

Title 12

Streets and Public Improvements

Chapters:

12.05 Driveway Approaches

12.10 Cutting and Excavation of Streets

Chapter 12.05

Driveway Approaches

Sections:

- 12.05.010 Driveway approach permits.
- 12.05.020 Purpose of driveway approach permit.
- 12.05.030 Driveway approach standards.
- 12.05.040 Driveway approach permits required.
- 12.05.050 Construction permit application and fees.
- 12.05.060 Construction plans.
- 12.05.070 Conduct of work.
- 12.05.080 Suspension of permit.
- 12.05.090 Notice of completion of work.
- 12.05.100 Enforcement and penalty.

12.05.010 Driveway approach permits.

For purposes of this chapter, a driveway approach is defined as that portion of the private road serving a lot or lots that extends from the property line to the roadway of the abutting street. A driveway approach permit is required for the construction of a new driveway, for the relocation of an existing driveway, and for major improvements to an existing driveway. [Ord. P10-56 § 1, 2000.]

12.05.020 Purpose of driveway approach permit.

Driveway approach permits are required to assure that driveway approaches are:

- A. Wide enough to handle the anticipated traffic and type of vehicle expected to use the driveway.
- B. Located far enough from street intersections to minimize potential traffic safety hazards.
- C. Designed and constructed with materials and methods to prevent the creation of traffic safety hazards and to assure that driveway approach conditions will not result in drainage or roadway maintenance problems. [Ord. P10-56 § 2, 2000.]

12.05.030 Driveway approach standards.

A. Driveway approach standards shall be adopted by resolution of the Lyons city council. A copy of the driveway approach standards is available and on file in the office of the Lyons city recorder. Work to be done and materials to be used for any driveway approach within the city of Lyons

shall conform to the driveway approach standards as adopted by resolution, or as that resolution may be amended from time to time.

B. The following general standards shall apply to driveway approach permits:

- 1. The driveway shall intersect with the street at as close to a right angle as is possible.
- 2. The driveway approach shall be at least 30 feet from the nearest intersecting street.
- 3. Each property in the city is entitled to a driveway. However, under some circumstances the joint or multiple use of a driveway shall be encouraged.
- 4. The driveway approach shall conform to the adopted driveway approach standards, including pavement of the driveway apron. [Ord. G2-2015 § 1, 2015; Ord. P10-56 § 3, 2000. Amended during 2006 recodification.]

12.05.040 Driveway approach permits required.

No person shall begin to construct, reconstruct, or relocate any driveway approach within the city of Lyons without first obtaining a driveway approach permit from the city of Lyons, paying all required plan review and construction permit fees, and obtaining a construction permit therefor as provided in this chapter. [Ord. P10-56 § 4, 2000.]

12.05.050 Construction permit application and fees.

A. An applicant shall file an application for a driveway approach permit. The application shall include the following information:

- 1. Name, address and phone number of the owner or owners of the property, the developer of the property, the designer of the driveway approach, and the person doing the work;
- 2. Address of the property together with identification of the property by assessor's map identification (township, range, section, tax lot);
- 3. Location of the work area on the property;
- 4. Construction plans as specified in LMC 12.05.060.

B. Estimated Cost of the Project. The application shall be accompanied by a fee in an amount as determined by a fee schedule adopted by resolution of the Lyons city council. Work being done by the city of Lyons shall be exempt from the fee. Work being done by franchise utilities shall be exempt

from permit fees to the extent provided by the franchise agreements with the city. Permit fees shall be nonrefundable. [Ord. P10-56 § 5, 2000.]

12.05.060 Construction plans.

A. Construction plans shall be submitted to the city of Lyons with the application for permits required by this chapter. The construction plans shall have the written approval of the street commissioner, or his designated representative, prior to issuance of the permit. The street commissioner may request the assistance of the city engineer in review of the plans. All plans shall be reviewed for conformance with the driveway approach standards as required by this chapter.

B. The construction plans shall include:

1. The location of the driveway in relation to the property corners, the street, utilities, poles, manholes, drains and other pertinent features such as mailboxes, sidewalks and meters.

2. The depth, width and slope of drainage channels flowing to, under and from the planned driveway approach.

3. The planned cross section of the driveway as it is to be constructed. Depth of compacted, crushed rock, and pavement shall specifically be included.

4. Materials used for the culvert, pavement and other features.

5. Street address, tax lot and assessor's map identification, north arrow and scale.

6. The proposed grade of the driveway.

C. Plan approval shall be void upon expiration of six months from the date of written plan approval, except that the time period may be extended for an additional six months by the street commissioner upon a determination that circumstances have not changed sufficiently to require submittal of new construction plans. [Ord. P10-56 § 6, 2000.]

12.05.070 Conduct of work.

A. All work under said permits shall be completed in conformity with the provisions of this chapter, the terms of the application and construction permits, and under the supervision and subject to the approval of the street commissioner, or his designated representative. Upon completion of work, all surplus earth, rock, debris, rubbish or other materials shall be removed immediately and

the street restored to a condition as good as or better than existed prior to the work. No work shall be undertaken other than that specified in the application and permit for the particular project.

B. In the absence of the street commissioner, the mayor shall appoint another city council member to temporarily fill the position of the street commissioner, or shall designate the city engineer to fill the position on a temporary basis.

C. Whenever it is determined necessary or appropriate, the street commissioner shall request assistance in making a decision by the city engineer or by the city council. [Ord. P10-56 § 7, 2000.]

12.05.080 Suspension of permit.

A. At any time after the issuance of a construction permit required by this chapter, the street commissioner may suspend the same upon a finding that any of the following grounds exist:

1. False, misleading, or erroneous data or information submitted by the applicant in connection with securing the permit.

2. Materials or workmanship which do not meet specifications for the construction or installation of the permitted improvement, or construction or installation which varies from the approved plan or design of the improvements.

3. Violation of any of the provisions of LMC Titles 17 or 18, or of any work authorized under the provisions of these titles.

B. Upon suspension of a construction permit, the street commissioner shall cause to be issued a written stop work order. One copy of the stop work order shall be sent by regular mail to the permittee at the address shown on the permit application; one copy shall be sent by regular mail to the person in charge of any work in progress; and one copy shall be retained by the city recorder as a part of the file related to the project.

C. It shall be unlawful for any person to cause or permit any work to be done for which a permit is required by this chapter when a stop work order has been issued.

D. Any person whose permit has been suspended as provided for in this section may appeal such action to the Lyons city council at the next regularly scheduled council meeting. Notwithstanding the provisions for appeal to the city council, the filing of an appeal shall not stay the effect

of a stop work order issued under the provisions of this section. [Ord. G2-2015 § 1, 2015; Ord. P10-56 § 8, 2000. Amended during 2006 recodification.]

12.05.090 Notice of completion of work.

Within two working days of completion of the work for which a permit is required under this chapter, the permit applicant shall contact the street commissioner stating that such work has been completed and request a final inspection of the work. The street commissioner, or his designee, shall review the final work for compliance with the approved plans and the requirements of this chapter within five working days of the request for final inspection. [Ord. P10-56 § 9, 2000.]

12.05.100 Enforcement and penalty.

A. A violation of this chapter shall be enforced pursuant to the city of Lyons enforcement ordinance.

B. Failure to comply with any provision of this chapter, or with any restrictions or conditions imposed hereunder, or failure to comply with the conditions of a construction permit as approved by the city shall subject the person who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this chapter to the enforcement procedures and penalties as specified by Chapter 1.25 LMC.

C. A violation of the provisions of this chapter is declared to be an offense, but not a crime. It is intended to be an offense that can be disposed of in all respects as a civil proceeding and not governed by procedural, evidentiary, substantive, and constitutional rules applicable to criminal charges and proceedings. A person adjudged responsible for a violation shall not be deemed guilty of a violation and a judgment of responsibility shall not be deemed a conviction for any purpose. [Ord. P10-56 § 10, 2000.]

