

CHAPTER 140
CURB CUTS, DRIVEWAY APPROACHES
AND DRIVEWAYS

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140.01 DEFINITIONS. For use within this chapter, the following terms are defined:

1. “Curb cut” means any depression in the curbing along the traveled portion of a street right-of-way originally designed or later created to permit and facilitate passage of motor vehicles between said street and any property adjacent to said street.
2. “Driveway” means a private lane or road which provides access from a public right-of-way to abutting property, not to include the “driveway approach.”
3. “Driveway approach” means that part of any driveway or road approach to property provided for the passage of motor vehicles which lies between the traveled portion of a street right-of-way and the property line of an abutting property.
4. “Paving” means any kind of hard surfacing, including (but not limited to) Portland cement concrete, bituminous concrete, brick, stabilized gravel or crushed stone or combinations of such materials, with the necessary base. “Paving” does not include surfacing with oil, gravel, oil and gravel or chloride.

140.02 COMPLIANCE REQUIRED. It is unlawful for any person to construct or place any curb cut or driveway approach without first complying with the provisions of this chapter and other applicable law.

140.03 PERMIT REQUIRED. It is unlawful for any person to construct or emplace a new curb cut or a driveway approach or to enlarge or otherwise modify an existing curb cut or driveway approach without first obtaining a permit in accordance with Chapter 141 of this Code of Ordinances.

140.04 NOTICE OF NONCOMPLIANCE. The following are grounds for immediate removal of a curb cut or driveway approach by the City:

1. Construction of a driveway approach without a permit;
2. Construction of a driveway approach which does not conform to the permit issued, to the provisions of this chapter or to any other provision of law.

Removal shall be at the expense of the owner of the property served. The cost of restoration of the curb and driveway approach to grade by the City shall be at the owner’s expense. The Public Works Director shall give notice to the present owner of the property served by such a curb cut or driveway approach that said curb cut or driveway approach to such person’s property is not in compliance with this chapter or other provision of law, specifying the deficiency, and if such owner, after receiving such notice, for a period of thirty days neglects

or refuses to correct such deficiency, the Council may order removal and restoration. The actual cost of such work shall be assessed against such property and shall be collected in the same manner as other special assessments.

140.05 COMPLETION OF WORK. The construction of any curb cut or driveway approach shall be completed within six months after the work begins; provided, however, if weather conditions, other forces of nature or circumstances beyond the control of the permittee make construction within such period impossible, then upon written application by the permittee to the Public Works Director and upon the Public Works Director's finding such conditions to exist, construction shall be completed within thirty days after the termination of such conditions, such termination of conditions to be determined by the Public Works Director. Failure to complete construction within six months from commencement, or in the case of adverse conditions within thirty days after the termination of such conditions, shall require a new permit to be issued for construction at such location.

140.06 SPECIFICATIONS. All curb cuts and driveway approaches shall be constructed in accordance with Statewide Urban Design and Specifications and special provisions as adopted by the Council.

140.07 MULTIPLE DRIVEWAYS.

1. The curb cuts or driveway approaches to serve property in the agricultural zoning district shall be of a number and at locations so as to adequately serve the property in a safe manner, but shall be subject to specifications referred to in Section 140.06 and to the approval of the Public Works Director and City Administrator.
2. Curb cuts or driveway approaches to serve property in any residential zoning district shall be allowed as follows:
 - A. For any single-family dwelling, one curb cut or driveway approach;
 - B. For any duplex, town house or patio house, one curb cut or driveway approach per dwelling unit;
 - C. For any multiple-family development, curb cuts or driveway approaches shall be of a number and location so as to adequately serve the property in a safe manner, but shall be subject to the specifications referred to in Section 140.06 and the approval of the Public Works Director and City Administrator.
3. Curb cuts or driveway approaches to serve property in any commercial or manufacturing zoning district shall be allowed as follows:
 - A. For new curb cuts or new driveway approaches to serve developments subject to site plan requirements, the number of said curb cuts or driveway approaches shall be as shown on the approved site plan.
 - B. For new curb cuts or new driveway approaches to serve existing developments and for modification to existing curb cuts or driveway approaches, said curb cuts or driveway approaches shall be of a number and location so as to adequately serve the property in a safe manner but shall be subject to the specifications referred to in Section 140.06 of this chapter and the approval of the Public Works Director and City Administrator.

140.08 EXCEPTIONS. Exceptions to the provisions of this chapter may be granted by the City Administrator, provided that any request for any such exception is made in writing and includes such pertinent information as may be required by the City Administrator.

140.09 SIDEWALKS. The grade or condition of any sidewalk shall not be altered by the work done as provided for by this chapter, except as approved by the Public Works Director or City Administrator. The driveway shall cross the sidewalk at the same level as the sidewalk unless extraordinary circumstances exist.

140.10 CULVERTS. Culvert pipe of the size required by the City, determined from engineering calculations, shall be supplied by the applicant, who shall pay all costs of installation. All culvert material shall be the property of the City five years after date of approval of its installation by the Public Works Director.

140.11 REVOCATION OF PERMIT. The Public Works Director may at any time revoke the permit for any violation of this chapter and may require that all work be stopped.

140.12 INSPECTION AND APPROVAL. The curb cut or driveway approach must be inspected and approved in writing by the Public Works Director within thirty days after completion of the work, and a record of such approvals shall be kept in the office of the Public Works Director. If the Public Works Director refuses to approve the work, it must be corrected immediately so that it will meet with the Public Works Director's approval. If the work has been done improperly, the Public Works Director shall have the right to finish or correct the work and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes.