall annually file an inventory of said owner's devices along with this payment.

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### **(2) SIGNS / STRUCTURES**

- (a) In the event application is made for permission to erect or maintain any structure on or in any street, sidewalk, or other public way or place, a reasonable fee shall be charged for permission to erect the structure and for the use of the space occupied thereby, as may be determined by resolution or motion adopted or passed by the City Council at the time the permission is considered.
- (b) When any sign is replaced during any calendar year for which the fee or rental has been paid, no additional payment for a new permit shall be required for said year unless said replacements shall be of such size as to require payment of a fee in excess of the amount previously paid.

### **(3) TEMPORARY USE**

In the event application is made for temporary use of, on, or in any street, sidewalk, or other public way or place not covered by this section, a reasonable fee shall be charged for temporary use of the use of the space as may be determined by resolution or motion adopted or passed by the City Council at the time the permission is considered.

## **SEC. 28-2304. DURATION.**

(a) No permit shall be issued pursuant to this division for any period longer than six (6) months; and each permit shall be accompanied by the fees and documents required by this division. Code Compliance shall have the authority to approve the application.

(b) The person granted the permit shall perform the work with all possible speed. From the time the Street Use begins, the permit holder shall have four (4) business days to complete said permit holder's responsibilities and, if required, turn the work area over to the City for restoration and/or resurfacing, or have a franchised utility or licensed contractor replace the improvement according to City specification. The permit shall always be in the possession of the person in charge of the work allowed, or in the possession of the individual working at the location so that the permit may be produced for inspection at any time upon request by authorized City officials.

(c) Extensions for extraordinary purposes may be granted in the sole discretion of the city engineer, but any such extension must be requested, in writing, prior to the expiration of the original four (4) business day time period. (G.O. 3040-2008; Sec. 28-2304 repealed; new Sec. 28-2304 enacted; 10/07/08)

## **SEC. 28-2305. PERMITTEE TO HOLD CITY HARMLESS.**

In all cases where any person shall perform any work or do any act subject to this article, by virtue of or pursuant to any permit obtained from the City Council in accordance with this article, such person, by making an application for the permit and by the acceptance of the permit, acknowledges thereby that said person will hold harmless the City from any and all damage or loss to persons or property using the public streets and ways of the City related to or arising out of any activity within the purview of this article.

## **DIVISION 4. DESIGN AND CONSTRUCTION STANDARDS**

### **SEC. 28-2400. CONFORMANCE WITH THIS DIVISION REQUIRED.**

All work done shall conform to the design and restoration standards prescribed in this division. All work done pursuant to this section shall be performed by a licensed, bonded contractor.

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### **SEC. 28-2401. SUPERVISION OF WORK IN GENERAL.**

The construction of any such driveway, an opening in any public way, the construction or erection of overhead or underground devices or structures, the use of any space above or underneath the surface of any public way or public place, the construction of any structure thereunder, and the use of any other area, shall be subject to the supervision of, and inspection by, the city engineer.

### **SEC. 28-2402. STANDARD SPECIFICATIONS.**

Standard specifications for improvement replacement shall be governed by City standards which change from time to time and are maintained on file in the Engineering Division. It shall be the affirmative duty of any permit holder to investigate and ascertain such standards. Variance requests to deviate from the City standards shall be submitted in writing to the city engineer.

### **SEC. 28-2403. DRIVEWAYS.**

(a) For all driveways abutting or entering upon State right-of-way, the Policy for Permits for Access Driveway of the State of Illinois shall apply.

(b) Except for those cases not covered by Sec. 28-2403 (a) or (c), curb cuts and/or driveways shall be limited to one such curb cut or driveway per taxable parcel.

(c) A property owner may request relief from the limitation imposed by Sec. 28-2403 (b) when, in the professional opinion of the city engineer, significant evidence demonstrates special circumstances which would prevent a strict application of such requirements without working an undue hardship upon the property owner and where adequate protection to the public safety can otherwise be provided. Criteria reviewed by the city engineer in determining whether to grant such relief shall include, without limitation, the following:

- (1) The impact of the proposed curb cut/driveway on public safety, including without limitation, whether the curb cut creates an unnecessary hazard to pedestrians or creates a traffic hazard;
- (2) Whether there is vehicular access to a lot from an existing alleyway;
- (3) Substantial impairment of reasonable access to an abutting public street or utility;
- (4) Lot size, topography, existing structures, or use of the property;
- (5) Whether the requested curb cut would result in the loss of existing on-street parking;
- (6) The Average Daily Traffic (ADT) volume of the street;
- (7) Proximity of the requested curb cut to an intersection or other high volume use entrance/exit, with all distances conforming to the City's Standard Details for Construction, then in effect. A copy of said Standard Details shall be available for public inspection in the office of the city engineer;
- (8) How close the curb cut or driveway is to be located to the side property line, with all distances conforming to the City's Standard Details for Construction, then in effect. A copy of said Standard Details shall be available for public inspection in the office of the city engineer.
- (9) Whether one way traffic is to be utilized on the curb cut street;
- (10) Whether the objective for which relief is sought (*i.e.*, a second garage, handicapped accessibility) can be met using an existing curb cut;

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(11) The length of property frontage on the street.

(d) Curb cuts or driveways may be ordered to be removed, relocated or closed upon a finding by the city engineer that said curb cut or driveway opening has been abandoned or is no longer required or used for purposes of gaining access to property. Written notice of such finding shall be sent to the owner of property abutting the curb cut or driveway opening and it shall be the responsibility of said abutting owner to close, remove or relocate such curb cut or driveway, at said owner's sole cost and expense.

(e) Within the application form submitted for the relief specified in this Sec. 28-2403, the property owner shall agree to hold harmless and indemnify the City of Moline and its duly appointed officers, agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the relief. (Ord. No. 2003-06-01; Sec. 28-2403 repealed; new Sec. 28-2403 enacted; 06/10/03)

### SEC. 28-2404. PROHIBITED METHODS.

(1) Cuts of pavement shall be avoided whenever possible and tunneling/boring procedures shall be used instead. Where paving cuts must be made, the patch must bear upon one (1) foot of undisturbed subbase beyond the limits of the excavation, and the minimum distance to a crack or joint shall be two (2) feet.

(2) No excavation or opening shall be made in any improved or unimproved street for the purpose of crossing said street for the installation of three (3) inch or smaller water, gas or electric pipe; tubing or conduit shall normally be bored, augured or driven under the roadbed of the street.

(3) Pavement cuts shall not be made in any street which has been paved within the preceding four (4) years.

### SEC. 28-2405. RECONSTRUCTION.

(a) **Temporary repair.** Each person obtaining a permit required by this article for street use or excavations and other openings in the public way, shall properly fill the opening with the proper materials described herein and shall continue to maintain the fill flush with the adjacent surfaces until the permanent repair is made. During this maintenance period, the permit holder shall make any repairs within two (2) working days after notification by the City. If the permit holder fails to make the necessary repairs within the two (2) working day period, the City will make the repairs and charge the permit holder for all the costs including any barricading and signing necessary to protect the public. The city engineer shall approve the backfill material and compaction methods. The type of repair shall be determined by the location of the excavation/opening and shall be as follows:

(1) **Openings in streets, alleys, sidewalks, driveways, and other paved surfaces.** The opening shall be filled with compacted IDOT gradation FA-6 sand to an elevation twelve (12) inches below the top of the opening. The top twelve (12) inches shall be replaced at the discretion of the city engineer with either twelve (12) inches of IDOT gradation CA-6 aggregate or nine (9) inches of IDOT gradation CA-6 and three (3) inches of bituminous material.

(2) **Openings within two (2) feet of streets, alleys, sidewalks, driveways and other paved surfaces.** The opening shall be filled with compacted with IDOT gradation FA-6 sand to an elevation twelve (12) inches below the top of the opening. The top twelve (12) inches shall be replaced with material similar in kind to the type removed.

(3) **Openings more than two (2) feet from paved surfaces.** The opening shall be backfilled with earthen material free from broken concrete, asphalt, large rocks or other debris. All areas disturbed by the construction shall be resodded or reseeded at the discretion of the city engineer. The permit holder shall be responsible for the repaired area until the new growth is established.

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- (4) **Permanent repair.** Each person obtaining a permit required by this article for Street Use or excavations and other openings in the public way shall begin permanent repair procedures as soon as the area is available for permanent repairs. Except when weather conditions prohibit proper repair procedures, the delay shall be no more than seven (7) days. Only a licensed, bonded contractor may make any permanent repair to any City street, except as provided in Sec. 28-2104.
- (5) **Additional requirement.** In addition to City standard specifications for sidewalk and driveway requirements, the restoration of complete blocks of sidewalk and driveway shall be required in all cases and the walk shall be cut at the joints with a concrete saw.
- (6) **Brick Pavement.** City staff will produce costs estimates for repairing and/or replacing the brick pavement with both concrete pavement and brick pavement. If the adjoining property owners agree to pay their proportionate share of the increased cost of using brick instead of concrete, the street will be replaced with brick in accordance with current City specifications. If not, the City will proceed with the appropriate repairs at the City's cost.
- (7) **Brick Pavement Specifications.** Current standard specifications for the restoration, improvement, or replacement of brick pavement and the location of brick pavement governed by the requirements of this Code shall be maintained on file in the public works department.

