

CHAPTER 1

SIDEWALKS

SECTION:

- 6-1-1: Responsibility To Construct, Reconstruct And/Or Repair
- 6-1-2: Petition For Construction; Order For Construction
- 6-1-3: Specifications For Construction
- 6-1-4: Construction Standards Enforced; Supervision
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6-1-1: RESPONSIBILITY TO CONSTRUCT, RECONSTRUCT AND/OR REPAIR:

All sidewalks shall be constructed, reconstructed and repaired by the owners of property abutting thereon, and when property owners fail to construct, reconstruct or repair such sidewalk, then such sidewalk shall be constructed, reconstructed or repaired by the town at the cost or expense of the owner or owners, and assessed against the property abutting thereon as by law provided. (Ord. 113, 4-3-1911)

6-1-2: PETITION FOR CONSTRUCTION; ORDER FOR CONSTRUCTION:

Whenever a majority of resident property owners abutting upon any street or avenue, or any part thereof, shall petition the council to order the construction, reconstruction or repairing of any sidewalk or whenever the majority of the council shall deem it to be advisable and necessary to construct, reconstruct or repair any sidewalk, they shall order, by resolution of the council, such improvement to be made, clearly defining and stating the street and avenues, or parts thereof, the terminal point of such walk, the material to be used, the manner of construction and the payment therefor. (Ord. 113, 4-3-1911)

6-1-3: SPECIFICATIONS FOR CONSTRUCTION:

- A. Grade: Such sidewalks to be laid to the established grades.
- B. Minimum Width:
1. Residential Areas: Such sidewalks shall, in the residence portion thereof, be laid within four feet (4') of the lot line and be four feet eight inches (4'8") in width and shall be laid up to the lot line.
 2. Business Areas: In business portions, such sidewalks shall be ten feet (10') wide on eighty foot (80') streets and twelve feet (12') wide on one hundred foot (100') streets.
- C. Tamping; Base: Prior to the laying of any sidewalks, the ground shall be thoroughly tamped so as to allow no settling in the finished sidewalk, and a base shall be so prepared as to admit not less than two inches (2") of gravel in residence portions and four inches (4") of gravel in business portions for drainage, which shall be thoroughly tamped to prevent settling of said sidewalks.
- D. Concrete Foundation: Upon the gravel base after it has been well sprinkled with water, the concrete foundation shall be composed of one part Portland cement of a quality complying with the standard specifications of the American society for testing material; three (3) parts clean, sharp sand screened thoroughly through a one-fourth inch ($\frac{1}{4}$ ") mesh screen and five (5) parts gravel to pass through a two inch (2") ring. The sand and gravel shall be free from soil and vegetable matter.
- E. Top Coat: Such foundation shall be well tamped and of a depth of three inches (3"), with a top coat one inch (1") thick composed of one part Portland cement and two (2) parts clean, sharp sand. For all walks in residence portion and in business portion, the foundation shall be of the same above composition and four inches (4") thick, and the top coat shall be of the same composition and thickness as for residence walks.
- F. Surface: The surface coat shall be placed before the initial set of the foundation has taken place and in no case more than thirty (30) minutes. The surface shall be struck and brought to grade by a straightedge running upon the top of the side forms. The surface shall be trowelled and floated so as to produce a smooth hard surface, but not one that is glassy or slippery. Roughening or grooving shall be in the manner designated by the inspector. The

slope of the walk and parking shall be the same as the established grades of the town.

- G. Blocks: All walks in residence portion shall be in blocks of four feet eight inches (4'8") square, on all twelve foot (12') walks, they shall be six feet (6') square, and on ten foot (10') walks, they shall be five feet (5') square, cut clear through, either by using wood or steel templates of a top thickness of three-eighths inch ($\frac{3}{8}$ "). Templates to be drawn after concrete has taken its initial set. Where walks are extended to curb, seven inches (7") shall be marked off for curb in business portion and five inches (5") in residence portion.
- H. Measuring; Mixing: The method of measuring the material shall be approved by the inspector. Mixing may be done either by machine or by hand. If by machinery, the proportions shall be as above, and sufficient water used to make a wet mixture of a jelly like consistency, and so thoroughly mixed that the sand and gravel are entirely covered with a film of cement. If mixed by hand the sand, gravel and cement shall first be mixed dry. The inspector may prescribe the number of times it shall be turned over wet or dry to accomplish the desired results. In general, it shall be turned over four (4) times dry and three (3) times wet.
- I. Acceptance By Inspector: The inspector may accept a clean natural mixture of sand and gravel if it is uniform and contains no dirt, sticks or stones than as above specified. In such case, the proportion shall not be more than one part cement to eight (8) parts clean mixture; provided, that said mixture shall be accepted. Retempering, i.e., remixing with additional water, mortar or concrete that has partly set, will not be permitted. (Ord. 113, 4-3-1911)

6-1-4: CONSTRUCTION STANDARDS ENFORCED; SUPERVISION:

