



**APPENDIX D**  
**TITLE 11, CHAPTER 11.12**

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## Chapter 11.12 - ENCROACHMENTS, OBSTRUCTIONS, MAINTENANCE AND CONSTRUCTION OF HIGHWAYS AND SIDEWALKS

### Sections:

#### 11.12.005 - Definitions.

As used in this chapter:

1. "Driveway approach" applies only to city's right-of-way area and does not apply to the private landowner's driveway areas.
2. "Highway" shall have the meaning ascribed to it by Section 10.04.250
3. "Improved sidewalk" means any pedestrian walkway of Portland concrete or asphaltic concrete.
4. "Roadway" means the area between curbs or the area between roadside ditches.
5. "Sidewalk" shall have the meaning ascribed to it by Section 10.04.560

(Amended by Ord. 1987-9 § 1 (part), 1987).

#### 11.12.010 - Obstruction of public passage.

Except as otherwise provided by this chapter, no person shall place, or cause to be placed, any object which will impede the passage of pedestrians or vehicular traffic upon any highway or sidewalk area.

#### 11.12.015 - Unlicensed obstacles and encroachments on highways.

The public works department is authorized to remove from highways any unlicensed obstacle or encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, before the expiration of five (5) days after personal service of notice and demand upon the owner of the obstacle or encroachment or his agent. In lieu of personal service upon that person or his agent, service of the notice may also be made by registered or certified mail and by posting, for a period of five (5) days, a copy of the notice on the obstacle or encroachment described in the notice. Removal by the department of the obstacle or encroachment on the failure of the owner to comply with the notice and demand gives the department a right of action to recover the expenses of suit, and in addition thereto the sum of one hundred dollars (\$100.00) for each day the obstacle or encroachment remains after the expiration of five (5) days from the service of the notice and demand.

As used in this section, "obstacles or encroachments" means any objects, materials or facilities not owned by the county that are placed within a right-of-way of the county for storage purposes of a highway facility. The term does not include vehicles parked in a lawful manner within that right-of-way.

(Ord. 1979-23 § II, 1979).

#### 11.12.020 - Permit required.

1. Any person erecting or repairing a building shall secure a permit from the building official allowing temporary obstruction of portions of a highway.
2. If such temporary obstruction shall exceed seven (7) days, and does not leave the roadway and six feet (6') of sidewalk area unobstructed, the permit must first be reviewed by the board and authorized by the board.

#### 11.12.030 - Fence permit.

The building official may issue a permit for fencing within the sidewalk, area, provided:

1. The fence shall not exceed four feet (4') in height;
2. The fence is at least six feet (6') from the curbing;
3. The fence is of wood or iron material; and
4. That the city master plan does not provide for further widening or improvements of the street.

11.12.040 - Landscape permit.

1. The department of parks may permit the planting of trees, flowers, or other landscape decoration within the sidewalk area provided that such planting leaves six feet (6') of clear and unobstructed sidewalk area.
2. Species of trees and shrubs selected must be approved by the department of parks.
3. All maintenance and care of such authorized landscaping shall be the responsibility of the property owner. If the property owner fails to maintain said landscape the department of parks shall remove it at the owner's expense.

11.12.050 - Roadway maintenance.

1. The department of public works shall have the authority to order the removal of vehicles from the roadway for purposes of roadway maintenance or snow removal. Such order may be attached to the vehicle windshield or placed within the vehicle.
2. If the owner fails to comply with said notice within one (1) hour, then the department of public works is authorized to remove the vehicle to an alternate location.

11.12.060 - Control of driveway encroachments.

1. All new driveway approaches shall be constructed with Type II base and have an asphalt paving or concrete surface from the edge of the traveled lane to the property line.
  - a. All driveway culverts shall be not less than fifteen inches (15") in diameter and not less than twenty feet (20') in length, unless more appropriate sizing is required by the director of public works for drainage control.
  - b. All driveway approaches which require a culvert shall have concrete headwalls at each end.
  - c. All driveway approaches which require a swale shall be designed so that the roadside drainage will not be impaired.
2. It is unlawful for any person or firm to construct a driveway approach without authorization of the public works department. Authorization to construct entails obtaining a permit from the public works department.
3. All construction shall be as specified in the Standard Specifications and Details for Public Works Construction.

(Amended by Ord. 1987-9 § 1 (part), 1987).

11.12.070 - Maintenance of sidewalk area.

It is declared by this chapter that the responsibility for maintenance of the sidewalk area is incumbent upon the owner of that parcel, lot or block which abuts the sidewalk area. Such maintenance includes, but is not limited to, weed removal, sidewalk, curb and gutter maintenance, tree care, lawn care, and snow removal.

(Ord. 1986-29 § 1, 1986).

11.12.081 - Street improvements, curbs, gutters and sidewalks—Construction required.

1. Any person who constructs or causes to be constructed any new building, or remodels any building within any commercial, industrial, multifamily residential, office building or governmental zone as defined in Title 18 of the Carson City Municipal Code fronting on any dedicated street or other publicly owned street in the city, shall construct curbs, gutters, sidewalks, storm drainage, and one-half street paving in accordance with the city's specifications and standards along all street frontage adjoining the property upon which such building or structure exists.
2. Any person who constructs, causes to be constructed, or improves property for the purpose of accommodating a dwelling unit shall construct curbs, gutters, sidewalks and paving in accordance with the city's specifications along all street frontage adjoining the property upon which such dwelling unit will be placed, but only if said property is located within a single family twelve thousand (12,000) square feet, single family six thousand (6,000) square feet, mobile home twelve thousand (12,000) square feet or mobile home six thousand (6,000) square feet zone, as set forth in Title 18 of the Carson City Municipal Code, and if one (1) of the following conditions exists:
  - a. The property is located on a major arterial or collector street as determined by the city and designated on an official map located at the public works department, in which case only that property adjacent to the major arterial or collector street shall require curbs, gutters, sidewalks and paving; or
  - b. Curbs, gutters, sidewalks, and/or paving exist on the same block as the property to be developed; or
  - c. In the determination of the Carson City public works director, the property requires curbs, gutters, sidewalks and/or paving to provide for a proper drainage system.
3. The provisions of this section shall not apply where adequate curbs, gutters, sidewalks and paving already exist. Whether adequate curbs, gutters, sidewalks and paving already exist in accordance with the city code of standard specifications shall be determined in each instance by the director of public works and an endorsement to that effect shall be made upon each building permit at the time it is issued.

(Ord. 1986-29 § 2, 1986: Ord. 1984-30 § 1, 1984: Ord. 1980-21 § 2, 1980).

#### 11.12.085 - Miscellaneous requirements.

1. "Accessways," for the purposes of this section, shall be defined as ways dedicated to public uses or secured by easement to the owners of the parcel proposed to be built upon, for the full length extending from the subject property to a suitable dedicated public way. "Required width of accessways" shall refer to the full dedicated width or easement width, without reference to the width of developed roadway within such width.
2. In nonsubdivided areas where no official approved map is on file in the Carson City Recorder's office, an applicant for a building permit must demonstrate by title company report, or other means acceptable to the public official, the existence of the required accessway before a building permit will be issued.
3. No commercial use will be permitted on any parcel of land not served by an accessway of at least fifty feet (50') in width with a paved section of at least twenty-six feet (26') in width.
4. No residential construction will be permitted on any parcel of land not served, by an accessway of at least twenty-five feet (25') in width with an all-weather surface at least twenty feet (20') in width where the accessway serves fewer than five (5) parcels. If the accessway serves five (5) or more parcels, then the accessway must be at least fifty feet (50') in width with a paved section of at least twenty-six feet (26') in width.

(Ord. 1987-13 § 1, 1987: Ord. 1985-6 § 1, 1985).

#### 11.12.090 - Effect of failure to construct.

The building official shall deny final approval and acceptance and shall refuse to allow final public utility connections to any such building or dwelling unless curbs, gutters and sidewalks, where required by this

chapter, exist, are constructed, or unless money or a bond to guarantee their construction is deposited with the city in a sum equal to the estimated cost of the construction of such improvements as determined by the director of public works of the city, and providing for such construction of the improvements as within ninety (90) days.

#### 11.12.100 - Modification of requirements by reason of inadequate drainage.

When the director of public works determines that area drainage facilities are inadequate and that the installation of all or a portion of the required public improvements would endanger the public welfare and safety by reason thereof, the director of public works may require that only portions of the required work be done.

#### 11.12.110 - Deviations from chapter.

1. Deviation from the application of this chapter may be granted by the director of public works upon the finding that deviation from the terms of this chapter will not be contrary to its intent or to the public interest, safety, health and welfare, and where due to special conditions or exceptional characteristics of the property of the applicant for deviation, or its location or surroundings, a literal enforcement of this chapter would result in practical difficulties or unnecessary hardships.
2. Any person aggrieved by the decision of the director of public works regarding deviation from the provisions of this chapter may within ten (10) days of any such decision appeal the same to the Carson City board of supervisors.

(Amended by Ord. 1980-21 § 3, 1980).

#### 11.12.120 - Duty of owner to repair sidewalk.

1. Any owner, agent or occupant of any lot, block or parcel of land in the city, who permits any sidewalk and/or curb and gutter adjacent to such lot or block or parcel of land to get or remain out of repair so as to render the same dangerous or unsafe or inconvenient to walk upon or who shall leave such sidewalk by day or night in such dangerous unsafe or inconvenient condition, is guilty of maintaining a public nuisance.
2. When the board, by order or resolution duly passed and entered upon its minutes, determines that such a nuisance exists, or is maintained or permitted, it shall be the duty of the director of public works to serve a copy of such order or resolution upon the owner of the lot, block or parcel of land mentioned therein, or in case such owner cannot be found, or is a nonresident, then upon the agent or occupant thereof, together with a notice in writing directing such owner to abate such nuisance and to lay, construct, replace or repair a sidewalk and/or curb and gutter adjacent to such lot, block or parcel of land, in conformity to such order or resolution and notice and the requirements of this chapter, within thirty (30) days from such service.
3. If the owner of the lot, block or parcel of land designated in such order, resolution or notice fails, neglects or refuses to abate such nuisance and to lay, construct, replace or repair the sidewalk and/or curb and gutter as designated in such order or resolution or notice, and in thirty (30) days from such service, the director of public works is hereby authorized, empowered and directed to abate such sidewalk and/or curb and gutter in the manner hereinabove provided.
4. The necessary expense incurred under subsection 3 of this section shall be a charge against the owner of such lot, block or parcel of land, and the same may be paid by the city and may be collected by an action on behalf of and in the name of the city against the owner of such lot, block, or parcel of land, as debts of like amount are by law collectible and shall be a lien upon such lot, block or parcel of land.
5. Any owner of any property along which any curb, gutter or sidewalk has been constructed, and which has been determined after examination by the city engineer or other designee of the city to be in need of reconstruction, is hereby declared to be liable in damages to any person injured by reason of any such owner's fault or negligence in failing to reconstruct such sidewalk in accordance with the

provisions of this chapter, after such owner or the agent thereof has been notified to do so pursuant to Section 12.20.020.

(Ord. 2000-26 § 2, 2000: Ord. 1986-29 § 3, 1986).

#### 11.12.130 - Snow removal.

1. Any owner, agent or occupant of any lot, block or parcel of land which is used for commercial purposes or which lies within the bounds of the "business district" of Carson City which is defined as all land bounded by the north 1/16 line of Section 20 on the south Nye Lane on the north, Curry Street on the west, and Stewart Street on the east, who fails to remove all ice and snow from the sidewalk adjacent to such parcel of land within forty-eight (48) hours after a snowfall, shall by this chapter be guilty of maintaining a public nuisance.
2. The board may order the department of public works to abate this nuisance immediately without notice to the owner and the cost of such abatement shall be borne by the owner of said lot or parcel.
3. Any owner of any property along which any curb, gutter or sidewalk has been constructed, and which has been determined after examination by the city engineer or other designee of the city to be in need of reconstruction, is hereby declared to be liable in damages to any person injured by reason of any such owner's fault or negligence in failing to reconstruct such sidewalk in accordance with the provisions of this chapter, after such owner or the agent thereof has been notified to do so pursuant to Section 12.20.020.

(Ord. 2000-26 § 3, 2000).

#### 11.12.140 - Notice to sheriff and fire department.

Whenever any street is to be closed for any period of time as permitted by this chapter the department of public works shall immediately notify the sheriff's office and fire department of the place, time and expected duration of such closure.

#### 11.12.150 - Dangerous area barrier.

Any person by whom or under whose direction or authority any portion of a highway, alley or sidewalk may be made dangerous, shall erect, and so long as the danger may continue, maintain around the portion of the highway, alley or sidewalk so made dangerous, a good and substantial barrier, and shall cause to be maintained during the night, from sunset until daylight, a lighted lantern at both ends of such portion of the highway, alley or sidewalk so made dangerous.

#### 11.12.160 - Excavating or filling prohibited.

No person shall in any manner or for any purpose break up, dig up, disturb, undermine or dig under or cause to be dug under, broken up, disturbed, undermined or dug under, any highway, alley or sidewalk or fill in, put, place thereon, or deposit in or upon any highway, alley or street any earth, sand, dirt, clay, manure, or rock without the permission of the board.

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