

**TITLE 7**

**PUBLIC WAYS AND PROPERTY**

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## CHAPTER 1

**STREETS, SIDEWALKS AND PUBLIC WAYS**

## SECTION:

- 7-1-1: Public Works Department
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- 7-1-3: Obstructions In Streets
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- 7-1-5: Discharge Of Water
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7-1-1: **PUBLIC WORKS DEPARTMENT:**

- A. **Creation:** There is hereby created a public works department, which shall have general supervision of streets, sidewalks, bridges and other public ways.
- B. **Director:** The department shall be under the direction and control of the public works director. (1980 Code § 11-311)
- C. **Powers And Duties:** The department shall:
  - 1. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways, whether originating from storm, flood, drainage or irrigation waters.
  - 2. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.

3. Enforce the provisions of this chapter and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.

4. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair. (1980 Code § 11-312)

7-1-2:           **REMOVAL OF SNOW:** It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves or any other material in the gutter so as to clog or prevent the free flow of water therein. (1980 Code § 11-361)

7-1-3:           **OBSTRUCTIONS IN STREETS:** It shall be unlawful for any person owning, occupying or having control of any premises to place or permit to be placed upon or in the sidewalk, parking area, gutter or on the half of the street next to such premises:

- A.     Refuse: Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
- B.     Building Materials: Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the city council first had and obtained.
- C.     Permanent Or Temporary Structures: Any permanent or temporary structure, mechanism, device, vehicle or other thing of any kind or character, except trees planted pursuant to the provisions of applicable ordinances. (1980 Code § 11-362)

7-1-4:           **OPENINGS IN STREETS; DOORS OBSTRUCTING:**

- A.     Cellars: It shall be unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk to fail to keep the door or other covering in good repair and safe for the

passage of the customary traffic on the street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within twenty four (24) hours after notice from the public works director to do so, the public works director shall forthwith cause such repairs to be made at the expense of the owner or occupant.

- B. Coal Holes: It shall be unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the city council, and under the direction and supervision of the public works director. (1980 Code § 11-363)
- C. Doors: It shall be unlawful for any person owning or having the control or management of any alley, road or passageway to construct or hang gates or doors to such alley, road or passageway so that the gates or doors thereto, when open, shall project outwardly more than two feet (2') over or upon the sidewalk beyond the property line. (1980 Code § 11-364)

7-1-5:       **DISCHARGE OF WATER:** It shall be unlawful for any person owning, occupying or having control of any premises to fail, refuse or neglect to prevent water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk. (1980 Code § 11-365)

7-1-6:       **SIDEWALK REGULATIONS:**

- A. Driving Or Parking: It shall be unlawful for any person to drive or park a self-propelled vehicle or lead, drive or ride any animal upon any sidewalk, except across a sidewalk at established crossings. (1980 Code § 11-366)
- B. Businesses To Keep Clean: It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of nine o'clock (9:00) A.M. (1980 Code § 11-367)
- C. Placing Goods For Sale Or Show: No goods, wares or merchandise shall be placed, maintained or permitted for sale or show in or on any parking area, street or sidewalk beyond two feet (2') from the front line of the lot, without first obtaining the written approval of the city council. Such approval shall be granted only when such sale or

show shall be a promotional activity not exceeding forty eight (48) hours and when participated in by a majority of firms seeking approval in their business areas. The city council's written approval shall specifically provide that no goods, wares or merchandise shall be placed in such a manner as to leave less than a six foot (6') passageway for pedestrians. (1980 Code § 11-368)

- D. **Placing Goods For Receipt Or Delivery:** It shall be unlawful for any person to place, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than three (3) hours. (1980 Code § 11-369)
- E. **Playing:** Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction and subject to penalty as provided in section 1-4-1 of this code. (1980 Code § 11-370; amd. 2005 Code)
- F. **Congregating:** It is an infraction, subject to penalty as provided in section 1-4-1 of this code, for any person to congregate about or upon any sidewalk, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises. (1980 Code § 11-371; amd. 2005 Code)