All sidewalks shall be constructed under the supervision of the town committee on streets or the crew supervisor, as the council may direct, who shall have power to inspect all material and who shall report all poor work or material to the council. The council may condemn all walks or parts of walks improperly constructed and cause the same be removed and reconstructed without cost or expense to the town. But in no case shall any walk or walks be ordered to be constructed or reconstructed until the town has or is ready to construct proper street crossings connecting with such walks. Nothing in this chapter shall prevent property owners from constructing walks at any time complying with this chapter. (Ord. 113, 4-3-1911; amd. 2003 Code)

6-1-5: NEW CONSTRUCTION ORDERED BY RESOLUTION OF COUNCIL:

- A. **Ordered By Resolution:** All walks hereafter built shall be ordered constructed by resolution of the town council duly passed and adopted designating the streets, avenues and alleys, when to be laid, the terminal points, the width of walks and the material to be used therein and the manner of payment therefor; which resolution shall, after its passage and adoption, be published as by law required, and said resolution shall state the time when said walk shall be completed.
- B. **Notice:** A notice, in writing, shall be served by the crew supervisor of the time and manner of constructing such walks, the kind and proportion of material to be used, and shall post such notice on some conspicuous place on the property belonging to nonresidents, and shall be served upon absentees by leaving said notice with some adult member of the family, or place of his or her abode. Service of said notice on nonresident owners shall be made by registered mail, and any of said service shall be deemed a sufficient service of such notice. (Ord. 113, 4-3-1911)

6-1-6: FAILURE TO COMPLY:

- A. **Construction By Town:** At the expiration of ten (10) days after the service of such notice, if the sidewalk or any part thereof has not been constructed by the property owner or owners abutting on said walk so ordered to be constructed, the town council shall proceed to construct such walks as have been so ordered by its resolution, under the direction and supervision of the committee on streets, avenues and alleys or the crew supervisor as the council may elect.
- B. **Costs And Expense:** After the completion of such walks, the crew supervisor shall furnish the council an accurate itemized statement of the cost and expense of such walks. The council shall thereupon apportion the same, charging against each lot or part of lot with its proper portion of the cost and expense of constructing according to its proportion, according to the front foot of each lot or part of lot and shall add thereto twenty percent (20%) of such amount to defray the cost of collection. The town council shall thereupon assess the proper cost and expense so found upon each lot or part of lot and place the same upon the tax list for the current year as a special assessment against such property, and such assessment shall be collected in the same manner as the general town taxes are now and may hereafter be collected, and the town clerk-treasurer shall have the same power to enforce collection by distress and sale of the real estate as he now has for the collection of the town taxes. (Ord. 113, 4-3-1911; amd. 2003 Code)

6-1-7: RECONSTRUCTION OR REPAIR:

Whenever any sidewalk shall be in need of reconstruction or repair so as to conform to the requirements of this chapter, the council shall direct the crew supervisor to serve notice, in writing, upon the owner or agents of the abutting property requiring the owner or agent to rebuild or repair such walk within fifteen (15) days after the service of such notice, and if such walk is not rebuilt or repaired within said fifteen (15) days thereafter said walk shall be rebuilt or repaired by the town in the same manner and upon the same terms as herein provided for first construction thereof. (Ord. 113, 4-3-1911; amd. 2003 Code)

6-1-7: SNOW AND ICE REMOVAL:

- A. **Responsibility For Removal:** The owner or occupant of any premises in the town, in front of which or along which any sidewalk has been or shall be constructed, is hereby required to keep said sidewalk free from ice and snow, and shall not allow ice and snow to remain thereon longer than twenty four (24) hours after the same has fallen or been deposited thereon.
- B. **Removal By Town:** It shall be the duty of the crew supervisor, if said sidewalk shall not be cleaned, as provided in subsection A of this section, and shall not be free from ice and snow within twenty four (24) hours after the same shall have fallen thereon, to forthwith clean said sidewalk.
- C. **Costs And Expenses Of Removal:** In all cases where the sidewalk shall have been cleaned as provided by subsection B of this section, the crew supervisor shall return to the town council an accurate and itemized report of the costs and expenses of cleaning said sidewalk; the town council shall thereupon apportion the same, charging each lot or portion of lot with its proportion of the costs and expenses of cleaning the sidewalk according to the front foot of each lot or part of lot abutting on said sidewalk, and shall add thereto twenty percent (20%) for the cost of collection. The town council shall thereupon assess and place upon the tax list for the current year the proportion of the cost and expenses of cleaning such sidewalk as a special assessment against each lot or part lot abutting thereon, such assessment

shall be collected in the same manner as the general taxes are now collected, and the town clerk-treasurer shall have the same power to enforce collection by distress and sale of personal property and real estate as he now has for the collection of town taxes. (Ord. 55, 1-7-1907; amd. 2003 Code)

CHAPTER 2

STREETS, AVENUES, ALLEYS AND SIDEWALKS

SECTION:

- 6-2-1: Grade
- 6-2-2: Elevations
- 6-2-3: Grades For Alleys
- 6-2-4: Curb Grade
- 6-2-5: Width Of Walks
- 6-2-6: Width Of Curb
- 6-2-7: Street Cross Section
- 6-2-8: Tree Line
- 6-2-9: Penalty

6-2-1: **GRADE:**

The following grades for the streets avenues, alleys and sidewalks within the limits of the town are hereby adopted, and are declared to be the lawful grade on all streets herein mentioned, the grade being a uniform straight line between the points specified in the streets, avenues, or alleys named in the respective sections:

- A. East Side: Curb grade center of Block 6, east side, Basin Land Company's Addition - 4014.70.
- B. West Side: Curb grade center of Block 7, west side, Basin Land Company's Addition - 4013.70. (Ord. 103, 5-16-1910)

6-2-2: **ELEVATIONS:**

The elevation of street intersections, curbs and property line grades are the same on the north and south side of east and west streets. Elevations given are for curb corners only from which the street grades and property grades are determined and on file in the office of the town engineer. From the curb line to the property line, the sidewalk area rises one inch in four feet (1":4'). The property line grade is 0.33 foot higher on eighty foot (80') streets and 0.42 foot on one hundred foot (100') streets than the curb line. (Ord. 103, 5-16-1910)

6-2-3: GRADES FOR ALLEYS:

The grades for all alleys shall be determined by a straight line from the grade line of one street through the center of the alley to the grade line of the street opposite. (Ord. 103, 5-16-1910)

6-2-4: CURB GRADE:

The curb in line with the property line around the corner to and in line with the other property line shall be the same elevation as the grade slopes from there to the corresponding point at the next corner of the block. (Ord. 103, 5-16-1910)

6-2-5: WIDTH OF WALKS:

All permanent walks, such as stone or concrete in residence districts, shall hereafter be not less than four feet eight inches (4'8") wide, and the inside of the walk shall be four feet (4') from the property line. All walks shall extend to the curb line. (Ord. 103, 5-16-1910)

6-2-6: WIDTH OF CURB:

The curb line shall be sixteen feet (16') on eighty foot (80') streets, twenty feet (20') on one hundred foot (100') streets, and on both north and south streets the curb shall be eight feet (8') from the property line. (Ord. 103, 5-16-1910)

6-2-7: STREET CROSS SECTION:

The cross section of earth streets shall, so far as practicable, slope one foot (1') down from the center of the street to the bottom of the gutter, thence rise one foot (1') to top of curb. (Ord. 103, 5-16-1910)

6-2-8: TREE LINE:

The tree line on eighty foot (80') streets shall be thirteen feet (13') and on one hundred foot (100') streets shall be fifteen feet (15') from property line. (Ord. 103, 5-16-1910)

6-2-9: PENALTY:

Any person who shall violate any of the provisions of this chapter by not placing all permanent construction on grade, shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 103, 5-16-1910; amd. 2003 Code)

CHAPTER 3

EXCAVATIONS

SECTION:

- 6-3--1: Definitions
- 6-3--2: Permit Required
- 6-3--3: Rules And Regulations
- 6-3--4: Inspections
- 6-3--5: Barriers; Warning Devices
- 6-3--6: Crossings And Passageways
- 6-3--7: Routing Traffic; Closing Streets
- 6-3--8: Emergency Excavations
- 6-3--9: Liability Of Town And Town Employees
- 6-3-10: Conduct Of Work

6-3-1: **DEFINITIONS:**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ADMINISTRATIVE AUTHORITY: The official of the town of Basin vested with supervision of all public places in the town or his authorized representative.

EXCAVATION: Any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

FACILITY: Any material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place. (2003 Code)

6-3-2: PERMIT REQUIRED:

- A. Required: No person shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the administrative authority, except as otherwise provided in this chapter. No permit to make an excavation or fill an excavation in a public place shall be issued except as provided in this chapter.
- B. Application:
1. Submission: No excavation permit shall be issued unless an application for the issuance of an excavation permit is submitted to the administrative authority.
 2. Contents: The application shall state the name and address and principal place of business of the applicant, the authority of the applicant to occupy the public place for which the permit is sought, the location and dimensions of the installation or removal for which excavation is to be made, the purpose of the facility and the length of time which will be required to complete such work, including backfilling such excavation and removing all obstructions, material and debris.
- C. Approved Application Constitutes Permit: The application, when approved and signed by the administrative authority, shall constitute a permit.
- D. Annual Blanket Permit: The administrative authority may issue an annual blanket permit for the purpose of placing, replacing or repairing any facility within a public place to the following:
1. A public utility regulated by the public utilities commission of the state.
 2. A person holding a franchise from the municipality. (2003 Code)

6-3-3: RULES AND REGULATIONS:

The administrative authority shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter. (2003 Code)

6-3-4: INSPECTIONS:

The administrative authority shall make such inspections as are reasonably necessary in the enforcement of this chapter. (2003 Code)

6-3-5: BARRIERS; WARNING DEVICES:

- A. Required: It shall be the duty of every person, cutting or making an excavation in or upon any public place, to place and maintain such barriers and warning devices as may be necessary for safety.
- B. Barriers: Barriers shall meet the requirements of the administrative authority.
- C. Warning Lights: Warning lights shall be used from sunset of each day to sunrise of the following day and shall emit light of sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. (2003 Code)

