

Chapter 86 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

Chapter 86 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES [u](#)

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Cross reference— Aviation, ch. 14; buildings and building regulations, ch. 18; moving of buildings, § 18-176 et seq.; peddlers, solicitors and transient merchants, § 22-66 et seq.; civic and cultural affairs and facilities, ch. 26; floods, ch. 50; parks and recreation, ch. 74; signs, ch. 78; traffic and vehicles, ch. 94; utilities, ch. 98; franchises, app. A; subdivisions, app. B; zoning, app. C. ([Back](#))

State Law reference— Municipal streets, V.T.C.A., Transportation Code ch. 311 et seq.; municipal charges for use of streets, etc., V.T.C.A., Tax Code § 182.025 et seq.; authority of city relative to streets and sidewalks generally, Vernon's Ann. Civ. St. art. 1175. ([Back](#))

ARTICLE I. IN GENERAL

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Sec. 86-1. Certain ordinances relating to streets not affected by Code.

Nothing contained in this Code, or the ordinance adopting this Code, shall be construed to repeal or otherwise affect any ordinance:

- (1) Dedicating, accepting, naming, establishing, locating, relocating, opening, widening, improving or vacating any street or other public way in the city;
- (2) Relating to municipal street maintenance agreements with the state; or

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- (3) Establishing or prescribing grades for streets in the city.

(Code 1978, § 22-1)

Sec. 86-2. Obstructions.

- (a) *Prohibited.* It shall be unlawful for any person to obstruct, or cause the obstruction of, any street, sidewalk or public way.
- (b) *Exceptions.* Temporary obstructions of streets, sidewalks and public ways may be permitted by the city manager or building official upon application made to him if he finds that the obstruction will not result in undue hazard or inconvenience to the public. The city manager, or building official, may attach to such permission such conditions and requirements as he deems necessary for the protection of the public, including but not limited to the following:
- (1) Duration of the obstruction;
 - (2) Location and extent of the obstruction;
 - (3) Required safety precautions, such as barricades, lights, warning devices, etc.

(Code 1978, § 22-2)

State Law reference— Regulation of use of streets, Vernon's Ann. Civ. St. art. 1175.

Sec. 86-3. Improvement law adopted.

The provisions of the street improvement law, including V.T.C.A., Transportation Code ch. 312, and all laws enacted or applicable in aid thereof, are wholly adopted and made a part of this article as if fully incorporated in this article, and termed in this article as the "Street Improvement Law." In case of conflict, such street improvement law shall control all ordinances and resolutions of the city passed for the exercise of the powers conferred by such street improvement law.

(Code 1978, § 22-3)

Editor's note— The adoption of the above recited statutes was approved at a special election held October 20, 1928, as required by V.T.C.A., Transportation Code § 312.002.

Sec. 86-4. Causing accumulation of fluids on streets, sidewalks.

The practice of any act which would cause or permit the accumulation of water, oil or other liquids or substances upon the streets, sidewalks or other public property of the city is expressly prohibited.

(Code 1978, § 22-4)

Sec. 86-5. Driving on newly paved streets.

It shall be unlawful for any person to drive any vehicle upon any portion of any street in the city that has been freshly paved, unless all barriers or signal lights have been lawfully removed from such street, indicating the street is ready for travel.

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(Code 1978, § 22-6)

Secs. 86-6—86-40. Reserved.

ARTICLE II. SIDEWALKS, CURBS AND DRIVEWAYS

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Sec. 86-41. Specifications to be followed.

All sidewalk, curb and driveway work shall conform to the specifications of the city.

(Code 1978, § 22-18)

Sec. 86-42. Permitting dangerous conditions on sidewalk declared a nuisance.

Whoever shall keep or leave open, or shall allow or suffer to be left open, any cellar door or trap door on the grating of any vault, in or upon any sidewalk, street, thoroughfare or passageway; or whoever shall make, keep or maintain any uncovered opening in any sidewalk or footway; or shall allow any sidewalk or footway, which it is his duty to maintain or repair, to be broken or to continue to be broken, uneven or out of repair, as to endanger any person's safety; or shall allow any sidewalk or footway, which it is his duty to maintain, to collect oils, greases, ice or water; or shall allow other obstacles or obstructions, natural or artificial, which overlap, impinge upon or appropriate any part of the sidewalk area, or the space eight feet above it, so as to endanger any person's safety or impede the use of such sidewalk, shall be deemed guilty of maintaining a nuisance.