**7-1-7: ANIMALS ON STREETS:**

- A. **Permit Required:** Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from the chief of police so to do is guilty of an infraction, subject to penalty as provided in section 1-4-1 of this code.
- B. **Permission Required:** No person shall drive livestock through the city upon streets not designated for that purpose, except upon permission and according to the direction of the chief of police. (1980 Code § 11-331; amd. 2005 Code)

## CHAPTER 2

**STREET AND SIDEWALK CONSTRUCTION**

## SECTION:

- 7-2-1: Permit Required; Inspection
- 7-2-2: Conform To Established Specifications
- 7-2-3: Changing Existing Construction
- 7-2-4: Building Materials In Street; Permit
- 7-2-5: Mixing Concrete On Paved Streets Or Sidewalks; Permit
- 7-2-6: Overflowing Of Water
- 7-2-7: Irrigation Ditches
- 7-2-8: Removal Of Earth

7-2-1: **PERMIT REQUIRED; INSPECTION:**

- A. Required: No person, either as owner, agent, servant, contractor or employee, shall construct any permanent sidewalk for public use without first obtaining from the city recorder permit to do so. The permit shall specify that the sidewalk be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the sidewalk.
- B. Unlawful Violation Of Specifications: It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper city official.
- C. Inspection: All sidewalks shall be inspected by the public works director or his duly authorized representative. (1980 Code § 11-352)

7-2-2: **CONFORM TO ESTABLISHED SPECIFICATIONS:** It shall be unlawful for any person either as owner, agent, servant, contractor or employee to construct a street or sidewalk which does not conform to specifications established by the city engineer or other authorized representative of the city unless special permission to deviate from such specification is first obtained from the city council. (1980 Code § 11-351)



7-2-3:       **CHANGING EXISTING CONSTRUCTION:** It shall be unlawful for any person to construct a driveway across a sidewalk or cut or change the construction of sidewalk, curb or gutter without first making written application and obtaining from the city recorder a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the city. (1980 Code § 11-353)

7-2-4:       **BUILDING MATERIALS IN STREET; PERMIT:** It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the city council a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the city council. Any such permit may be revoked by the city council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the city council, the public interest requires such revocation. (1980 Code § 11-354)

7-2-5:       **MIXING CONCRETE ON PAVED STREETS OR SIDEWALKS; PERMIT:** Unless a permit from the public works director has been obtained, it shall be unlawful to:

- A.     Place, Pile Or Permit: Place or pile or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.
- B.     Make, Mix Or Permit: Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk. (1980 Code § 11-355)

7-2-6:       **OVERFLOWING OF WATER:** It shall be unlawful for any person to allow water to overflow from any ditch, canal, well or irrigation stream onto the streets, sidewalks or property of the city. (1980 Code § 11-356)

7-2-7:       **IRRIGATION DITCHES:** All owners or occupants of lots in the city who require water from a ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as

needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the public works director. (1980 Code § 11-357)

7-2-8:       **REMOVAL OF EARTH:** No person shall dig, cut or remove any sod or earth from any street or other public place without a permit from the public works director. (1980 Code § 11-358)



**CHAPTER 3**  
**EXCAVATIONS**

**SECTION:**

- 7-3-1: Permit Requirements
- 7-3-2: Bond Required
- 7-3-3: Subject And Excluded Excavations
- 7-3-4: Standards
- 7-3-5: Protection Of Public
- 7-3-6: Relocation And Protection Of Utilities
- 7-3-7: Revocation Or Refusal Of Permit
- 7-3-8: Exception In Emergency

**7-3-1: PERMIT REQUIREMENTS:**

- A. Required: It shall be unlawful for any person to break, excavate, tunnel, undermine or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefor from the city council or their designated representative. (1980 Code § 11-395; amd. 2005 Code)
- B. Streets And Sidewalks:
  - 1. No person shall make any excavation in any street, land or alley or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the city council or their designated representative.
  - 2. No person shall excavate any sidewalk without first obtaining a permit from the city council or their designated representative.
- C. Franchise; Public Utility:
  - 1. Nothing contained in this chapter shall be construed to waive the franchise required for any person by city ordinances or laws of the state. (1980 Code § 11-381; amd. 2005 Code)

