

CHAPTER 94: STREETS AND SIDEWALKS

Section

General Provisions

- [94.01](#) Public meetings; permit required
- [94.02](#) Compliance with permit terms
- [94.03](#) Obstruction of streets and sidewalks prohibited; exception
- [94.04](#) Noise-making prohibited; exception
- [94.05](#) Damaging streets prohibited
- [94.06](#) Depositing ice and snow prohibited

Excavations and Repairs in Streets

- [94.20](#) Permit required
- [94.21](#) Permit application
- [94.22](#) Application fee
- [94.23](#) Permit; bond required
- [94.24](#) Permit; cash deposit
- [94.25](#) Permit; term
- [94.26](#) Completion of work
- [94.27](#) Inspection; certificate of inspection
- [94.28](#) Safety precautions

Benches at Bus Stops

- [94.40](#) Purpose
- [94.41](#) Advertising permitted
- [94.42](#) Permit required; application
- [94.43](#) Permit; fee; term
- [94.44](#) Permit; termination provisions
- [94.45](#) Permit; denial; cancellation
- [94.46](#) Maintenance; removal
- [94.47](#) Specifications
- [94.48](#) Advertising; certain words prohibited
- [94.49](#) Advertising; objectionable material prohibited
- [94.50](#) Insurance required

Sidewalks, Driveways and Parkways

- [94.65](#) Definitions
- [94.66](#) Repair and maintenance of sidewalks and driveways
- [94.67](#) Parkway maintenance
- [94.68](#) Effective date

GENERAL PROVISIONS

§ 94.01 PUBLIC MEETINGS; PERMIT REQUIRED.

Any person or group of persons desiring to hold any public meeting using the public sidewalks and streets of the city shall first obtain from the Mayor a permit to do so. The power to issue and revoke the permit shall be vested and remain solely in the Mayor of the city. (Prior Code, § 18-1) (Ord. 287, § 8)

§ 94.02 COMPLIANCE WITH PERMIT TERMS.

No procession or parade containing 40 or more persons or 10 or more vehicles, excepting the forces of the United States Army or Navy, the military forces of the state and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other applicable regulations as set forth in this code or other city ordinances. (Prior Code, § 18-2)

§ 94.03 OBSTRUCTION OF STREETS AND SIDEWALKS PROHIBITED; EXCEPTION.

(A) It is unlawful for any person to encumber or obstruct any of the streets or sidewalks of the city with any buildings, fences or other structures, vehicles, animals, merchandise for sale or any substance or material for display or advertisement whatsoever, so as to interfere with the free and unrestricted use of such streets and sidewalks.

(B) No person shall, by means of any trees, shrubbery, buildings, structures or other thing whatsoever, obstruct the view on any dedicated public right-of-way.

(C) The provisions of this section shall not apply to any person in the use of a part of the streets or sidewalks under a building permit issued by the city. (Prior Code, § 18-3) (Ord. 247, §§ 1, 2) Penalty, see [§ 10.99](#)

§ 94.04 NOISE-MAKING PROHIBITED; EXCEPTION.

It is unlawful for any person to make or cause, permit or allow to be made, upon a public street, or in such close proximity to a public street as to be distinctly and loudly audible upon the public street, any noise of any kind by crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, radio, hammer, drum, horn or motor vehicle horn, hand organ, mechanically-operated piano or musical instrument or similar mechanical devices or wind instrument for the purpose of advertising any goods, wares or merchandise or of attracting attention or inviting the patronage of any person to any business whatsoever; provided that, nothing contained herein shall prohibit or make unlawful the ringing of or sounding of any church bells or chimes located upon, in or about any church or place of worship in the city.

(Prior Code, § 18-4) (Ord. 287, § 2) Penalty, see [§ 10.99](#)

§ 94.05 DAMAGING STREETS PROHIBITED.

No person shall drive, use or operate any vehicle upon any paved or hard-surfaced street in the city in such a manner as to cut, break or injure the surface of the street.