(Ord. No. 3013-2010; Sec. 28-2405(6) repealed; new Sec. 28-2405(6) enacted; 03/23/10)

### **SEC. 28-2406. INSPECTION REQUEST.**

The Street Use permit holder shall notify the Engineering Division twenty-four (24) hours in advance of any work to be done in order that an inspection may be scheduled.

### **SEC. 28-2407. TIME FOR REJECTION OF WORK.**

The Street Use permit holder shall be responsible for the permanent repairs for a period of four (4) years after the date the repair is completed. This responsibility shall include all costs for reopening the street/excavation, correcting the causing of the problem, and replacing the permanent repair. Holder will be responsible even if inspected and accepted through oversight or otherwise.

### **SEC. 28-2408. REPLACING CURBS AND SIDEWALKS; ELIMINATING DEPRESSIONS IN SIDEWALKS AND BOULEVARDS.**

(a) Whenever undeveloped property is developed and curb cuts exist which are unusable or which will not be used in connection with the property as developed, the curb shall be replaced, and all depressions in the sidewalk or boulevard shall be eliminated by the owner at the expense of the owner, and a level sidewalk shall be installed by owner or occupant at said owner or occupant's expense.

(b) Whenever developed property is redeveloped in such a way as to render an existing driveway and/or a curb cut either unusable, obsolete, or not usable for the purpose for which it was originally allowed, the owner or occupant of the premises shall replace the curb and the sidewalk.

(c) When undeveloped property with existing curb cut and/or driveways abuts or is adjacent to any planned street or alley improvement, the said curb cuts and/or driveways shall be removed as part of the improvements. The curb shall be replaced, all depressions in the sidewalk or boulevard shall be eliminated, and a level sidewalk shall be installed as part of the improvement at the property owner's expense.

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### SEC. 28-2409. DRAINAGE DESIGN CONSIDERATIONS.

(a) No design shall be approved and no permit issued that provides for the point discharge of stormwater and other waters from private property onto or upon a roadway surface or sidewalk and all such stormwater and other waters shall be discharged into an underground storm drain, a ditch maintained as a storm drain, or a ravine or other natural geological formation serving as a natural water course.

(b) For purposes of this chapter "discharged" and "discharged from private property onto or upon a roadway surface or sidewalk" includes any discharge which is discharged in such a manner that such discharge flows from private property onto or upon other private property before coming onto or upon a roadway surface or sidewalk.

(Ord. No. 2002-08-04; Art. II. "STREET USE" repealed; new Art. II. "STREET USE" enacted; 08/20/02)

## ARTICLE III. SIDEWALKS

### DIVISION 1. IN GENERAL

#### SEC. 28-3100. DEFINITIONS.

As used in this division, the following terms shall have the meaning ascribed to it:

(1) **Sidewalk hazard** shall mean the vertical misalignment of adjacent pieces or sections of sidewalk of one (1) inch or more.

#### SEC. 28-3101. WATER NOT TO BE CONDUCTED TO SIDEWALKS.

It shall be unlawful for any person owning, occupying or possessing any building or structure situated upon the line of any street, avenue or public building within the City, to fail to maintain and keep affixed thereon proper and sufficient eave troughs, water conductors and spouts to prevent water from falling or flowing from the building or structure to and upon the sidewalk adjacent thereto.

#### SEC. 28-3102. HOLES IN SIDEWALKS; LIABILITY.

Any person making or causing to be made any hole in any sidewalk in the City shall be held responsible to the City for any and all damages to persons or property, in consequence of such hole, which the City shall suffer or be adjudged to pay.

#### SEC. 28-3103. REPORT OF DEFECTS IN SIDEWALKS; ACCIDENTS.

It shall be the duty of city officers to report promptly to the Council all defects in sidewalks or bridges, and in case of accident they shall report the accidents to the city attorney, together with the name of any witnesses to such accidents, if known to them.

