

CHAPTER EIGHTEEN
STREETS AND SIDEWALKS

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§18-1. Definitions.

City - City of Gillette

City Engineer - City Engineer of the City of Gillette or his authorized representative.

Construction - Any work performed within a public way including but not limited to the repair, alteration, or new construction of streets, sidewalks, curb and gutter, driveways, retaining walls, drainage structures, water lines, sewer lines, electrical power lines, telephone lines, gas lines or television lines, etc..

Excavation - Any work where material, such as soil, asphalt, concrete or gravel, is cut, removed and replaced with suitable material including but not limited to street cuts, curb cuts, sidewalk cuts, driveway cuts, or cuts in public easements.

Person - Any person, firm, partnership, association, corporation, company, or organization of any kind.

Public Easement - Public right-of-way, including but not limited to street right-of-way, public drainage ways and alleys.

Public Way - Public right-of-way, including but not limited to street right-of-way, public drainage ways and alleys. (Ord. No. 1211, 6-29-81.)

Article I. Permits.

Division I. Types of Permits

§18-2. Permit for Excavation of Construction Within a Public way Or Public Easement.

No person shall begin excavation or construction within a public way or public easement without first obtaining a permit from the City Engineer. If, however, an emergency arises in which it becomes necessary to make

immediate excavations in order that the public safety be preserved, then in that event, it shall not be necessary to secure the above said permit prior to making said excavations, provided however, that said permit shall be secured within two (2) working days after said excavation, each day thereafter will be considered a separate offense. (Ord. 1211, 6-29-81.)

§18-3. Permit for Placing Stone, Timber, etc., on Public Way.

No person shall place or cause to be placed any stone, brick, timber, lumber, plank, board, or other material for building or for any purpose whatever in or upon any public way without a permit from the City Engineer. (Ord. 1211, 6-29-81.)

§18-4. Permit for Obstructing Public Ways.

No person shall cause the complete obstruction of any public way for a continuous period of time, not to exceed five (5) minutes, unless he first obtains a permit from the City Engineer. Designated Arterial and Collector streets shall never be completely obstructed without first obtaining a permit from the City Engineer. (Ord. 1211, 6-29-81.)

Division II. Permit Requirements and Fees.

§18-5 Eligibility Requirements.

No person will be eligible to receive a permit to work in any public way unless said person holds a valid Class A Contractors License, issued by the City Building Inspector and said person has provided either a general or special deposit. Exceptions to the eligibility requirements are as follows:

(a) An individual property owner may perform limited construction or repair work immediately adjacent to his property without having a Class A contractors License or without providing either a general or special deposit. The construction or repair work the property owner is limited to is construction or repair of sidewalks, curb and gutter and driveway sections.

However, the property owner is still required to obtain a permit from the City Engineer and must perform the construction or repair work in conformance with the City of Gillette Construction Specifications and Design Standards.

(b) City of Gillette maintenance personnel, when performing work for the City, are not required to obtain a permit, nor are they required to have a Class A Contractors License or a deposit. (Ord. 1211, 6-29-81.)

§18-6. Permit Fee.

The standard fee for any permit required herein is twenty-five dollars (\$25.00). This fee will cover the cost of inspections and administration by the City. (Ord. 1211,6-29-81)

§18-7. Fee for Compaction Tests.

An additional fee of thirty-five dollars (\$35.00) will be charged for each compaction test that is required for the excavation work. The number of compaction tests that will be required shall be based on the following:

- (a) One compaction test for every 20 lineal feet of curb and gutter.
- (b) Once compaction test for every 200 square feet of sidewalk and driveway section.
- (c) One compaction test for every 20 lineal feet of trench excavation per each six (6) feet of depth or one compaction test for every 20 cubic yards of excavation, whichever is greater.
- (d) For general construction work, the schedule of compaction tests shall be that set forth in Section 102.11 of the City of Gillette Construction Specifications and Design Standards. (Ord. 1211, 6-29-81.)