(Prior Code, § 18-5) Penalty, see [§ 10.99](#)

§ 94.06 DEPOSITING ICE AND SNOW PROHIBITED.

It shall be unlawful for any person, except employees or contractors of the City duly authorized by the City Executive or Director of Public Works, to plow, blow, shovel, or otherwise deposit ice or snow from private property upon any sidewalk or public thoroughfare (including any street, road, alley or highway) in the City. For the purpose of this section, the term “public thoroughfare” does not include a parkway as that term is defined in [§94.65](#) of the Municipal Code. Violation of this section is subject to the penalties prescribed by [§10.99](#) of the Municipal Code.

(Ord. 2014-25)

EXCAVATIONS AND REPAIRS IN STREETS

§ 94.20 PERMIT REQUIRED.

It is unlawful for any person to cut into, tunnel under any street or alley or through or across any pavement, berm, parkway or sidewalk in the city without first obtaining a permit from the city’s Engineer.

(Prior Code, § 18-6) (Ord. 386, § 1) Penalty, see [§ 10.99](#)

§ 94.21 PERMIT APPLICATION.

At least 48 hours prior to the time when the excavation is to be started, application must be made for a permit which must include the following information:

- (A) Name and address of applicant;
- (B) Type and specific location of the proposed excavation;
- (C) Purpose and extent of the proposed excavation; and
- (D) Other information as required by the city’s Engineer.

(Prior Code, § 18-7) (Ord. 386, § 2; Ord. 92-09, (part))

§ 94.22 APPLICATION FEE.

The application for excavations in a right-of-way must be accompanied by a permit

Hobart – General Regulations

application fee as follows:

Lateral Cut: \$ 50.00
Longitudinal Cut: \$ 100.00

(Prior Code, § 18-7.1) (Ord. 92-09, (part); Ord. 2013-39)

§ 94.23 PERMIT; BOND REQUIRED.

(A) Before any permit shall be issued to any person desiring to perform any of the work contemplated in [§ 94.20](#), he or she shall file with the city’s Clerk-Treasurer an appropriate bond in the amount as the city’s Engineer shall determine, but in no case shall the amount of the bond be less than \$500. The bond shall provide that he or she will faithfully perform and do the work in a manner satisfactory to the city’s Engineer. The bond shall further indemnify the city against any damages resulting to third persons as a result of any negligence or improper work done by the person. In the event the work is to be performed by any plumber, contractor or other person, he or she shall file a bond with the city’s Clerk-Treasurer in accordance with the provisions of this section prior to the commencement of any work.

(B) The bond required by this section shall be kept in force by the permittee for a period of at least 1 year after the completion of the work, and shall not be released by the city’s Clerk-Treasurer until the permittee has settled all claims, either on behalf of the city or by other persons, resulting from the work.

(Prior Code, § 18-8) (Ord. 386, § 4)

§ 94.24 PERMIT; CASH DEPOSIT.

(A) If, in the opinion of the city’s Engineer, it is necessary for the protection of the city, he or she may require an additional guarantee that any person receiving a permit under this subchapter will properly replace and repair any pavement that may be cut into or disturbed by work contemplated in [§ 94.20](#), a cash deposit of a sufficient amount to cover the costs of the repair shall be paid to the city’s Engineer when the permit is issued.

(B) The deposit shall be forfeited to the city, if the repair or replacement has not been made to the satisfaction of the city’s Engineer within the time limit specified in the permit and in any case within 60 days from the date of the permit.

(C) In the alternative, a person receiving a permit under this subchapter may file with the city’s Clerk-Treasurer a bond, in such amount as the city’s Engineer shall determine, to additionally guarantee that the person will repair, replace and put the street, alley, bridge, curb or sidewalk in as good a condition as it was before it was disturbed by the work covered hereunder.