(Code 1978, § 22-19)

Sec. 86-43. Defacing sidewalk.

It shall be unlawful for any person to deface, by placing upon a sidewalk in the city, any marks or signs of any nature or character whatsoever. Any person who shall violate the provisions of this section, or who authorize others to do so, shall be deemed guilty of a misdemeanor.

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(Code 1978, § 22-20)

Sec. 86-44. Permit required to do sidewalk or driveway work; supervision; specifications.

No person, firm or corporation shall construct, reconstruct, alter, repair, remove or replace any sidewalk or driveway on any public property within the city without first obtaining from the city council a permit to do so, and all such persons shall construct, reconstruct, alter, repair, remove or replace such sidewalk or driveway under the direction and supervision of the city, and in accordance with plans and specifications provided by the city.

(Code 1978, § 22-21)

Sec. 86-45. Duty to restore curb when driveway abandoned.

Whenever any curb is removed, or when no curb has been constructed, in order to provide a driveway, and the use of such driveway is at any time abandoned and not used for ingress and egress to the abutting property, it shall be the duty of the property owner of such abutting property to restore or construct the proper and necessary curb according to the plans and specifications furnished such person by the city. Any person allowing any of the conditions in this section to continue after 30 days' notice from the city council, shall be guilty of allowing a public nuisance to continue.

(Code 1978, § 22-22)

Sec. 86-46. Duty to maintain sidewalks free of hazardous substances, obstructions.

It shall be the duty of the owner of any property abutting upon any sidewalk, at their own cost and expense, to maintain and keep the sidewalks (and paving laid on such sidewalks), bordering their property, free of collection of oils, greases, ice or water, and free of obstacles, obstructions or encroachments, natural or artificial, above or below ground, or which overlap, impinge upon or appropriate any part of the sidewalk area, or the space eight feet above the sidewalk area.

(Code 1978, § 22-23)

Sec. 86-47. Liability of property owner for damages due to hazardous substances on, obstruction of sidewalk.

The abutting property owner or person, firm or corporation enjoying the use of any property abutting on a sidewalk, who has allowed such abutting sidewalk to become obstructed, or in a dangerous condition in violation of section 86-46, and such violation has resulted in damage or injury, shall be primarily liable in damages for any loss or damage sustained as a result of such condition.

(Code 1978, § 22-24)

Sec. 86-48. Notice and repair of defective sidewalks.

It shall be the duty of the owner of any property abutting upon any defective, unsafe or hazardous sidewalk, parkway or driveway, to repair such sidewalk, parkway or driveway at his own cost and

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expense. It shall be the duty of the city council, if in its opinion any sidewalk is defective, unsafe or hazardous, to inform the owner of the property abutting upon such sidewalk, to make the necessary repairs to such sidewalk within 30 days of the date of notice. Such repairs are to be made in accordance with plans and specifications submitted to the property owner by the city.

(Code 1978, § 22-25)

Sec. 86-49. Liability for damages due to defective sidewalk.

The abutting property owner enjoying the use of any property abutting on a sidewalk or curb that has become defective, and has resulted in cause of damage or injury as a result of such defective condition, shall be primarily liable in damages for any loss or damage sustained as a result of such defective condition.

(Code 1978, § 22-26)

Secs. 86-50—86-80. Reserved.

ARTICLE III. EXCAVATIONS AND TUNNELING

DIVISION 1. - GENERALLY

DIVISION 2. - PERMIT

DIVISION 1. GENERALLY

[Sec. 86-81. Provisions declared supplemental.](#)

[Sec. 86-82. Filling and surfacing.](#)

[Sec. 86-83. Violations, penalty.](#)

[Secs. 86-84—86-105. Reserved.](#)

Sec. 86-81. Provisions declared supplemental.