Division III. Deposit Requirements.

§18-8. General Deposit.

Any person applying for a permit must either have a general deposit on file with the City or shall provide a special deposit at the time of applying for the permit.

(a) The general deposit will normally be required from persons who apply for excavation permits on a regular basis. The fee schedule for the general deposit shall be as follows:

(1) When excavations average up to 100 square feet per month, the deposit shall be \$500.00.

(2) When excavations average 100 to 1000 square feet per month, the deposit shall be \$1500.00.

(3) When excavations average 1000 to 5000 square feet per month, the deposit shall be \$3000.00.

(b) If the permittee fails to complete the required work within the allowed time or if the work is not done in accordance with City Specifications, the City will cause the work to be done satisfactorily. The City shall then present a bill to the permittee for the amount expended plus a service charge of 15%.

(c) Upon receipt of a bill from the City for services performed in B., the permittee shall make full payment to the City within two (2) working days.

(d) If the permittee does not make full payment within two (2) working days, the City shall draft funds from the permittee's general deposit to cover the cost of the work plus the 15% service charge.

(e) The city shall not issue any further permits to the permittee until all bills for work performed in B. are paid in full and the general deposit has been reestablished to it's full amount. (Ord. 1211, 6-29-81.)

§18-9. Special Deposit.

(a) A Special Deposit will be required from persons who apply for excavation permits very infrequently. A Special Deposit will also be required from persons who apply for permits for obstructing public ways and for permits for placing stone, timber, etc., on a public way. The Special Deposit will be required at the time of application for their permit and the fee for the Special Deposit will be determined as follows:

(1) The Special Deposit for an excavation permit shall be based on a current schedule of costs that will be posted in the City Engineer's Office. The schedule or costs will be determined on the basis of current prices for labor and materials plus a percentage of the labor and material costs.

(2) The Special Deposit fee on permits for Obstructing Public Ways and permits for Placing Stone, Timber, etc. on Public Ways shall be a standard \$100.00.

(b) Upon completion of the work and after the City Engineer has inspected and approved the work, the Special Deposit will be returned to the permittee. However, if the permittee fails to complete the required work within the allowed time or if the work is not done in accordance with City Specifications, the City will draft the permittee's entire Special Deposit to redo or complete the work. (Ord. 1211, 6-29-81.)

Division IV. Conditions and Construction Requirements

§18-10. Conditions.

The following conditions are in effect regarding the issuance of permits. If any person is found to be not in conformance with one or more

of these conditions, a stop work order will be issued by the City. The stop work order will remain in effect until the conditions are in conformance.

(a) The person applying for a permit must execute an agreement with the City. The agreement shall state the type and quality of work to be performed, shall give the date when the work will be completed, and shall provide a one year warranty from the date the work is completed.

(b) At all times while the work is in progress the permittee shall keep at the work site the original permit for said work. The permittee shall, upon the request of any Public Works Department employee or Police Officer, exhibit said permit.

(c) The permittee cannot transfer or assign the permit to any other person.

(d) The permittee may not have more than three (3) active permits at any one time unless permission is obtained from the City Engineer.

(e) Excavation permits will not be issued for a period of 2 years on streets that have been newly paved, repaved or reconstructed. The only exception is in the case of an emergency declared by the City Engineer. When additional underground service utilities are needed on a new street, the permittee will be required to tunnel or bore the new street in order to provide said services.

(f) One permit may cover more than one excavation provided that one contractor is involved, the work is performed as a continuous operation and the work is in one general location.

(g) The permittee is responsible for contacting "DIG-IN" before doing any excavation. Damages to underground utilities is covered by § 37-12-301 through § 37-12-304, WS 1977.

(h) If any public way will be completely obstructed for a period of more than two (2) hours, the permittee shall notify the Police Department, Fire

Department, Hospital and local news media of the type of obstruction and the length of time the public way will be obstructed.

(i) If any public utility will be out of service for more than five (5) minutes, the permittee shall notify the appropriate persons or agencies who will be affected.

(j) Any person having an excavation permit for any public way or public easement in the City, shall provide a fence or a barrier around said excavation and shall display a lighted sign at said excavation during the hours of darkness. All barricading and signing shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and the Wyoming Supplement to the MUTCD.

(k) If repairs cannot be made due to inclement weather conditions, the permittee shall maintain barricades or the surface of the excavation at his own expense until the complete repair can be made properly. In the case of winter street excavations, cold mix asphalt will be placed in the excavation as often as necessary to maintain a smooth travel surface.

(l) Upon completion and prior to City approval of any permitted work where utility services were provided, the permittee shall provide a sketch showing the location of the new services in relation to property corners or in relation to existing manholes, fire hydrants, or water valves.

(m) The permittee shall indemnify and hold harmless the City of Gillette and its agents and employees from and against all claims, damages, losses and expenses including attorney's fees arising out of or resulting from the performance of the permitted work. (Ord. 1211, 6-29-81.)

§18-11. Construction, General.

(a) All construction will be performed in accordance with the City of Gillette Construction Specifications and Design Standards.

(b) For requirement governing the cutting and repair of streets, see Supplement 612 of the City Design Standards and Construction Specifications. (Ord. 1211, 6-29-81.)

§18-12. Traffic Control and Signing.

The permittee is required to maintain traffic control and provide adequate signing for vehicle and pedestrian traffic until the permit work is completed. (Ord. 1211, 6-29-81.)

§18-13. Penalty.

Any person convicted of violating §18-1 through §18-12 inclusive shall be guilty of a misdemeanor and shall be fined an amount not to exceed Seven-Hundred-Fifty Dollars (\$750.00) per day or part thereof for each day the offense continues. (Ord. 1211, 6-29-81.)

Article II. General.

§18-14 Regulation of Trees in Public Ways.

SECTION I PURPOSE

It shall be the purpose of this ordinance to provide for the safety of persons and property by guarding against certain sign obstructions to both pedestrians and vehicular traffic and to provide supervisory care for the City of Gillette urban forest system.

SECTION II DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

(1) "Street Trees" are defined as trees and other woody vegetation, including shrubs, lying within a dedicated public street or alley right of way or within a dedicated public access easement.

(2) "Public Ways" are defined as property along streets and alleys which lie in a dedicated public right of way or public access easement, including the City owned property lying between the street curb and the property boundary.

(3) "Boulevard of Trees" is defined as those streets where the City of Gillette has responsibility for the planting, care, and maintenance of street trees. The following streets are included in the Boulevard of trees:

(a) Wyoming State Highway No. 59, also known as Douglas Highway, from the South City limits north to Eighth Street.

(b) U.S. Highway No. 14-16, also known as Second Street, from Richards Avenue west to the north City limits.

(c) U.S. Highway No. 14/16, also known as Second Street, from Miller Avenue east to the east City limits including any portion of Wyoming Highway No. 50 included in the route.

(d) 4-J Road from Eighth Street south to the south City limits.

(e) Gillette Avenue from First Street south to Fifth Street.

The care and maintenance of trees or other landscaping installed by the owner or developer of property adjacent to the Boulevard of Trees as a requirement of the City of Gillette Zoning Ordinance, are the responsibility of the particular owner or developer.

(4) "Parks" are defined as all property dedicated to the public for use as park or recreational areas.

(5) "Green Belt Drainage Ways" are defined as all public property including dedicated easements that have the primary function of storing, detaining, or containing storm water discharges.

***SECTION III CREATION AND ESTABLISHMENT OF A CITY
TREE BOARD***

There is hereby created and established a City Tree Board for the City of Gillette, Wyoming, which shall be the Gillette Parks and Beautification Board.

***SECTION IV DUTIES AND RESPONSIBILITIES OF THE CITY
TREE BOARD***

It shall be the responsibility of the City Tree Board to develop a written yearly recommendation for the care, preservation, planting, maintenance, and removal of street trees and trees located in parks, greenbelt drainage areas, or other public areas.

The Tree Board shall consider, investigate and recommend upon any special matter or question regarding the tree ordinance. Staff assistance and advice will be provided by the City Parks and Landscaping Superintendent, the City Engineer, and the Director of Utilities.

***SECTION V MAINTENANCE OF TREES AND PLANT GROWTH ON
PUBLIC WAYS***

(1) It shall be unlawful for any person to plant, remove, destroy, cut, or deface, or in any way injure any tree or shrub located in a public way of the City without the approval of the City Administrator or his designee.

There shall be no charge for any permit used to implement an approval process.

(2) Except in areas designated as Parks or within the Boulevard of Trees, plantings may be made within Public Ways by the owner of the abutting property who shall be responsible for the maintenance of all such plantings.

(3) The City may, at all times, trim, remove, or otherwise treat any trees or other plant growth within a Public Way in its sole discretion as it may deem necessary in the public interest. Street trees shall be trimmed so they do not obstruct illumination of any street light or view of traffic signals or signs.

(4) Property owners must maintain trees/shrubs on their property and the public way abutting their property so they do not protrude over sidewalks or in any way interfere with the free passage of any person along streets and sidewalks in the City.

(5) The Tree Board can require any property owner to remove any tree or shrub on their property upon discovery of any destructive or communicable disease or other pestilence which endangers the growth, health, or well being of trees or plants in the City, by serving a written notice describing the diseased plants and setting a date by which the removal work shall be performed, upon the property owner. The action of the Board shall be supported by a report from a qualified individual containing a positive identification of the diseases or other pestilence which shall be served with the notice. Examples of diseases or other pestilence which require the removal of trees include Dutch Elm Disease and Pine Bark Beetle infestations.

Upon failure of any person to comply with the provisions of a removal notice within the time set by the Tree Board, the City may cause the removal work to be done and charge the cost of the removal work to the property owner. All charges for the removal of trees or plants pursuant to this section

duly ordered by the Tree Board shall be due and payable 15 days from the date a bill detailing the charges is mailed to the property owner at the address used by the County Treasurer for property taxes. The City may institute an appropriate legal action for the recovery of removal charges thereafter and shall be entitled to the recovery of all of its reasonable attorneys fees incurred in the collection of the removal charge even if no legal action is filed.

SECTION VI SPACING AND UTILITIES

1. The distance between street trees and the distance from sidewalks, streets, or curbs on public ways shall be determined by the Tree Board to provide for and conform with the mature growth of the species involved. The City Administrator or his designee shall maintain information and/or drawings, as needed, to assist the public in determining appropriate distances.

2. No street tree shall be planted within the sight triangle as defined by the City of Gillette Zoning Ordinance. No street trees shall be planted closer than ten (10) feet from any fire hydrant.

3. No street trees, other than those specifically approved by the Tree Board, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground waterline, sewer line, transmission line, or other utility.

4. No trees or shrubs shall be planted in any public way or utility easement without the owner or person responsible for the planting first obtaining utility locates for the planting area.

5. No tree or shrub shall be planted in a dedicated drainage easement, including a greenbelt drainage way, without the specific written approval of the City Engineer.

SECTION VII TREE SERVICE LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of trimming, spraying or removing street trees without first applying for and procuring a Contractor's License. All applicants shall file evidence of possession of liability insurance and applicants who intend to spray shall file evidence of possession of a Wyoming Commercial Herbicide, Pesticide Applicator's License.

SECTION VIII OTHER DUTIES OF THE TREE BOARD

The Tree Board shall have other duties including:

(a) Developing tree planting and tree care programs to assist the residents of the City in establishing and maintaining the urban forest system.