(Prior Code, § 18-9) (Ord. 386, § 5; Ord. 92-09, (part))

§ 94.25 PERMIT; TERM.

No permit required by this subchapter shall be granted for a period longer than 60 days without the permission of the Mayor and the Common Council.

(Prior Code, § 18-10) (Ord. 386, § 6)

§ 94.26 COMPLETION OF WORK.

All work done under this subchapter shall be completed within 60 days from the date the permit is issued, unless extended by the city's Engineer.
(Prior Code, § 18-11) (Ord. 386, § 6)

§ 94.27 INSPECTION; CERTIFICATE OF INSPECTION.

All work contemplated in [§ 94.20](#) shall be subject to the inspection of the city's Engineer, and any person performing any of the work shall notify the city's Engineer of the commencement of the work, the progress of the work and the completion of the work. When the work is completed, to the satisfaction of the city's Engineer, he or she shall issue a certificate of final inspection.
(Prior Code, § 18-12) (Ord. 386, § 7)

§ 94.28 SAFETY PRECAUTIONS.

The permittee under this subchapter, or his or her agent, servant or employee shall agree to maintain barricades, lights, signals, watchpersons or temporary crossovers, and to take all necessary precautions to safeguard persons and property and to maintain the pavement, berm, parkway or sidewalk while under construction and until such time as permanent replacement and repairs are made, satisfactory to the city's Engineer.
(Prior Code, § 18-13) (Ord. 386, § 3)

BENCHES AT BUS STOPS

§ 94.40 PURPOSE.

The purpose of this subchapter is to assist the public in the use of the streets by providing, subject to the regulations of the Mayor and the Common Council, benches for the use of the public. Nothing contained in this subchapter shall be construed as permitting the placing of advertising matter upon any device in the public streets other than the benches permitted by this subchapter.
(Prior Code, § 18-14) (Ord. 483, § 10)

§ 94.41 ADVERTISING PERMITTED.

It is made lawful for persons to install and maintain benches located upon public property for the accommodation of persons awaiting public bus transportation and others and to place advertising matter and signs upon such benches, subject to the regulations, limitations and qualifications of this subchapter. The Mayor and Common Council reserve the power to make all reasonable regulations for carrying out the provisions of this subchapter and the issuing of all permits.
(Prior Code, § 18-15) (Ord. 483, § 1) Penalty, see [§ 10.99](#)

§ 94.42 PERMIT REQUIRED; APPLICATION.

No bench shall be installed or maintained under this subchapter without a permit. An applicant for a permit under this subchapter shall submit his or her written application to the city's Clerk-Treasurer, giving the location of the proposed benches and such other information as the Common Council and the Mayor shall require.
(Prior Code, § 18-16) (Ord. 483, § 2) Penalty, see [§ 10.99](#)

§ 94.43 PERMIT; FEE; TERM.

Each application for a permit under this subchapter shall be accompanied by the annual permit fee as set out in the Fee Schedule of this code for each bench. Permits issued under this subchapter shall expire on June 30 of each year.
(Prior Code, § 18-17) (Ord. 483, § 3)

§ 94.44 PERMIT; TERMINATION PROVISIONS.

Each permit so issued by the city shall contain a provision that in the event of a cancellation or termination by the city of 1 or all permits granted that the permittee herein waives all rights of action in law or in equity against the city which may have accrued or which may hereafter accrue by virtue of the cancellation and termination.
(Prior Code, § 18-18) (Ord. 483, § 11)

§ 94.45 PERMIT; DENIAL; CANCELLATION.