#### SEC. 28-3104. DUTY OF ABUTTING OWNER TO MAINTAIN.

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It shall be the responsibility of the abutting property owner to maintain the sidewalk as to proper alignment, grade and surface. Any person failing to discharge said duty shall be held responsible to the City for any and all damages to persons or property which the City shall suffer or be adjudged to pay.

### DIVISION 2. CONSTRUCTION

#### **SEC. 28-3200. WHEN REQUIRED; ENGINEER'S GENERAL RESPONSIBILITY; TEMPORARY CERTIFICATE OF OCCUPANCY; VARIANCES.**

(a) Concrete sidewalks, a minimum of four (4) feet in width, shall be constructed along any public street right-of-way line which is also a boundary of any lot upon which any principal building or principal use is established after the effective date of the ordinance from which this section is derived. Such sidewalks shall be constructed and located under the direction of, and the installation approved by, the public works department prior to occupancy or use of the principal building or principal use. If a use is completed at a time of year when sidewalk construction is not prudent, a temporary certificate of occupancy may be issued, provided that a cashier's or certified check made payable to the City for the amount of the cost of the sidewalk construction, as estimated by the city engineer, is deposited with the accounts and finance officer. Such check will be cashed and the money deposited in the appropriate City account. The money will be returned if the sidewalk is properly constructed within one (1) year. If not, the money will be used to construct a sidewalk by the City of Moline.

(b) When the owner of the property affected by this section can show that, if strictly adhered to, this section would cause undue hardship because of topographical or other conditions peculiar to the site, a variance can be requested. The owner shall apply in writing for such variance.

(c) When a sidewalk variance is granted by the City Council, an agreement shall be entered into between the City and the landowner. This variance agreement shall be a covenant which shall run with the land whereby the City may require the installation of the sidewalk at that location at some future date. This agreement shall be filed with the Rock Island County Recorder of Deeds and the landowner shall bear such costs and shall serve only as notification and not affect merchantability of title. A copy of this agreement shall be retained in the office of the city clerk.

#### **SEC. 28-3201. ADHERENCE TO GRADE.**

(a) All sidewalks built or constructed within the City by property owners or lessees, where no special ordinance has been provided therefor, shall be built and constructed upon a permanent grade of the street, when such grade has been established, or upon a grade to be given by the city engineer when no permanent street grade has been established, and shall be constructed so that the outer edge of the walk is one-quarter (1/4) of an inch to the foot below the inside edge of the walk or established grade. All sidewalks shall be built to the grade as given.

(b) No part or portion of any sidewalk, where the grade has been established, shall be laid or relaid at any different grade or any other level than the adjacent portions of the sidewalk. All sidewalks shall be so altered as to conform with the established grade, and unless the sidewalk shall be so altered within five (5) days after notice from the Council, it shall be lawful for the City to alter the sidewalk, and the cost and expense thereof may be recovered from the abutting owner in an action in the name of the City.

#### **SEC. 28-3202. LOCATION WITH RESPECT TO PROPERTY LINE.**

All sidewalks built or constructed within the City by property owners or lessees, where no special ordinance has been provided therefor, shall be built and constructed so that the inner edge of the walk is not more than one (1) foot from the property line, or on a line to be given by the city engineer when it is impossible or not feasible to build or construct the same as aforesaid.

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(Ord. No. 2002-08-04; Art. III. "SIDEWALKS" repealed; new Art. III. "SIDEWALKS" enacted; 08/20/02)

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**ARTICLE IV. ENCROACHMENTS**

**DIVISION 1. IN GENERAL**

**SEC. 28-4100. DISPLAY OF MOTOR VEHICLES FOR SALE.**

No dealer in motor vehicles, either new or used, shall permit a vehicle or any part thereof, to remain on or over a public sidewalk or the area of any public street or alley within one (1) foot of such sidewalk longer than one (1) hour.

**SEC. 28-4101. PLACING BUS BENCHES, OR VENDING MACHINES ON PUBLIC WAYS.**

No person shall install bus benches or vending machines on any public way except upon special contract between the City and the person seeking to place the bench or vending machine on the public way.

**SEC. 28-4102. DIRECTOR OF PUBLIC WORKS TO ABATE ENCROACHMENTS.**

It shall be the duty of the director of public works to abate any encroachment upon any public way in the City, unless the encroachment is under a permit or a special contract which allows the encroachment.