The provisions of this article shall be in addition and supplemental to all other provisions of this Code and the ordinances of the city.

(Code 1978, § 22-38)

Sec. 86-82. Filling and surfacing.

It shall be the duty of the person making any excavation, or doing any boring or tunneling pursuant to this article, to fill the excavation and restore the surface to a condition at least equal to the surface prior to the excavation, or, in the case of boring or tunneling, to take such steps or precautions as are necessary to assure there will be no sinking or shifting of the surface. If required by the city manager, the person making an excavation, or doing boring or tunneling, shall furnish a deposit, bond or other security, sufficient to assure compliance with this section; provided, however, the city may elect to fill and resurface

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the excavation, or take the necessary precautions, and charge the cost against the person making the excavation or doing the boring or tunneling.

(Code 1978, § 22-43)

Sec. 86-83. Violations, penalty.

Any person violating any provision of this article, or any condition or regulation of a permit under this article, shall be punished as provided in section 1-11, and shall be subject to having his permit revoked.

(Code 1978, § 22-44)

Secs. 86-84—86-105. Reserved.

DIVISION 2. PERMIT

[Sec. 86-106. Required.](#)

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[Sec. 86-108. Regulations authorized.](#)

[Sec. 86-109. Indemnity bond required.](#)

[Secs. 86-110—86-130. Reserved.](#)

Sec. 86-106. Required.

It shall be unlawful for any person, except employees of the city in the course of their employment, to open, dig into, remove the surface from, excavate or bore or tunnel under any street, sidewalk, alley, public way or place, without first obtaining a permit from the city manager.

(Code 1978, § 22-39)

Sec. 86-107. Application; fee.

The application for a permit required by this division shall contain such information as the city manager deems necessary, and shall be accompanied by a fee in the amount of \$5.00.

(Code 1978, § 22-40)

Sec. 86-108. Regulations authorized.

In granting a permit required by this division, the city manager may impose reasonable regulations, including but not limited to:

- (1) The manner of making the excavation, boring or tunneling.
- (2) The location of the excavation, boring or tunneling.

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- (3) Protection of underground utility installations.
- (4) The duration of the excavation, boring or tunneling from beginning to completion of all restoration measures as required by section 86-82 and may require a daily penalty amount to be paid to the city for each day, or any fraction of a day, that such excavation, tunneling or boring remains unrestored to the degree required by section 86-82.
- (5) Required safety precautions, such as barricades, lighting, warning devices, etc.
- (6) The extent and size of the excavation, boring or tunneling.
- (7) Steps to be taken to protect nearby property owners.
- (8) The applicant for a permit under this division shall be the person, firm, corporation, entity or institution for whose benefit or interest such excavation, tunneling or boring is being made. Any contractor for such applicant, or any subcontractor to such contractor or applicant, who may apply in person for such permit shall, in support of such application, have the written request by such applicant requesting such permit, showing the maximum limits of such excavation, tunneling or boring, the estimated time involved, evidence of the applicant's assets in sufficient amounts, or insurance that is deemed to be adequate, to indemnify the city for any costs, losses or liabilities that it may incur by reason of such excavation, boring or tunneling, and to satisfy any judgments or liabilities arising out of such excavation, boring or tunneling.

(Code 1978, § 22-41)

Sec. 86-109. Indemnity bond required.

The applicant for a permit under this article shall post an indemnity bond with the city, made payable to the city, in the amount of double the cost of such excavation or tunneling under this division, its repair, replacement and/or correction of the surface and/or subsurface, in the event of tunneling, to the condition required by section 86-82.

(Code 1978, § 22-42)

Secs. 86-110—86-130. Reserved.

ARTICLE IV. NUMBERING OF BUILDINGS ^[2]

[Sec. 86-131. Base lines.](#)

[Sec. 86-132. Building numbers.](#)

[Sec. 86-133. Location of numbers.](#)

[Sec. 86-134. Numbering of standard city blocks.](#)

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[Sec. 86-136. Even and odd numbers.](#)

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Sec. 86-131. Base lines.