6-3-6: CROSSINGS AND PASSAGEWAYS:

A permittee under this chapter shall maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections, where possible, and safe crossings for pedestrians. If any excavation is made across any public street, alley or sidewalk, at least one safe crossing shall be maintained, when possible, for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half ($1/2$) the sidewalk width shall be maintained along such sidewalk line. (2003 Code)

6-3-7: ROUTING TRAFFIC; CLOSING STREETS:

A permittee under this chapter shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public; provided, that the administrative authority may permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. (2003 Code)

6-3-8: EMERGENCY EXCAVATIONS:

Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in any conduit or pipe or for making repairs; provided, that the person making such excavation shall apply to the administrative authority for an excavation permit on the first working day after such work is commenced. (2003 Code)

6-3-9: LIABILITY OF TOWN AND TOWN EMPLOYEES:

This chapter shall not be construed as imposing upon the town or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued, nor shall the town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized under this chapter, the issuance of any permit or the approval of any excavation work. (2003 Code)

6-3-10: CONDUCT OF WORK:

- A. Prompt Completion Of Work And Restoration Required: After an excavation is commenced, the permittee under this chapter shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street, sidewalk or alley to its original condition or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.
- B. Authority To Cause Work To Be Done Twenty Four Hours Per Day: If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the administrative authority shall have full power to order, at the time the permit for excavation work is granted, that a crew of men and adequate facilities be employed by the permittee twenty four (24) hours a day to the end that such excavation work may be completed as soon as possible.
- C. Inconvenience, Annoyance: Each permittee under this chapter shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable, in the performance of the excavation work, noise, dust and unsightly

debris, and, during the hours of ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M., shall not use, except with written permission of the administrative authority or, in case of an emergency, as otherwise provided in this chapter, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of neighboring property.

D. Interference With Access To Fire Hydrants, Fire Escapes And Other Vital Equipment: All excavation work under this chapter shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures or any other vital equipment as designated by the administrative authority.

E. Relocation And Protection Of Facilities:

1. Consent Required: A permittee under this chapter shall not interfere with any existing facility without the written consent of the administrative authority and the owner of the facility.

2. Relocation; Cost: If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the town shall be moved to accommodate the permittee unless the costs of such work is borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee, unless he makes other arrangements with the person owning the facility.

3. Existing Pipes, Poles, Wires Or Other Apparatus: The permittee shall support and protect all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across such work. In case any of such pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the person owning them and the expense of such repairs shall be charged to the permittee, and his bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water, sewer, or gas pipe, electric conduit or other facility. The permittee shall inform himself as to the existence and location of all underground facilities and protect the same against damage.

F. Protection Of Adjoining Property:

A. A permittee under this chapter shall, at all times and at his own expense, preserve and protect from injury any adjoining property by

providing proper foundations and taking other measures suitable for that purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain license from the owner of such private property for such purpose and if he cannot obtain a license from such owner, the administrative authority may authorize him to enter the private premises solely for the purpose of making the property safe.

- B. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his failure to properly protect and carry out such work.

- G. Care Of Lawn Areas; Removal Of Trees And Shrubs From Parking Strip Areas:
 - 1. Lawn Areas: Whenever it may be necessary for a permittee under this chapter to trench through any lawn area, all construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed before such work began.
 - 2. Trees And Shrubs: The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the town council.

- H. Breaking Through Pavement: The following provisions shall be applicable where any excavation requires breaking through pavement:
 - 1. Heavy duty pavement breakers may be prohibited by the administrative authority when the use endangers existing substructures or other property.
 - 2. Saw cutting of cement concrete may be required by the administrative authority when the nature of the job or the condition of the street warrants.
 - 3. Approved cutting of bituminous pavement surface ahead of excavation may be required by the administrative authority to confine pavement damage to the limits of the trench.

4. Sections of sidewalks shall be removed to the nearest score line or saw cut edge.
 5. Unstable pavement shall be removed over cave outs and overbreaks, and the subgrade shall be treated as the main trench.
 6. Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.
 7. Cutouts outside of the trench lines must be normal or parallel to the trench line.
 8. Boring or other methods to prevent cutting of new pavement may be required by the administrative authority.
 9. A permittee under this chapter shall not be required to repair damage existing prior to excavation done by him unless his cut results in small floating sections that may be unstable, in which case the permittee shall remove and pave the area.
- I. Disposition Of Materials From Excavation: All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or other users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the administrative authority shall have the power to require that the permittee under this chapter haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.
- J. Removal Of Debris: As excavation work progresses, all streets, sidewalks and alleys shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the administrative authority. Immediately after completion of such work, the permittee shall, at his own expense, clean up and remove all refuse and unused material of any kind resulting from such work.
- K. Gutters: A permittee under this chapter shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at

least one foot (1') in width from the face of such curb at the gutter line.

- L. Disposal Of Muck, Silt, Etc.: A permittee under this chapter shall make provisions to dispose of all surplus water, muck, silt, slickings or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.
- M. Backfilling: Fine material, free from lumps and stone, shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the method of consolidation being used. Broken pavement, large stones, roots and other debris shall not be used in the backfill. Each lift shall be filled, jetted, rolled or tamped or a combination of these methods shall be used, depending upon the type of soil involved, to compact the backfill material. Such backfill shall be done in a manner that will permit the restoration of the surface to a condition equivalent to that in which it was prior to excavation.
- N. Restoration Of Surface:
 - 1. Resurfacing of excavations shall be done with such materials and in such manner as to restore the surface to a condition at least as good as the surface prior to the commencement of the excavation.
 - 2. Temporary surfacing may be required by the administrative authority where the backfill is likely to settle. The temporary surface shall be replaced with permanent resurfacing when the backfill has ceased to settle.
 - 3. All surfaces and subsurfaces shall conform to the method of construction of the street, sidewalk or alley in which the excavation was made.
 - 4. All restoration shall be done at the expense of permittee, and should permittee fail to restore the excavation after ten (10) days notice from town, the town shall have right to restore and charge permittee the full cost of such restoration. (2003 Code)

CHAPTER 4

MOUNT VIEW CEMETERY

SECTION:

- 6-4--1: Designation
- 6-4--2: Mount View Sexton
- 6-4--3: Sale Of Right To Interment
- 6-4--4: Responsibilities Of Clerk-Treasurer
- 6-4--5: Hours
- 6-4--6: Interment
- 6-4--7: Disinterment
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- 6-4--9: Work To Be Done By Town
- 6-4-10: Errors
- 6-4-11: Graves
- 6-4-12: Restrictions
- 6-4-13: Violations

6-4-1: **DESIGNATION:**

Mount View cemetery, as the same is designated on the plat on file in the office of the town clerk-treasurer and town sexton, is hereby made and designated the "Mount View cemetery". (Ord. 454, 7-8-1985)

6-4-2: **MOUNT VIEW SEXTON:**

A. Employment: The mayor and the town council may employ a suitable and competent person as sexton; and the sexton shall be in charge of the Mount View cemetery, under the direction of the mayor and town council, with the duties and responsibilities as set forth.

B. Responsibilities:

1. Sale Of Lots: Any person desiring to purchase a burial lot in Mount View cemetery shall make application to the sexton, who shall, upon payment to him of the price of the lot, issue a receipt for such payment.

2. Reports: The sexton of the Mount View cemetery shall, quarterly, render a full, true, correct and accurate report to the governing body of the municipality of all burial lots sold, graves opened and closed and money received during the preceding quarter, to which report shall be attached a receipt from the town clerk-treasurer evidencing that all money collected by the sexton has been remitted to the town clerk-treasurer.
3. Monuments: The sexton shall be in charge of all supervision and settings of all monuments.
4. Graves: A layout of all graves, opening and closing of the graves will be authorized under the direction of the sexton.
5. Installation Of Family Memorial, Headstone Or Marker:
 - a. Verification Of Location: In order to properly assure compliance with the provisions of this chapter, no individual may erect a family memorial, headstone or marker in the Mount View cemetery until its location has been verified by the sexton.
 - b. Installation: Such installation must conform in all respects with the specifications and regulations herein set forth governing the erection of memorials, headstones and markers.
6. Sites Available For Sale: The sexton shall make available for sale gravesites designated on the plat by a suitable check, and only those gravesites so marked will be sold. (Ord. 454, 7-8-1985; amd. 2003 Code)

6-4-3: SALE OF RIGHT TO INTERMENT:

A. Rates: Each gravesite shall be sold at the rate of:

Town resident	\$250.00 per grave
Out of town resident	500.00 per grave

B. Opening Or Closing: If there will be an opening or closing of graves on Saturdays, Sundays, holidays or after normal working hours, there will be an additional one and one-half (1¹/₂) charge per grave opening or closing.

Opening and closing grave:

Town resident	\$400.00 per grave
Out of town resident	800.00 per grave

Opening and closing grave; cremation:

Town resident	\$250.00 per grave
Out of town resident	500.00 per grave

- C. Filing Fee: A filing fee of fifteen dollars (\$15.00) to file the cemetery deed must be paid at the time the plot is purchased. (Ord. 575, 8-4-2008)
- D. Perpetual Care: All lots hereafter sold in Mount View cemetery shall be sold with perpetual care.
- E. Purchase For Resale: No cemetery lot or grave space in Mount View cemetery shall be sold to anyone for the purpose of resale.
- F. Resold To Town: Lots not in use may be resold to the town for the same price that was paid, providing a valid deed is presented at the time of sale.
- G. Requests For Opening; Sales: All requests for opening and all sales must go through the office of the Mount View cemetery sexton. (Ord. 454, 7-8-1985)

6-4-4: RESPONSIBILITIES OF CLERK-TREASURER:

A. Deed:

1. Preparation; Submittal To Council: After receiving a lot payment from the sexton, the clerk-treasurer shall prepare a deed which shall be submitted to the governing body of the municipality at its first regular meeting of the succeeding month.
2. Execution; Limitation: Upon approval of such deed by the governing body, such deed shall be signed by mayor and attested by the town clerk-treasurer under the seal of the municipality. Such deed shall specify that the person to whom it is issued is the owner of the lot described therein. The governing body may limit the number of such lots which shall be owned by any one person at the same time.

- B. Record: The town clerk-treasurer shall also keep an alphabetical record of all persons buried in Mount View cemetery, showing the lot in which interment took place, together with the date, name and owner of the lot. (Ord. 454, 7-8-1985)

6-4-5: **HOURS:**

- A. Open To Public: The Mount View cemetery shall be open to the public from sunup until one hour after sundown each day and shall be closed from one hour after sundown each day until sunup the following day.
- B. Unauthorized Personnel: Any unauthorized personnel found upon the above described premises during the period of time each day that such public facility is closed to the public use shall be in violation of this section. (Ord. 454, 7-8-1985)

6-4-6: **INTERMENT:**

No person shall arrange for or cause human remains to be interred on Sundays or legal holidays in Mount View cemetery. Interments may be made Monday through Saturday from nine o'clock (9:00) A.M. to four o'clock (4:00) P.M. Opening and closing of graves may be done at other hours, subject to direction by the council. The county health officer shall also have discretion to provide opening and closing at other hours¹. (Ord. 454, 7-8-1985; amd. 2003 Code)

6-4-7: **DISINTERMENT:**

Before any disinterment shall be made, satisfactory evidence shall be given to the town clerk-treasurer of the approval of the town, as well as the consent of next of kin and/or an order from the district court. (Ord. 454, 7-8-1985; amd. 2003 Code)

6-4-8: **ABANDONED LOTS:**

- A. Power To Declare Abandoned: The municipality may declare abandoned the ownership of any unoccupied parcels of land in Mount View cemetery whenever there has been no contact with or knowledge of the owners, heirs, or assigns, as the case may be, of such lots or parcels for more than twenty five (25) years.

1. See also subsection 6-4-3B of this chapter.

B. Notice: Prior to declaring such abandonment, notice shall be served by registered mail at the last known address of such owners, heirs, or assigns. In the event that the address cannot be ascertained, notice shall be given by one publication in the Basin Republican Rustler. Said notice shall allow thirty (30) days for the owners, heirs, or assigns to advise the municipality of their identity and address; and if they do so, the municipality shall not declare the abandonment.

C. Failure To Communicate: Upon the failure of the owners, heirs, or assigns to so communicate with the municipality, it may, by resolution, declare such lots or parcels abandoned.

D. Reclaiming Of Unsold Lots: So long as such lots or parcels remain unsold, the owners, heirs, or assigns may reclaim them by identifying themselves and establishing their right to such lots or parcels. (Ord. 454, 7-8-1985; amd. 2003 Code)

6-4-9: WORK TO BE DONE BY TOWN:

A. Performed By Town: Except as otherwise provided herein, all grading, landscape work, and improvements of any kind and all care of lots shall be done, and all trees, shrubs, and herbage of any kind, shall be planted trimmed, cut or removed, and all opening or closing of graves, and all interments, disinterments or removals shall be made by the town.

B. Improvements: All improvements or alterations of individual property, in the cemetery, shall be under the direction and subject to the consent and satisfaction and approval of the town. Should they be made without written consent or in the event, at any time, in the judgment of the town, they become unsightly to the eye, the town shall have the right to remove, alter, or change such improvements or alterations, at the expense of the lot or space owner. For permission to alter, improve or change in any way a lot, permission should be sought from the office of the town clerk-treasurer. (Ord. 454, 7-8-1985)

6-4-10: ERRORS:

The town council shall have the right to correct any error that may be made by them, or their employees, whether in making interments, disinterments and reinterments, or in the description, transfer and conveyance of any interment property. This may be done either by directing the cancelling of such conveyance and substituting and

conveying in lieu thereof interment property of equal value or by refunding the amount of money paid on account of said purchase. In the event such errors shall involve the interment of the remains of any person in said property, the town reserves the right to remove and transfer said remains so interred to such other property of equal value and similar locations as may be substituted in lieu thereof. (Ord. 454, 7-8-1985; amd. 2003 Code)

6-4-11: **GRAVES:**

- A. Opening: No grave on any lot shall be opened, except under the direction of the sexton and town crew.
- B. Areas Reserved For Veterans: In those areas reserved for veterans only, United States government monuments or markers or monuments of similar construction and size shall be placed upon the graves.
- C. Outer Cases: All caskets require one of the following:
 - 1. Liner;
 - 2. Econo vault; or
 - 3. Full vault. (Ord. 454, 7-8-1985; amd. 2003 Code)

6-4-12: **RESTRICTIONS:**

- A. Burial Of Animals: No animals shall be buried in Mount View cemetery.
- B. Curbs Or Fences: No curbs or fences shall be constructed within Mount View cemetery.
- C. Monument Bases: Monument bases shall be flush with the ground level and shall extend at least four inches (4") beyond any standing object (vases, headstones, markers).
- D. Advertising: No advertising of any kind shall be placed within Mount View cemetery.
- E. Damage: Persons doing work of any kind in Mount View cemetery shall be held responsible for any damage done by them to trees, grass or any other property.