2. Any public utility regulated by the state or holding a franchise from the city which, in the pursuit of its calling, has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the city to cover all excavations such utilities may make within the streets of the city. (1980 Code § 11-395)

7-3-2:           **BOND REQUIRED:**

- A.    Conditions: In order to ensure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the city recorder, payable to the city, except that a public utility operating or using any of the streets under a franchise from the city will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the city harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:
1. With good and sufficient surety.
  2. By a surety company authorized to transact business in the state.
  3. Satisfactory to the city attorney in form and substance.
  4. Conditioned upon the permittee's compliance with this chapter in order to secure and hold the city and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit for which the city, the city council or any city officer may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.
  5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the city, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of twenty four (24) months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.
- B.    Amount: The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but

until such resolution is passed the amount of the surety or cash deposit shall be two hundred dollars (\$200.00) and seven dollars (\$7.00) for each foot of street the permittee shall excavate. (1980 Code § 11-394)

**7-3-3: SUBJECT AND EXCLUDED EXCAVATIONS:**

- A. Types Subject To Provisions: The types of excavations subject to the provisions of this chapter are excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights of way of the city or in other public places. (1980 Code § 11-383)
- B. Types Not Subject To Provisions: The types of excavations which do not come within the scope of this chapter are excavations of any kind in city streets in projects designed, contracted for and inspected by the city engineer or other authorized personnel of the city. (1980 Code § 11-382)

**7-3-4: STANDARDS:**

- A. Preparation: The pavement, sidewalk, driveway or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch (1") per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work. (1980 Code § 11-384)
- B. Backfill:
  - 1. Materials: Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight inches (8") loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to ensure

compaction to a degree equivalent to that of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.

2. Density: The density (dry) of the backfill under pavements, sidewalks, curbs or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling. (1980 Code § 11-385)

**C. Restoration Of Hard Surfaces:**

1. General: All street surfacing, curbs, gutters, sidewalks, driveways or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the city council, in accordance with the specifications contained herein governing the various types of surfaces involved.

2. Protection Of Paved Surfaces: In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.

3. Time: In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces, within five (5) days from the date of completion of the backfill, except for periods:

a. When permanent paving material is not available.

b. When weather conditions prevent permanent replacement.

c. When an extension of time is granted by the public works director.

4. Temporary Repair: If temporary repair has been made on the paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible. (1980 Code § 11-386)

**D. Restoring Bituminous On Concrete Or Asphalt Surfaces:**

1. **Temporary Grade Surface:** Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches (6") below the bottom of the bituminous or concrete surface. Normally, this will require nine inches (9") of gravel for bituminous surfaces, twelve inches (12") of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the public works director until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1 inch sieve	100 percent
Passing 3/4 inch sieve	85-100 percent
No. 4 sieve	45-65 percent
Passing No. 10 sieve	30-50 percent
Passing No. 200 sieve	5-10 percent

2. **Bituminous Surface:** The exposed edges of existing pavement shall be primed with type MC-1 bituminous material. The type, grade and mixture of the asphalt to be used for street surface replacement shall be approved by the public works director. The thickness shall be equal to the adjacent surface thickness but not less than three inches (3"). The complete surface shall not deviate more than one-half inch (1/2") between old and new work. (1980 Code § 11-387)

**E. Concrete Surfaces:** The subbase for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches (6") thick. The mixing, cement, water content, proportion, placement and curing of the concrete will be approved by the public works director. In no case shall the concrete have less compressive strength than three thousand (3,000) pounds per square inch at the end of twenty eight (28) days. (1980 Code § 11-388)

**F. Concrete Base, Bituminous Wearing Surfaces:** This type of surfacing shall be constructed described in subsection E of this section. (1980 Code § 11-389)



- G. **Gravel Surfaces:** Trenches excavated through gravel surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in subsection E of this section, except that the gravel shall be a minimum of one inch (1") more than the thickness of the existing gravel. (1980 Code § 11-390)
- H. **Jetting Pipe:** Jetting pipe by means of water under pressure or compressed air, is permitted only when approved by the city. (1980 Code § 11-393)