The application for a permit for any bench shall be denied or the permit canceled under any of the following circumstances:

(A) If the Mayor or the Common Council, at any time, finds that the maintenance of a bench at the granted or proposed location would tend to obstruct passage along a public way or to create a hazard to persons traveling thereon;

(B) If the Mayor or Common Council, at any time, finds that the maintenance of a bench at the granted or proposed location would not promote the convenience of the traveling public or allow free and customary use of any street, alley or sidewalk;

(C) If, at the proposed location, the distance from the face of the curb to the property line is less than 8 feet, unless the Mayor and the Common Council find that to maintain a bench at the location is in the interest of the convenience of the traveling public; and

(D) If the ends are not made of concrete, the back 3/4-inch plywood and seat boards of 3 boards 2 by 6 by 7 feet.
(Prior Code, § 18-19) (Ord. 483, § 4)

§ 94.46 MAINTENANCE; REMOVAL.

By acceptance of a permit, the permittee agrees to be bound by all the provisions of this subchapter, agrees to inspect each bench periodically and to maintain the bench or benches in a safe, clean and sightly condition and to post and maintain public liability insurance as required. The Mayor and Common Council reserves the right to order the removal of any such bench at any time when, in its opinion, the interest of the public will be best served by the removal of the bench. If any such bench is ordered removed by the Mayor and Common Council and the same is not done within 30 days of the mailing of written notice to so remove any such bench to the permittee, the Mayor and Common Council may revoke the permit and take whatsoever action is deemed necessary for the removal of the bench, without any liability on the part of the members of the Common Council individually or the Mayor of the city, or of the city.
(Prior Code, § 18-20) (Ord. 483, § 5)

§ 94.47 SPECIFICATIONS.

No bench permitted by this subchapter shall be more than 7 feet in length, nor more than 25 inches in depth, nor more than 42 inches in height, nor more than 6 inches thick. The benches shall be of uniform painting and construction, the ends and legs thereof to be made of concrete and the seats and backs thereof to be made of hardwood or plywood. The benches shall be constructed in a workmanlike manner.
(Prior Code, § 18-21) (Ord. 483, § 6) Penalty, see [§ 10.99](#)

§ 94.48 ADVERTISING; CERTAIN WORDS PROHIBITED.

No advertising placed on benches permitted by this subchapter shall contain words that might tend to cause traffic confusion, such as “stop”, “damage”, “drive in” or other such words.
(Prior Code, § 18-22) (Ord. 483, § 6) Penalty, see [§ 10.99](#)

§ 94.49 ADVERTISING; OBJECTIONABLE MATERIAL PROHIBITED.

No advertising shall be placed on the benches advertising the sale of intoxicating spirits and no lewd or obscene advertising shall be placed upon the benches and in the event any advertising is placed upon the benches which is objectionable to the Mayor and Common Council of the city, the city shall have the right in that event to order the removal of the advertising, and in the event the advertising is not removed within 30 days to cancel all permits heretofore issued and require the removal of all benches from the city and the agreement as herein authorized shall be terminated without any liability on the part of the city.
(Prior Code, § 18-23) (Ord. 483, § 6) Penalty, see [§ 10.99](#)

§ 94.50 INSURANCE REQUIRED.

Before proceeding to install any bench the permittee shall furnish to and file with the city’s Clerk-Treasurer and, at all times, keep in effect a policy of insurance in some company approved by the Common Council naming the permittee and the city as assured, which shall be in such form and with such conditions as to protect the city against all claims for death or injury resulting from the installation, use or maintenance of the benches and to pay all damages which may be recovered against the city as a result of any such suit or suits. The policy shall be conditioned to pay all damages not exceeding the sum of \$25,000, for the death or injury of any 1 person and

with a total limit of liability for death or injury of not less than \$50,000 and \$5,000 for property damage. If, at any time, by reason of judgments obtained the city shall feel itself insecure against further claims, additional insurance shall be furnished so that, at all times, the city shall be protected against the losses to the extent of \$50,000.

(Prior Code, § 18-24) (Ord. 483, § 7)

SIDEWALKS, DRIVEWAYS AND PARKWAYS

§ 94.65 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PARKWAY. That area of land lying between the edge of the street, whether paved or unpaved, and the edge of the sidewalk adjacent to and paralleling the street. Where no sidewalk exists, the term shall mean and refer to that area of land lying between the edge of a street and a line parallel to and 15 feet away from the edge of the street.