Chapter 12.10

Cutting and Excavation of Streets

Sections:

- 12.10.010 Street excavations and restorations.
- 12.10.020 Location and relocation of facilities.
- 12.10.030 City approval of cut or excavation restoration projects.
- 12.10.040 Enforcement and penalty.

12.10.010 Street excavations and restorations.

A. Subject to the provisions of this chapter, a public utility agency operating within the city of Lyons or other party authorized by the city of Lyons may make necessary excavations within the street right-of-way for the purpose of constructing, installing, maintaining and operating its public utility facilities or similar improvements. Except in emergencies, and in the performance of making routine service connections and ordinary maintenance, prior to making a cut or excavation in the right-of-way of any street, the public utility agency or other authorized party shall obtain approval from the city for the proposed cut or excavation and its location. The public utility agency shall give notice to the city by telephone, fax, or other appropriate means:

1. Two working days prior to the commencement of service or maintenance work; or
2. As soon as is practicable after the commencement of work performed under emergency conditions.

B. When any excavation or cut is made by a public utility agency or other authorized party, that agency shall promptly repair the affected portion of the street. If the public utility agency or other authorized party fails to repair the affected portion of the street within the time period as set out in the authorization to a condition acceptable to the city, the city shall make the repair, and the cost thereof shall be reimbursed to the city by the public utility agency or other authorized party.

C. The authorized time period for street repair shall not exceed 15 days, except that during periods of inclement weather, the city may extend the time period.

D. Upon completion of work, all surplus earth, rock, debris, rubbish or other materials shall be removed immediately and the street restored to a

condition as good as or better than what existed prior to the work. [Ord. P10-54 § 1, 2000.]

12.10.020 Location and relocation of facilities.

A. All facilities of the public utility agency shall be placed so that they do not interfere unreasonably with the use by the city and by the public of the streets. They shall be placed in accordance with the specifications adopted by the city governing the location of facilities. In the absence of street design and engineering standards, the improvement shall be accomplished as directed by the street commissioner, or his designee.

B. The city may require, in the public interest, the removal or relocation of facilities maintained by the public utility agency in the street right-of-way of the city. The public utility agency shall remove and relocate the facility within a reasonable time after receiving written notice to do so from the city of Lyons. The cost of such removal or relocation of these facilities shall be paid by the public utility agency. When such removal or relocation is required for the convenience or benefit of any person, governmental agency or instrumentality other than the city, the public utility agency shall be entitled to reimbursement for the reasonable cost thereof from such person, agency or instrumentality. [Ord. P10-54 § 2, 2000.]

12.10.030 City approval of cut or excavation restoration projects.

A. The overlay or restoration of a cut shall meet all requirements as outlined in the street design and engineering standards adopted by the city and shall be approved by the street commissioner. In the absence of street design and engineering standards, the overlay or restoration of a cut shall be accomplished as directed by the street commissioner, or his designee.

B. In the absence of the street commissioner, the mayor shall appoint another council member to temporarily fill the position of the street commissioner, or shall designate the city engineer to fill the position on a temporary basis.

C. Whenever it is determined necessary or appropriate, the street commissioner shall request assistance in making a decision by the city engineer or by the city council.

D. All decisions made by the street commissioner shall be reported to the city council at the

next regularly scheduled meeting of the city council. [Ord. P10-54 § 3, 2000.]

12.10.040 Enforcement and penalty.

A. A violation of this chapter shall be enforced pursuant to Chapter 1.25 LMC.

B. Failure to comply with any provision of this chapter, or with any restrictions or conditions imposed hereunder, or failure to comply with the conditions for the cut or excavation as approved by the city, shall subject the public utility agency or other party authorized by the city who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter to the enforcement procedures and penalties as specified by Chapter 1.25 LMC.

C. A violation of the provisions of this chapter is declared to be an offense, but not a crime. It is intended to be an offense that can be disposed of in all respects as a civil proceeding and not governed by procedural, evidentiary, substantive, and constitutional rules applicable to criminal charges and proceedings. A party adjudged responsible for an infraction shall not be deemed guilty of an infraction and a judgment of responsibility shall not be deemed a conviction for any purpose. [Ord. P10-54 § 4, 2000.]