**DIVISION 2. HIGHWAY PROJECTS**

**SEC. 28-4200. DEFINITIONS.**

As used in this division, the following terms shall have the meanings ascribed to them:

- (1) **Construction easement area** shall mean that area lying between the project right-of-way limits and the platted street limits within which the City, by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary construction operations.
- (2) **Encroachment** shall mean any building, fence, sign or any other structure or object of any kind, with the exception of utilities, landscape materials less than six inches (6") in height, and public road signs, which is placed, located or maintained in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.
- (3) **Permissible encroachment** shall mean any existing awning, marquee, advertising sign or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent building.
- (4) **Project right-of-way** is defined as those areas within the project right-of-way lines established jointly by the City, state, and the United States Bureau of Public Roads which will be free of encroachments.

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- (5) **Roadway right-of-way** shall mean those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

### **SEC. 28-4201. ENCROACHMENTS PROHIBITED.**

It shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, any encroachment, except as provided in Section 28-4202, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

### **SEC. 28-4202. ENCROACHMENTS PERMITTED ON I-74.**

Revocable permits have been issued by the City for the temporary retention of the following permissible encroachments on the project for the proposed route for Interstate Highway Route 74 as follows:

- (1) None.

### **SEC. 28-4203. ENCROACHMENTS PERMITTED AT THE 16TH STREET OVERPASS.**

Revocable permits have been issued by the City for the temporary retention of the following permissible encroachments on the grade separation project, FAU Project M-5074, Section 77-00130-00-GS (16th Street Overpass) as follows:

- (1) None.

### **SEC. 28-4204. ESTABLISHMENT OF PROJECT RIGHT-OF-WAY LINES.**

Project right-of-way lines have been established at the following locations:

- (1) None.

(Ord. No. 2002-08-04; Art. IV "ENCROACHMENTS" repealed; new Art. IV "ENCROACHMENTS" enacted; 08/20/02)

## **DIVISION 3. HIGHWAY AUTHORITY AGREEMENTS**

### **SEC. 28-4300. APPLICATION.**

Any person, business or corporation requesting the City to enter into a Highway Authority Agreement or other similar Agreement pursuant to 35 Ill. Adm. Code 742.1020 in effect on the date of the adoption of this ordinance shall make application to the City on a form created by the City for said purpose. At a minimum, such form shall include the location for which the Agreement is requested, the nature of the contamination present, believed present or possibly present at the City, an acknowledgment of the applicant's familiarity with this ordinance and its terms and conditions, and such other information deemed necessary by the city attorney and city engineer.

### **SEC. 28-4301. REVIEW OF APPLICATION; PROCESS.**

a) Upon receipt of a properly completed application pursuant to this division and the fee specified therein, the city engineer shall promptly review all items necessary to enter into a proposed Highway Authority

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Agreement, including without limitation, the proposed agreement, any site plans submitted by the applicant, any other materials submitted by the applicant as well as perform a physical inspection of the site when deemed necessary by the city engineer in his sole discretion.

b) Upon receipt of a properly completed application pursuant to this division and the fee specified therein, the city attorney shall promptly review all items necessary to enter into a proposed Highway Authority Agreement, including without limitation, the proposed agreement and accompanying attachments and shall approve said agreement as to form prior to submission to the City Council.

c) Upon completion or discharge of the responsibilities hereinabove, the city attorney shall promptly prepare the appropriate council bill and submit it to the City Council to permit the Mayor and city clerk to execute the proposed Highway Authority Agreement upon approval of the council bill by the City Council.

### **SEC. 28-4302. APPLICATION FEE.**

The application required in Sec. 28-4300 shall be accompanied by an application fee of \$750.00 payable upon submission of the application. Said fee shall cover all costs and expenses of the City in fulfilling the responsibilities imposed pursuant to this division. (Ord. No. 2003-09-03; new Art. IV, Division 3, "HIGHWAY AUTHORITY AGREEMENTS," enacted; 09/09/03)

## **ARTICLE V. NUMBERING BUILDINGS.**

### **SEC. 28-5100. NUMERICAL SYSTEM ADOPTED.**

The numerical system of naming streets, avenues and public places within the corporate limits of the City, together with such modification of the system as are authorized by this article, are hereby approved.

### **SEC. 28-5101. NUMBERING SYSTEM ADOPTED.**

All principal and through "streets" shall be given numbers commencing with number one (1) at the westerly City limits and running with consecutive numbers to the easterly City limits. All principal and through "avenues" shall be given numbers commencing with number one (1) for the avenue adjoining the south side of Sylvan Park, and the south side of the City waterworks pumping station, and running with consecutive numbers to the southerly City limits.

### **SEC. 28-5102. "STREETS" AND "AVENUES" DEFINED.**

All streets having courses approximately north and south shall be designated "streets," and all streets having courses approximately east and west shall be designated "avenues."

### **SEC. 28-5103. DESIGNATION OF LOCAL AND INTERMEDIATE STREETS; USE OF THE TERM "PLACE;" USE OF THE TERM "COURT."**

Fractional numbers shall not be used to designate and name local intermediate streets and avenues and those streets and avenues which do not conform in alignment and extension with the principal and through streets and avenues or whose course and location is such as to cause the numbering system to break down shall be designated as follows:

- (1) Intermediate or local streets and avenues shall bear the same number as the next preceding street or avenue, with successive, index letters as A, B, C, etc., affixed after the designation "Street", or

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"Avenue." Such index letter depending upon the number of intermediate streets or avenues to be named.

- (2) A street which has a diagonal course and is situated in such manner as to connect with two (2) or more streets, or two (2) or more avenues, as the case may be, which bear different numbers, shall bear the same number and designation as the street or avenue at which such diagonal deflection first originates and in addition thereto shall bear the name "Place."
- (3) A street, without access to any other street other than its origin intersection, and terminating in a cul-de-sac or other vehicle turnaround and without probability of extension, shall bear the name of the appropriate street and in addition thereto may bear the name "Court."

### **SEC. 28-5104. "DRIVES" DEFINED.**

For the purposes of this Article V a "drive" shall mean a private street, alley or traveled way which is the only source of reasonable access to two (2) or more structures from publicly owned right-of-way and which is located within a validly recorded easement of ingress and egress for two (2) or more parcels of land.

### **SEC. 28-5105. DESIGNATION OF DRIVES.**

- (a) A drive shall be designated a "drive" only under the following conditions:
  - (1) That, in the judgment of the director of public works, the designation of a drive as a drive and proper addressing of a structure along said drive is in the best interest of public convenience and safety and facilitates good traffic movement.
  - (2) That a structure along said drive cannot be assigned a house number that will coincide with a dedicated public right-of-way which has been improved with an all-weather surface.
  - (3) That said drive shall have been or will be improved with an all-weather surface capable of supporting emergency equipment.
- (b) Upon a determination that designation is permissible, said drive shall be designated as "X Street Drive" or "X Avenue Drive" in accordance with existing street naming policy. The term "place" or "court" shall not be used in conjunction with term "drive."
- (c) In addition to all conditions precedent to the designation of a drive as a "drive," there shall be the following conditions subsequently placed upon said designation:
  - (1) The owner or owners of said drive shall maintain same in a safe and sanitary condition and shall have filed or shall file restrictive covenants providing for the private maintenance thereof and the distribution of the cost of same among the various owners.

### **SEC. 28-5106. OFFICIAL MAP APPROVED.**

The numbers assigned to the various streets and avenues as shown on the current map of the City and on file in the public works department, is approved as the official street map of the City.

### **SEC. 28-5107. RECORDING CHANGES IN STREET NAMES.**

The public works department shall note the changes to the City street system made from time to time, upon the map in the director's office. The director of public works is charged with the duty of faithful transcribing upon all future official maps of the City, made under the director's direction, the numbers and names of streets and

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avenues authorized and approved by the Council, and to assign the proper names to all streets, avenues or places upon plats of additions and subdivisions submitted to the Council for acceptance and approval.

**SEC. 28-5108. BUILDING NUMBERING SYSTEM, IN GENERAL.**

For the purpose of assigning house numbers, each block shall be divided into parcels having a frontage of twenty (20) feet on street, avenue, place, or drive and a number shall be given thereto in the following manner:

- (1) The number of the street bordering the west side of any block shall be the hundred within which the numbers of that block shall be used, omitting the index letter in the case of intermediate or local streets, and all numbers shall run consecutively to the east with even numbers on the south side of the avenue, place or drive and with odd numbers on the north side of the avenue, place or drive and the even numbers shall commence with the hundred number and the odd numbers shall start with the hundred number plus one.
- (2) The number of the avenues bordering the north side of any block shall be the hundred within which the numbers for that block shall be used, omitting the index letter in the case of intermediate or locals streets, and all numbers shall run consecutively to the south with even numbers on the east side of the street, place or drive and with odd numbers on the west side of the street, place or drive.

**SEC. 28-5109. MAP OF BUILDING NUMBER SYSTEM.**

The Council shall from time to time cause official maps of the several streets, avenues, drives, courts and places, showing numbers for all houses in additions where streets, avenues, drives, courts and places have been extended so as to permit numbering, and it shall be the duty of the public works department to extend the house numbering on the official map from time to time as additions or subdivisions are accepted and approved by the Council.

**SEC. 28-5110. NOTICE TO NUMBER BUILDING.**

Any person who owns any building on any street, avenue, drive or place in the City, who, after being notified by the public works department that the building has no number or has an incorrect number and that the correct number of such building is on file, shall, within thirty (30) days, affix the appropriate number on the building.

**SEC. 28-5111. REQUIREMENTS FOR NUMERALS;  
AFFIXING TO BUILDING.**

House numbers shall be of such size, character and color as to be legible at a distance of at least one hundred (100) feet, and the same shall be affixed on, about, below or either side, or other conspicuous place, in close proximity to the main entrance of the building to which the number applies.

**SEC. 28-5112. CERTIFICATE OF OFFICIAL NUMBER.**

Upon demand from the owner of any building subject to number under the provisions of this article, the public works department shall issue without cost to a building owner, a certificate giving the official number for such building.

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### ARTICLE VI. INTERRING OF UTILITY FACILITIES

#### SEC. 28-6100. INTERRING REQUIRED.

It shall be unlawful for any person, firm or corporation to install utility facilities above ground in any of the following areas:

- (1) In any shopping center or subdivision platted or accepted after the passage of this article (August 17, 1971);
- (2) In any shopping center or subdivision where utility facilities have not been emplaced at the date of passage of this section.

Provided, however, that the director of public works may authorize the emplacing of overhead wires where interring would be impossible or impractical due to ground, water or other emergency conditions.

#### SEC. 28-6101. "UTILITY FACILITY" DEFINED.

- (a) For purposes of this article, the term "**utility facility**" means:
  - (1) Electrical lines;
  - (2) Telephone lines;
  - (3) Electrical poles;
  - (4) Telephone poles;
  - (5) Guy wires to electrical poles;
  - (6) Guy wires to telephone poles;
  - (7) Items commonly found attached to electrical or telephone poles;
  - (8) CATV facilities of a nature similar to items listed in (1) through (7).
- (b) For purposes of this article, "**utility facility**" shall not include:
  - (1) Power stations;
  - (2) Transformers;
  - (3) Pad mounted equipment (such as switches, service terminals or voltage regulators);
  - (4) Electric distribution circuits where the soil or topography cause the cost to be impractical and unreasonable;
  - (5) High voltage electric transmission circuits;
  - (6) Principal electric distribution feeder circuits where excepted by the director of engineering;
  - (7) Telephone service terminals;

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- (8) Cable markers;
- (9) Telephone equipment necessarily related to other exempt equipment not conveniently placed underground;
- (10) Traffic light poles;
- (11) Streetlight poles.

### **SEC. 28-6102. EXCEPTION.**

Utility facilities need not be placed underground in new subdivisions where those facilities directly service perimeter lots of the subdivision, and where such lots abut lots or lands where overhead lines have heretofore been emplaced, where such service enters the perimeter lots from the rear or side. For purposes of this section, abut means touching and does not include lots across a street or alley from an existing overhead line.

### **SEC. 28-6103. BURDEN OF COST.**

Additional costs involved in placing utility facilities underground shall be borne by the developer.

### **SEC. 28-6104. METHOD OF INTERRING.**

Where utilities are required to be interred, the work shall be done by the utility company in accordance with the Moline, Illinois street use ordinance, and under the direction of the public works department, and pursuant to applicable orders, rules and regulations of the Illinois Commerce Commission, as then existing.

## **ARTICLE VII. ADOPT-A-STREET PROGRAM.**

### **SEC. 28-7100. DEFINITIONS.**

As used in this article, the following terms shall have the meaning ascribed to them:

- (1) **Adopted section** shall mean a length of municipal right-of-way, identified as a safe section of street or highway. It also includes a length of state right-of-way located within the corporate limits of a municipality and identified by the Illinois Department of Transportation and the sponsoring jurisdiction as a safe, adoptable section of right-of-way. A section of right-of-way may be determined as inappropriate for adoption for safety reasons. **NO INTERSTATES MAY BE DESIGNATED AS AN ADOPTED SECTION UNDER ANY CIRCUMSTANCES.**
- (2) **Group** shall mean members or employees of a civic or not-for-profit organization, or commercial or private enterprises, who have requested to participate in the City's Adopt-A-Street program.
- (3) **Group Coordinator** shall mean the individual selected by the group to serve as its liaison with the sponsoring jurisdiction.
- (4) **Group President** shall mean the individual who is the recognized leader, president, chairman, or other authorized executive officer for a group.
- (5) **Litter** shall mean any unsightly or offensive matter that may include, but is not limited to, disposable packaging, containers, cans, bottles, paper, ashes, cigar and cigarette butts, or any other

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debris defined elsewhere in the Moline Code of Ordinances as litter, refuse or debris. Litter does not include hazardous, heavy, large items, or carcasses.

