

**Chapter 9-02**

**CURBS; CONSTRUCTION**

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**Section 9-02-01 CURB LINE**

The curb line shall be considered the upper and outer edge of the curb stone and shall be equal in height to the grade of the street opposite; provided, that the common council by motion, recorded in its minutes, may establish curb lines and height thereof so that the space between the curb line and the property line, or sidewalk, may be sloped or ramped from the grade of the gutter to the grade of the sidewalk to permit the parking of vehicles upon said slope or ramp. (Ord. 2155, Sec. 9; 1952 Code, Sec. 14-201)

**Section 9-02-02 SPECIFICATIONS FOR CONSTRUCTION**

The construction of all curbs shall be in accordance with the plan and specifications prepared by the Department of Public Works and shall be under the supervision of the Commissioner of Public Works. (1962 Code)

**Section 9-02-03 CUTTING OF CURBS-PERMITS REQUIRED AND REPLACEMENTS PROVIDED**

It shall be unlawful and punishable as a misdemeanor for any person to cut or remove any curb theretofore placed upon any street or alley without first obtaining a permit. All applications for such a permit shall be in writing upon a form to be furnished by the Department of Public Works and shall show the location of such proposed curb cut or curb removal and such other information as may be required, from time to time. Such applications, if for private residential purposes, shall be directed to the Council. Such applications may be denied or granted in whole or in part and upon such terms and conditions as may be deemed to be in the best public interest.

Any permit granted under the authority of this Section shall be subject to the condition that Boise City shall keep and retain the right and authority to, at any time, and in the discretion of the Council, order any such curb replaced at the expense and liability of the adjacent property owner. Proceedings for the replacement of any such curb shall be as provided by Chapter 7, Title IX. (Ord. 2627, 9-9-63)

- B. Special Permits: A special permit may be issued by the Board of Adjustment after a public hearing and a showing that such construction, use and/or occupancy will be in accord with the general purposes and intent of this Chapter. Before a Special Permit for a variance and/or exception of Zoning Regulations, listed in this Section, can be issued by the Board of Adjustment, there shall be on file in the office of the Building Inspector, the written consent of the owners of seventy-five percent (75%) of the area of all the property, except as herein specified, within a

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radius of three hundred feet (300') of any part of the premises upon which a Public Garage or Gasoline Filling Station is to be constructed and/or occupied; two hundred feet (200') of any part of the premises, except as herein specified, upon which a Retail Shop, Office Building, Hospital, Philanthropic Institution, Sanitarium, Clinic Building, Home Occupation, Rest Home, Motel, Hotel, Trailer Camp, Parking Lot for Passenger Type Automobiles or Storage Building for Trucks, Building Materials and Contractor's Equipment is to be constructed and/or occupied. The written consent of the owners of seventy-five percent (75%) of the property on both sides of a front or side street for a distance of two hundred feet (200') on both sides of a front or side street, except as herein specified, from the property where an Isolated Private Garage is to be constructed and/or used. Provided, however, that streets, alleys and any rights-of-way shall not be considered as a part of the area herein specified, nor shall the property owned or occupied by a Canal or Ditch Company, Public Utility, Public School, Boise City, Ada County, the State of Idaho and the United States Government when the owners or their recognized agents have, after written notice and hearing, failed to offer objections to the construction, operation, use and/or occupancy of the said building. Established commercial or industrial zones and nonconforming occupancies shall not be considered as a part of the area herein specified. The petitioner, and any owner of property within the radii above mentioned, may appeal to the Council by filing a written notice of appeal with the City Clerk within five (5) days after the date of the action of the Board, and upon such appeal the Mayor and Council may approve or disapprove the action of the Board and may issue or deny the issuance of such special permit.

### **Section 9-02-04FEES**

Applications for a permit to cut a curb shall be accompanied by a curb cut license fee of ten dollars (\$10.00) for each curb cut for residential purposes and a license fee of three dollars (\$3.00) per lineal foot for each separate or distinct part of a curb to be cut or removed at property used for purposes other than private residential purposes. Upon the granting of a permit to cut a curb, the curb cut license fees herein required shall be deposited in a separate fund or account to be held, maintained and budgeted as separate money to be used for the enforcement of the replacement of the curbs when so ordered. In addition to the method provided by Section 9-2-3 and Chapter 7 of this Title, for the replacement of such curbs, upon the failure of the property owners to replace curbs when so ordered, as provided by Section 9-2-3, the curb cut funds herein provided may, at the discretion of the City, be used by the City and credited to the property toward the cost of the replacement of such curbs. The property owner shall be liable, as provided by this Chapter, for any deficiency in cost of replacement of such curb cuts, and any property owner replacing a curb for which the curb cut fee herein required has been deposited shall be entitled to a refund of such deposit. (Ord. 2486; 3-27-61)

### **Section 9-02-05DRIVEWAYS**

All driveways across the curbs hereafter laid, placed or constructed over or through standard vertical curbs shall be constructed in the following manner:

- A. Where a sidewalk is paved the full width, the entrance shall be a six inch (6") depth of concrete the full width, using a radius or depressed curb at each end of the driveway of not less than one foot (1') nor more than four feet (4') and the grade shall rise from the street gutter on an incline of not less than one and one-half inch (1 1/2") per foot to the established elevation of the sidewalk.
- B. Where there is no sidewalk the same radius or depressed curb as specified above shall be used and the width of the entrance shall be paved with concrete for a distance of not less than two feet

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(2') back of the regular curb line with an incline of not less than one and one-half inch (1 1/2") per foot. (1952 Code, Sec. 14-210; Ord. 2559)

### **Section 9-02-06PENALTY**

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor. (1922 Code, Sec. 1011; 1952 Code, Sec. 14-211)