- F. Feature Memorials: Certain locations have been allocated and designated in Mount View cemetery for the erection of "Feature memorials". No individual, group or organization shall be granted permission to give or erect such a feature memorial until such design, location and landscaping have been approved by the governing body.
- G. Family Memorials, Headstones And Markers: All family memorials, headstones and markers shall be made of concrete, metal or stone, placed at the head of the grave shall be centered at least six inches (6") from the west edge of a concrete base. Only one upright memorial, headstone or marker is allowed per grave. All others need to be flush with the surface.
- H. Shrubs, Trees Or Plants: No shrubs, trees or plants shall be planted on any lot. Places on public land in the vicinity may be used for plantings and these areas shall be designated by the sexton of Mount View cemetery. All planting shall be done only after approval of the location by the sexton.
- I. Cut Flowers, Potted Plants, Wreaths And Blankets: Cut flowers, potted plants, wreaths and blankets shall not be allowed to remain on grave lawns longer than three (3) days. Unless removed by the owner within that time, they shall be removed. Owners shall be responsible for their own vases or containers. Flowers, plants or wreaths may be left indefinitely on lots if placed upon a permanent and substantial foundation or base which shall be flush with ground level and extend at least six inches (6") beyond the flowers, plants or wreaths in place on such foundation or base.
- J. Use Of Driveways; Injury To Property: No person shall ride or drive upon any place within Mount View cemetery, other than the platted driveways, nor deface, injure or destroy any monument, tomb, grave or gravestone or any board or other object set to mark any grave, nor break, injure or destroy any gate, fence, grass plot, shrub, tree or ornament of any kind within the cemetery.
- K. Disturbing Sod; Making Or Removing Plantings: No person shall disturb the sod on any lot or grave or make or remove any plantings, except in accordance with regulations and with permission of the sexton.
- L. Performance Of Work; Rubbish: All work shall be done as rapidly as possible and any rubbish shall be immediately removed by those responsible therefor. No rubbish or material of any kind shall be

6-4-12

6-4-13

scattered or placed upon any other lot or burial spaces. (Ord. 454, 7-8-1985; amd. 2003 Code)

M. Cremains: No cremains can be spread on top of grave sites. (2003 Code)

6-4-13: **VIOLATIONS:**

The town, through the town council, will have the right to bring an action to restrain or enjoin any person who violates the provisions of this chapter, and to restrain or enjoin any person from doing or failing to do any acts prohibited or required by this section. The town, through the town council, may also bring an action for damages against any offenders. (Ord. 454, 7-8-1985)

CHAPTER 5

MUNICIPAL SWIMMING POOL

SECTION:

- 6-5-1: Unauthorized Persons
- 6-5-2: Removal Of Equipment Or Supplies; Damage Or Destruction
- 6-5-3: Rules And Regulations
- 6-5-4: Violation; Penalty

6-5-1: UNAUTHORIZED PERSONS:

It shall be unlawful for any unauthorized person to enter upon the swimming pool premises at any time. (Ord. 345, 8-4-1964)

6-5-2: REMOVAL OF EQUIPMENT OR SUPPLIES; DAMAGE OR DESTRUCTION:

It shall be unlawful for any person to wrongfully remove from the swimming pool premises any of the equipment, fixtures, supplies, fences, buildings, or anything used in connection with the operation of the pool, or to damage, mutilate, deface or destroy any of the same. (Ord. 345, 8-4-1964)

6-5-3: RULES AND REGULATIONS:

The town council shall from time to time make, adopt, or amend rules and regulations governing the use, operation, and control of the swimming pool. (Ord. 345, 8-4-1964)

6-5-4: VIOLATION; PENALTY:

It shall be unlawful for any person to violate any provision of this chapter, or fail to obey, observe or comply with any rule or regulation of the town council adopted or amended under the provisions of this chapter, and any person so offending shall be guilty of a misdemeanor and subject to penalty as provided in section 1-4-1 of this code. (Ord. 345, 8-4-1964; amd. Ord. 421, 8-4-1980; 2003 Code)

CHAPTER 6

TREES AND SHRUBS

SECTION:

- 6-6-1: Public Tree Care
- 6-6-2: Replacement Trees and Shrubs
- 6-6-3: Supervision and Permits
- 6-6-4: Maintenance by the Town
- 6-6-5: Dead or Diseased Trees and Shrubs on Private Property
- 6-6-6: Improper Planting
- 6-6-7: Review by Town Council
- 6-6-8: Violations

6-6-1: PUBLIC TREE CARE:

- A. **Trees And Shrubs Between Property Lines and Center of developed Streets And Alleys:** Trees and shrubs located between private property lines and the center of the streets and alleys have historically been established and maintained by the owners of the private property located adjacent to such trees and shrubs. Said trees and shrubs shall be maintained by the private property owners of immediately adjoining property pursuant to the rules and regulations contained herein.
- B. **Pruning Of Trees And Shrubs:** The pruning and maintenance of trees and shrubs that interfere with the proper spread of light of any streetlamp, obstruct the view from any intersection, obstruct traffic control devises, or are otherwise in violation of the Town Code, is the responsibility of the adjacent landowner, whether the tree or shrub lies on private property or within the town right of way. There shall be a clear space of fifteen feet (15') above the surface of the street, eight feet (8') above sidewalks and twelve-foot (12') clearance in alleys. Sidewalks must also be kept clear of impediments from trees and shrubs. Said owners shall remove all dead, diseased or dangerous trees, shrubs, or broken or decayed limbs, which constitute a menace to the safety of the public.
- C. **Corrective Measures:** If private property owners do not correct such problems, the Town shall notify such property owners in writing of the required maintenance. If owners are advised of the above mentioned problems and they are not corrected within thirty (30) days, the Town may trim or remove the problem trees, shrubs or limbs and the cost thereof shall be assessed to the private property owner. Such trimming or removal by the Town will be confined to the area immediately within the public right of way. If a problem presents an imminent threat to lives or property of others, allowable time for required action may be accelerated.

6-6-2: REPLACEMENT TREES AND SHRUBS:

Owners of private property are not required to replace any trees and shrubs removed from the areas located between the private property line and the center of streets and alleys. Any and all replacement trees and shrubs shall, however, be furnished by the property owner, at the property owner's expense.

6-6-3: SUPERVISION AND PERMITS:

The supervision over the planting, care and maintenance of the public trees and shrubs addressed above, and trees and shrubs located on any public property, is hereby rested exclusively in the Town of Basin. No person or company shall plant, remove, cut above the ground, or disturb any tree or shrub located on any street, alley, park, or other public place without first filing an application and procuring a free permit from the Town. The person receiving the permit shall abide by the standards set forth in this chapter.

6-6-4: MAINTENANCE BY THE TOWN:

The town shall have the right to prune, preserve and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or when servicing town utilities, or to preserve the symmetry and beauty of such public grounds. The town may, at its option, remove or cause to be removed any public tree and shrubs, or part thereof, which presents an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements. The Town may plant and establish trees and shrubs within the areas located between the private property lines and the center of streets and alleys only after obtaining written consent by the adjacent property owners who are ultimately responsible for maintenance of such trees and shrubs.

6-6-5: DEAD OR DISEASED TREES AND SHRUBS ON PRIVATE PROPERTY:

A. The town shall advise private landowners as to the proper way to remove any dead or diseased trees and shrubs located on private land within the town, when such trees or shrubs constitute a hazard to life or property of others. If owners are advised of the above mentioned problems of hazard trees and shrubs, in writing, and action is not taken to correct the problem within thirty (30) days of receipt thereof, the same may be removed or cause to be removed by the town and the cost thereof shall be assessed to the owner. If a problem presents an imminent threat to lives or property of others, allowable time for required action may be accelerated.

B. **Corrective Measures:** If private property owners do not correct such problems, the Town shall notify such property owners in writing of the required corrective measures required. If owners are advised of the above mentioned problems and they are not corrected within thirty (30) days, the Town may trim or remove the problem trees, shrubs or limbs and the cost thereof shall be assessed to the private property owner. If a problem presents an imminent threat to lives or property of others, allowable time for required action may be accelerated.

6-6-6: IMPROPER PLANTING:

Whenever a tree or shrub is planted in conflict with the provisions of this chapter, the town shall notify the landowner in writing of such conflict. If the landowner has not corrected the problem within ten (10) days of receipt of such written notice, the same may be removed or caused to be removed by the town and the cost thereof shall be assessed to the owner.

6-6-7: REVIEW BY TOWN COUNCIL:

Any person may appeal an order concerning tree or shrub care by a written appeal to the Town Council within five (5) days of the notification of problem. The Council may hear the matter and if so, no order shall be enforced until a final decision is made on the appeal.

6-6-8: VIOLATIONS:

Any person, persons, firm or corporation, found to have violated any provisions contained herein, shall, upon conviction, be subject to penalty as listed in Basin Town Code Section 1-4-1.

CHAPTER 7

IRRIGATION WATER

SECTION:

6-7-1: Duty To Maintain Ditches

6-7-2: Water Flowing On Sidewalks Or Streets

6-7-3: Penalty

6-7-1: DUTY TO MAINTAIN DITCHES:

It shall be the duty of all persons, whether owners or tenants, to maintain suitable ditches to convey all irrigation water from their premises. (Ord. 207, 7-1-1929)

6-7-2: WATER FLOWING ON SIDEWALKS OR STREETS:

It shall be unlawful for any person to cause or permit the wastewater from any premises owned or occupied by them to flow upon or across any of the sidewalks or streets within the corporate limits of the town. (Ord. 207, 7-1-1929)

6-7-3: PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 207, 7-1-1929; amd. 2003 Code)