- (a) Fifth Street is hereby designated as the dividing line for numbering buildings on streets running east and west.
- (b) The Union Pacific Railroad track is designated as the dividing line for streets running north and south to the west of Fifth Street.
- (c) East Holland Avenue (East Highway 67/90) is designated as the dividing line for numbering buildings on streets running north and south to the east of Fifth Street.

(Ord. No. 98-3-2, § 1, 5-12-1998)

Sec. 86-132. Building numbers.

Each property owner in the city is required to place and maintain an official number signifying the address on any main building on the owner's property and on a mailbox, if a mailbox exists on the property and separate from the building. The official number shall be at least three inches in height, constructed of weather-resistant material and with a color that contrasts with the background.

(Ord. No. 98-3-2, § 2, 5-12-1998)

Sec. 86-133. Location of numbers.

The official number shall be located on the outside of the building, clearly visible and legible to a person in a motor vehicle, on the street used for the building address. The number shall be placed on the side of the building facing the street that is used for the building address. The building address shall pertain to the street running in front of the main entrance to the building.

(Ord. No. 98-3-2, § 3, 5-12-1998)

Sec. 86-134. Numbering of standard city blocks.

Numbers are based on standard city blocks (standard city blocks are an average of 278 to 300 feet square). Numbers in the first standard block starting at a base line shall be in the range from 100 through 199, except as specified in section 86-135. The range of numbers shall increase by 100 for each standard block.

(Ord. No. 98-3-2, § 4, 5-12-1998)

Sec. 86-135. Exceptions to numbering of city blocks.

- (a) Buildings facing north-south streets south of East Holland Avenue and north of the Union Pacific Railroad track shall have numbers in the range from 100 through 199 (south), regardless of the size of the block; between the Union Pacific Railroad track and East Avenue F, numbers shall be in the range from 200 through 299, regardless of the size of the block.
- (b) Buildings facing north-south streets in the first block north of Brown Avenue, between North Second Street and the Santa Fe Railroad track, shall have numbers in the range from 800 through 899, and the range of numbers shall increase by 100 for each standard block to the north.

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- (c) Buildings facing north-south streets in the first block north of West Brown Avenue, between the Santa Fe Railroad track and the west city limit, shall have numbers in the range from 600 through 699, and the range of numbers shall increase by 100 for each standard block to the north.
- (d) Buildings facing north-south streets, between North Second Street and the east city limit, in the block between Hancock Avenue and East Brown Avenue, shall have numbers in the range from 800 through 899; buildings north of East Brown Avenue and east of North Second Street shall have numbers assigned by the city, starting with 900.

(Ord. No. 98-3-2, § 5, 5-12-1998)

Sec. 86-136. Even and odd numbers.

Buildings on the south and east sides of a street shall have even numbers. Buildings on the north and west sides of a street shall have odd numbers. Where streets do not clearly extend in either a north-south or east-west direction (e.g., circles, diagonal streets and streets that curve) street numbers will be determined by the city.

(Ord. No. 98-3-2, § 6, 5-12-1998)

Sec. 86-137. Assignment of building numbers.

Building numbers (addresses) existing at the time this article is passed, and conforming to the rules specified in this article, shall be considered to be correct. New buildings, and buildings that do not conform to these rules, will be assigned numbers by the city. The city shall have the authority to enforce these rules and shall have the sole authority to determine the correctness of any building number.

(Ord. No. 98-3-2, § 7, 5-12-1998)

Sec. 86-138. Multiple buildings on a single lot.

Multiple buildings on a single lot may have suffixes such as a letter or fraction. Suffixes shall be approved by the city.

(Ord. No. 98-3-2, § 8, 5-12-1998)

Sec. 86-139. Enforcement of rules.

The city shall have the authority to enforce these rules and shall have the sole authority to determine the correctness of any building number. The deadline for conforming to this article is one year from the effective date of the ordinance from which this article is derived. Copies of this article are available at city hall during regular office hours at 309 West Sul Ross Avenue.

(Ord. No. 98-3-2, § 9, 5-12-1998)

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FOOTNOTE(S):

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Cross reference— Buildings and building regulations, ch. 18. ([Back](#))