**7-3-5: PROTECTION OF PUBLIC:** Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares and other devices. Police and fire departments shall be notified at least twenty four (24) hours in advance of any planned excavation requiring street closures or detour. (1980 Code § 11-391)

**7-3-6: RELOCATION AND PROTECTION OF UTILITIES:** An excavator shall not interfere with any existing utility without the written consent of the city council and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by the city or by a private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along or across the work. In case any of the pipes, conduits, poles, wires or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this chapter that

the permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The city need not be made a party to any action because of this chapter. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. (1980 Code § 11-392)

7-3-7:       **REVOCATION OR REFUSAL OF PERMIT:** All permits shall be subject to revocation and the city may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this chapter. (1980 Code § 11-395)

7-3-8:       **EXCEPTION IN EMERGENCY:** Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the city is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency. (1980 Code § 11-395)

CHAPTER 4  
**MUNICIPAL PROPERTY**

**SECTION:**

- 7-4-1:        Use And Control  
7-4-2:        Prohibited Acts  
7-4-3:        Parks; Hours Of Use

**7-4-1:        USE AND CONTROL:**

- A.    **Unlawful Use:** Unless authorized by permit or other written authorization issued by the city, or unless authority is granted by provisions of this code or other ordinance of the city, now or hereafter enacted, it shall be a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for any person to:
1. **Property Controlled By City:** Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by the city, any utility, canal, ditch, construction or building.
  2. **Restricted Areas:** Enter upon any property of the city contrary to any posting or marking restricting or prohibiting use of the area.
  3. **Damage To Property:** Intentionally use or perform acts upon property of the city which materially impairs, alters or damages the property. (1980 Code § 8-111; amd. 2005 Code)
- B.    **Repair After Unlawful Use:** The city council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of the city to repair or restore the property to its original condition prior to the damage, alteration or change. (1980 Code § 8-112)

C. Franchise; Easement:

1. Provisions: The city council may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of the city and the provisions of subsections A and B of this section shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

2. In Writing: Any franchise or easement granted by the city shall be in writing and any franchise or easement not in writing shall be void. (1980 Code § 8-113)

D. Acts Exempted: It shall not be a violation of this section where any person uses the public property of the city in the manner or for the purpose for which such property has been made available for public use. (1980 Code § 8-114)

7-4-2: **PROHIBITED ACTS<sup>1</sup>:**

A. Public Property Defined: For the purpose of this section, "public property" means any publicly owned property, except the traveled portion of public streets, and includes any park, sidewalk, curb or any part of any public right of way devoted to any planting or park like use. (1980 Code § 13-351)

B. Prohibited Acts: On any public property it is unlawful for any person to:

1. Wilfully mark, deface, disfigure, injure, tamper with, displace or remove any building, railing, bench, paving, paving material, water line or any facilities or property and equipment of any public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenances whatever, either real or personal.

2. Soil or litter public restrooms and washrooms.

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1. See also subsection 4-3A-3E of this code.

3. Dig and remove any sand, soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, unless permission is obtained.

4. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across any public property, except with special permit.

5. Urinate or defecate, except in a public restroom in receptacles placed therein for such purpose.

6. Damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area. This subsection shall not apply to any person authorized to perform the act proscribed.

7. Climb any tree or walk, stand or sit on monuments, fountains, railings, fences, planted areas or upon any other property not designed or customarily used for such purpose or to intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk.

8. Drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper, boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefor. No such refuse or trash shall be placed in any waters contiguous to any park or planted area or left anywhere on the grounds thereof.

9. Sleep on seats, benches, sidewalks, curbs, planters, walls or other areas.

10. Expose or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, without first obtaining a license, except that the city council may exempt designated areas from this subsection by resolution on such terms and conditions as it may prescribe.



11. To beg or to go from door to door of private homes or commercial and business establishments or place himself in or upon any public way or public place to beg or to receive money or other things of value. (1980 Code § 13-352)

7-4-3:       **PARKS; HOURS OF USE:** It shall be a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code, for a person to be in a city owned park or recreation area between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., without the written consent of the chief of police or the mayor. (1980 Code § 13-353; amd. 2005 Code)