- (6) **Program** shall mean the "Adopt-A-Street" program.
- (7) **Sponsoring jurisdiction** shall mean the City of Moline in the establishment of an "Adopt-A-Street" program within its jurisdictional area.
- (8) **Director** shall mean the director of public works who is responsible for the administration of the City's program.
- (9) **Youth** shall mean any person over the age of ten (10) years and under the age of eighteen (18) years.

### **SEC. 28-7101. APPLICATION.**

Upon application to the director of public works by any legitimate and qualified group or public service entity, the City Council may accept any such application, and authorize the execution of a written agreement with said group or public service entity; such agreement shall be signed by the group coordinator or president or otherwise authorized individual.

### **SEC. 28-7102. INDEMNIFICATION.**

Each group or public service entity for which an application has been accepted shall be required to obey and abide by all laws and regulations relating to safety, as well as provide written indemnification of the City, including naming the City as an additional insured, if the City Council requires such insurance certificate.

### **SEC. 28-7103. ADULT SUPERVISORS.**

Each group or public service entity for which an application has been accepted shall provide one (1) adult supervisor for every five (5) youths participating in the program. For purposes of this section, youth is defined as any person under age eighteen (18) who is present or participating in the clean-up of any particular adopted section. Under no circumstances shall any person under the age of ten (10) be permitted to volunteer or in any way participate for the purpose of litter collection.

### **SEC. 28-7104. SAFETY MEETING REQUIREMENTS.**

(a) The director of public works, in conjunction with other appropriate officials or entities, shall develop and administer safety training programs to each group or public service entity for which an application has been accepted. Any such programs administered shall be appropriate for the particular project and the various types of roadways that may be adopted for litter clean-up.

(b) Each group or public service entity for which an application has been accepted shall conduct its own group safety meetings and receive safety training as required by the director of public works. No person shall be allowed to participate in any litter collection unless such person has attended a safety meeting conducted by the group or public service entity prior to said collection.

### **SEC. 28-7105. ADDITIONAL REQUIREMENTS.**

Each group or public service entity for which an application has been accepted shall be required to comply with the following additional requirements:

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- (1) Obtain and wear safety apparel provided by the City at all times while collecting litter in the designated adopted section;
- (2) Maintain an adequate first aid kit, subject to the written approval of paramedics in the City's fire department;
- (3) The group coordinator must prohibit group members and any and all individuals collecting litter upon an adopted section from being under the influence of alcohol or drugs of any type or from possessing or consuming the same;
- (4) The group coordinator must require all group members and any and all individuals collecting litter upon an adopted section to place the litter in trash bags, which trash bags will be provided by the City;
- (5) The group coordinator must require all group members and any and all individuals collecting litter upon an adopted section to place all filled trash bags at the location on the adopted section designated by the director of public works in the granting of written permission required in Section 28-7101 above.

### **SEC. 28-7106. LITTER CONTAINERS.**

The City shall provide trash bags for use by the group or public service entity and its members. Upon conclusion of the litter collection, it shall be the responsibility of the City to remove all filled trash bags and any other large, heavy or hazardous items.

### **SEC. 28-7107. INSTALLATION OF SIGNS.**

The City shall provide signs that conform with state statute with the name or acronym of the participating group or public service entity. Such signs shall be installed under the supervision of the director of public works at each end of the adopted section.

### **SEC. 28-7108. TERM OF AGREEMENT AND REGULATION OF COLLECTIONS.**

Each group or public service entity for which an application has been accepted shall be required to adopt a section for a minimum of two (2) years and to collect litter along that adopted section no less than four (4) times per year. No such litter collection shall be commenced prior to the group or public service entity's attainment of written permission by the director of public works, which prior written permission must be obtained each time the group or public service entity wishes to collect litter.

### **SEC. 28-7109. NON-ASSIGNABILITY.**

At no time will the duties and responsibilities imposed by this article be subcontracted, transferred or in any way assigned to any other group or public service entity.