PAVE, REPAVE and CAUSE TO BE PAVED. The act of covering or surfacing an area with asphalt, concrete, gravel, rock or other materials used in road or street building. The installation of bricks or decorative stone as landscaping and not for the purpose of parking shall not be considered paving.

PERSON. Any asphalt contractor, concrete contractor, general contractor, landowner, individual, corporation, partnership, joint venture, trust, trustee, beneficial owner or a land trust, nominee of a landowner or any other legal entity.

PROPERTY OWNER. Any person who has an ownership interest in real estate, legal or equitable, partial or absolute, or as a landlord or tenant. Mortgagees and other lien holders shall not be deemed landowners unless and until they acquire ownership by deed or by operation of law.

(Ord. 2002-28, § 1)

§ 94.66 REPAIR AND MAINTENANCE OF SIDEWALKS AND DRIVEWAYS.

(A) *Responsibility of repair and maintenance of abutting sidewalks and driveways.* The responsibility for the repair and maintenance of sidewalks and driveways within the city is hereby deemed to be that of abutting property owners. Property owners shall be responsible for maintaining the abutting sidewalks in a reasonably safe condition, and shall repair and maintain the abutting sidewalk at their own expense as and when needed, in the opinion of the Building Commissioner or his or her designee.

(B) *Notice of order to repair.* Should a property owner fail to maintain his or her abutting sidewalk and/or driveway in a reasonably safe condition, then, in the interest of the health, safety and general welfare of the public, the city, in its sole discretion, may issue a notice or an order to repair the sidewalk and/or driveway to the responsible owner.

Streets and Sidewalks

(C) *Issuance and service of notice to repair.*

(1) Notice of an order to repair or improve any sidewalk and/or driveway within the city shall be issued by the Building Commissioner or his or her designee. The notice shall be addressed to the common address of the property in question and also to the address of the property owner, if different, and shall be sent by certified mail.

(2) The property owner shall perform the requested repairs or improvements to the sidewalk and/or driveway within 30 days from the date of the notice as required by the notice, or any extended time therefrom allowed by the Building Commissioner or his or her designee.

(D) *Contract for repair.* In the event any property owner fails to comply with the order to repair any sidewalk or driveway with the city issued by the Building Commissioner or his or her designee, the Board of Public Works and Safety, in its sole discretion, may have the sidewalk or driveway constructed or repaired. In causing the sidewalk or driveway to be constructed or repaired, the Board of Public Works and Safety may let a general contract for the making or repairing of all sidewalks and/or driveways subject to the issued order. The letting of any contract under the provisions of this section shall be governed by the laws of the state regulating contractual authority of the Board of Public Works and Safety for such matters, as they may be amended from time to time.

(E) *Assessments.* Assessments for the construction or repair of sidewalks or driveways shall be levied and collected pursuant to the terms of I.C. 36-9-36, as amended from time to time. (Ord. 2002-28, § 1)

§ 94.67 PARKWAY MAINTENANCE.

(A) The property owner whose property abuts a street or alley shall maintain and care for any parkway which adjoins or is a part of his or her property. The maintenance and care shall include, but not be limited to, the planting and regular mowing of grass, trimming of bushes and trees and the maintenance of flower beds.

(B) Unless granted authority by the Board of Public Works and Safety, no person may hereafter pave, repave or cause to be paved, all or any part of a parkway, or public right-of-way, except as part of a permitted driveway or driveway apron. The Board of Public Works and Safety may determine the materials and specifications for paving as it feels are appropriate. (Ord. 2002-28, § 1; Ord. 2014-42, § 7; Ord. 2016-37 § 2) Penalty, see [§ 10.99](#)

§ 94.68 EFFECTIVE DATE.

The provisions of this subchapter shall take effect immediately upon passage. (Ord. 2002-28, § 2)

Hobart – General Regulations