(b) Provide recommendation to City Staff and City Council on programs related to the urban forest system.

(c) Coordinate with other public and private entities with an interest in the urban forest system. (C.O. 1948, §176; Ord 1861, 10-19-92)

§18-15. Damaging, etc., Street Signs.

It shall be unlawful for any person to damage, deface, or destroy any street or traffic control sign that may be placed to mark a street or to control traffic in the City.

§18-16. Renaming streets.

The official name of any street, avenue, or other public thoroughfare is that name appearing on the plat or other instrument originally dedicating such street to a public use, unless said name is changed by action of the governing body as hereafter provided. The governing body may by

resolution change the name of a street, avenue or other public highway when it finds that the name to be changed duplicates another previously used name or when it finds that a change would advance the public interest in promoting clarity and uniformity in street names. The resolution shall state with clarity the affected city subdivision, the name to be changed, the change sought and a short statement explaining the findings of the governing body supporting the change. The city clerk shall keep all such resolutions passed pursuant to this ordinance and shall cause a copy of each to be filed with the clerk of Campbell County and ex-officio recorder of deeds. (Ord. 908, §1, 11-21-77.)

§18-17. Removal of obstructions by owner or occupant of abutting property--Generally.

(a) It shall be unlawful for any person owning or occupying any property within the city or abutting upon any street thereof to permit any obstruction other than snow to remain upon any sidewalk in front of or adjacent to property so owned or occupied for a period of more than twelve hours after such obstruction has obstructed free passage of such sidewalk. (C.O. 1948, § 250.)

(b) The owners of occupants of any real estate in the city shall be required to remove the snow from the sidewalk adjoining such property within twenty-four hours after the fall of the snow; provided, that only the snow lying on the sidewalks may be pushed into the streets; and provided further that no accumulation of snow from privately owned lands or from parking areas shall be removed and pushed into the street. (Ord. 489, § 1, 2-1-65.)

§18-18. Permitting sidewalks to remain out of repair or unsafe or dangerous.

It shall be unlawful for any owner or occupant of any premises knowingly to permit or suffer any sidewalk abutting on or in front of any building or premises owned or occupied by him to be or to remain out of repair so as to be in any way unsafe or dangerous to travelers thereon.

Any person who shall violate any of the provisions of the first paragraph of this section and any person who, after having received a notice from the building inspector that such sidewalk is out of repair and in an unsafe or dangerous condition, shall fail, neglect or refuse to comply with the requirements of such notice or shall fail, neglect or refuse to put the sidewalk in a safe condition shall be guilty of a misdemeanor. (C.O. 1948, § 245; Ord. 549, § 1, (9-16-68.)

§18-19. Monuments, Property Corners, Reference Points.

Whosoever shall willfully or negligently cause the displacement, removal of or alteration of the location of any monument, property corner or any reference point in the boundary of a tract of land; or deface or alter markings upon any monument, property corner or landmark used for the purpose of designating any point course; or line in the boundary of any tract of land; or break, cut down or remove any monument, landmark or property corner upon which such mark is made shall be guilty of a misdemeanor and be fined not more than \$200.00. (Ord. 1122, 7-21-80.)

§18-20. Retaining Walls.

It shall be unlawful to construct a retaining wall in a public way or a public easement unless the retaining wall is constructed at least (4) feet back of curb; and the retaining wall is construct not more than three (3) feet in height.

§18-21. Driveways.

All driveway sections shall be installed as far as possible from a street intersection and shall be constructed in accordance with the City of Gillette Design Standards and Construction Specifications.

§18-22. Curb and Gutter.

It shall be unlawful for any person to remove only the curb section when reconstructing curb and gutter. The entire curb and gutter section must be removed and replaced in accordance with the City of Gillette Design Standards and Construction Specifications. The City Engineer may allow exceptions when he finds the proposed repair procedure adequately protects City streets.