

**CHAPTER 11****Streets, Sidewalks and Public Property**

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**ARTICLE I****Streets and Sidewalks****Sec. 11-1-10. Definitions.**

As used in this Chapter, the following words shall have the following meanings;

*Boulevard* means that area of the street right-of-way that lies between the traveled or paved portion of the street and the adjacent property line and that area of an alley that lies between the centerline of the alley and the adjacent property line.

*Sidewalk* means that portion of the street which is set aside for the use of pedestrians and which has been surfaced with cement, stone or other similar material.

*Street* means the entire width of every dedicated public way, and shall include the traveled portion thereof known as the roadway, the portion used for sidewalks, and the portion between the property line and the roadway known as the parking. The term shall also include an alley. (Prior code 20-2-1; Ord. 316 §1, 1997)

**Sec. 11-1-20. Snow and ice removal.**

(a) Every owner or occupant of any premises within the Town having a public sidewalk on or adjacent to the premises shall have the duty to keep the sidewalk clean of snow and ice.

(b) All snow and ice on public sidewalks shall be removed within twenty-four (24) hours of accumulation.

(c) It shall be unlawful to deposit snow which accumulated upon and is removed from premises onto sidewalks, within the driving lanes of public rights-of-way or onto or against any fire hydrant, or to conduct snow removal in such a fashion as to block or hinder the driveway access of adjacent properties.

(d) It shall be unlawful for any owner of private property with designated fire lanes to fail to reasonably clear snow and ice from said fire lanes within eight (8) hours after a snowfall of two (2) inches or more has occurred.

(e) Snow and ice removal from improved streets under a developer's or subdivider's ownership or control that have not been accepted by the Town as a public improvement shall be the responsibility of the developer or subdivider. It shall be unlawful for any developer or subdivider to fail to reasonably clear snow and ice from said streets within eight (8) hours after a snowfall of two (2) inches or more has occurred.

(f) For purposes of this Section, *premises* shall mean any lot, parcel, outlot or other subdivision of real property, whether occupied or not, and whether or not a structure exists on the lot, parcel, outlot or other subdivision.

(g) Violations and penalties.

(1) It shall be a violation of this Article for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required in this Article.

(2) Any person, firm or corporation convicted of violating the terms or conditions of this Section is guilty of a civil violation and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00). Each day during which such violation continues shall be deemed a separate offense.

(3) In addition to any of the foregoing remedies, the Town Attorney, acting in behalf of the Board of Trustees, may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violations. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies. (Prior code 16-8-4; Ord. 316 §1, 1997, Ord. 582 §§1, 4, 2006)

**Sec. 11-1-30. Maintenance of boulevard areas.**

The owner or occupant of property adjacent to a street or alley right-of-way shall be responsible for maintenance of trees, shrubs, grasses and other vegetation growing in the boulevard area adjacent to their property. Trees and shrubs with limbs overhanging a sidewalk or a street or alley shall be kept trimmed to a clear height of no less than seven (7) feet above a sidewalk and ten (10) feet above a street or alley. Grasses and other vegetation growing in the boulevard shall be trimmed to the same height as similar vegetation growing on the adjacent property. (Prior code 20-2-2)

**Sec. 11-1-40. Injury to streets or sidewalks.**

It shall be unlawful for any person to injure, cut, mutilate, destroy or deface any street, sidewalk, curb or gutter, the paving or other surface thereof, the trees or plants located therein, or any property maintained or used in connection therewith. (Ord. 316 §1, 1997)

**Sec. 11-1-50. Dangerous places fenced.**

All holes, depressions, excavations or other dangerous places within the Town that are below the natural or artificial grades or the surrounding or adjacent highway or street shall be properly enclosed with fences or walls, or be filled up so as to prevent persons and animals from falling into them. The maintenance person shall notify the owner or occupant of premises on which dangerous places exist to cause fences or walls to be built around them or to cause the same to be filled up. It shall be unlawful for any owner or occupant so notified to fail to comply with such notification forthwith. (Ord. 316 §1, 1997)

**Sec. 11-1-60. Burning leaves or trash prohibited.**

It shall be unlawful for any person to burn any leaves, trash, rubbish or any other substance upon the streets of the Town. (Ord. 316 §1, 1997)

**Sec. 11-1-70. Washing of vehicles prohibited.**

It shall be unlawful for any person to wash any automobile or other vehicle on the streets of the Town. (Ord. 316 §1, 1997)

**Sec. 11-1-80. Depositing litter in streets prohibited.**

It shall be unlawful for any person to deposit in or litter any street with ashes, sod, earth, grass clippings, sand, gravel, rubbish, waste paper, garbage or any other waste material. (Ord. 316 §1, 1997)

**Sec. 11-1-90. Transportation of loose materials.**

It shall be unlawful for any person to convey or cause to be conveyed through the streets of the Town earth, manure, mortar, shavings, rubbish, waste paper, garbage or loose material of any description except in tight receptacles, boxes or truck bodies equipped with covers which prevent the escape of any material contained therein. (Ord. 316 §1, 1997)

**Sec. 11-1-100. Hauling offensive or foul-smelling material restricted.**

It shall be unlawful for any person to transport any offensive or foul-smelling material over, across or upon any of the streets within the Town, or to allow any wagon, truck or other vehicle loaded with such material to stand upon any of the streets unless such material is carried in water-tight tanks or containers and not overloaded so as to allow such materials to fall over the sides thereof. (Ord. 316 §1, 1997)

**Sec. 11-1-110. Trees and shrubs.**

No property owner or occupant shall set out or plant any shade trees, ornamental trees, shrubs or plants in that part of the street between the property line and the curb line abutting such property without first obtaining a permit therefor. Applications for permits for such plantings shall be made to the Town Clerk, and the trees or shrubs set out shall be of a kind and quality and located in a line or place according to a plan approved by the maintenance person. The care and pruning of such trees and shrubs shall be the responsibility of the property owner. (Ord. 316 §1, 1997)

**Sec. 11-1-120. Dead or dangerous trees or limbs removed.**

It shall be the duty of the owner of any property to remove any dead or diseased trees or dead overhanging limbs which are dangerous to life or property and which are located on the premises of such owner or upon the public property abutting the premises of such owner, upon receipt of written notice from the maintenance person so to do and within such reasonable time as specified in said notice. If such owner fails to remove the same within the required time, the maintenance person shall remove or cause to be removed such trees or limbs at the expense of such owner, and such expenses may be recovered in a proper action of law. (Ord. 316 §1, 1997)

**Sec. 11-1-130. Violations.**

(a) Violations of the provisions of this Article shall be petty offenses and punishable in accordance with Sections 1-4-20 of this Code.

(b) In addition to any of the foregoing remedies, the Town Attorney, acting on behalf of the Board of Trustees, may institute injunction, abatement or any other appropriate action to prevent,

enjoin, abate or remove such violations. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies. (Prior code 20-2-3; Ord. 316 §1, 1997)

## ARTICLE II

### Excavations and Obstructions

#### **Sec. 11-2-10. Excavations; permit required.**

It shall be unlawful for any person, other than an officer or employee of the Town in the course of his or her employment, to make, cause or permit to be made any excavation or opening in or under the surface of any street, alley, sidewalk or other public place, without first obtaining a permit therefor, or to make any such excavation in any manner which does not comply with the permit issued therefor. (Prior code 20-1-1)

#### **Sec. 11-2-20. Obstructions; permit required.**

It shall be unlawful for any person, other than an officer or employee of the Town in the course of his or her employment, to make, cause or permit to be made any obstruction in any street, alley, sidewalk or other public place, without first obtaining a permit therefor, or to make any such obstruction in any manner which does not comply with the permit issued therefor. (Prior code 20-1-2)

#### **Sec. 11-2-30. Restoration of excavations and obstructions.**

The permit holder shall restore the street, alley, sidewalk or other public place to its original condition to the extent practicable. Excavations shall be mechanically tamped or recompacted to the full depth of the excavation at no less than ninety-five percent (95%) of Standard Proctor Maximum Density. Any removal, damage or disruption of asphalt or concrete pavement, curb and gutter, drainage structures or sidewalks shall be repaired in the manner prescribed by the Town Engineer. (Prior code 20-1-3)

#### **Sec. 11-2-40. Underground hazards.**

Prior to any excavation in a street, alley, sidewalk or other public place, the permit holder shall request and receive utility location by all public utilities having underground utilities in the area to be excavated. The permit holder shall be responsible for the safety of all underground utilities and for the repair or replacement of any utilities damaged in the course of the excavation. (Prior code 20-1-4)

#### **Sec. 11-2-50. Inspection.**

Inspections of excavations and obstructions and their restoration shall be conducted by the Town Engineer and approved in writing as complying with this Code. The Town Engineer may require the permit holder to reexcavate and recompact excavations to comply with this Code. (Prior code 20-1-5)

**Sec. 11-2-60. Applications for permits.**

Any person desiring a permit to excavate in or obstruct any street, alley, sidewalk or other public place shall make application therefor to the Town Clerk stating in such application the purpose for the excavation or obstruction, its size and the limit of time for which the permit is requested. The Town Clerk, after consultation with the Town Engineer and Public Works Director, may issue the permit upon a finding that the excavation or obstruction will not unduly endanger the public health or safety and that the work will be in compliance with all the requirements of the permit. (Prior code 20-1-6; Ord. 373 §1, 1999)

**Sec. 11-2-70. Permit fees.**

Before a permit shall be issued under this Code, a fee of twenty-five dollars (\$25.00) shall be paid to the Town Clerk. (Prior code 20-1-7; Ord. 316 §1, 1997)

**Sec. 11-2-80. Review, inspection and restoration charges; payment before permit issuance.**

Additional charges, to cover the reasonable costs and expenses of any required engineering review, additional inspection and worksite restoration, may be charged by the Town to each applicant in addition to the permit fee. Applicants required to pay such additional charges shall, at the time of application for permit and before issuance, pay an estimated amount to cover the cost of engineering review, additional inspection and worksite restoration, which shall be computed by the Public Works Director. No permit shall be issued and no work shall be performed under any permit for which required fees and charges have not been paid. (Ord. 316 §1, 1997)

**Sec. 11-2-90. Restoration costs exceeding prepayment; liability.**

Should the cost of site restoration exceed the estimated payment received by the Town, the applicant shall be liable for any deficiency. Said deficiency shall be due and owing upon completion of the work and billing by the Town. (Ord. 316 §1, 1997)

**Sec. 11-2-100. Effect on permit eligibility.**

An applicant shall not be eligible to receive any additional permits under this Chapter until the deficiency contemplated in Section 11-2-90 is fully paid. (Ord. 316 §1, 1997)

**Sec. 11-2-110. Restoration costs less than prepayment; repayment when.**

Should the amount of estimated restoration charges paid by the applicant exceed the actual cost of such work by more than ten dollars (\$10.00), the difference between the amount paid and the actual cost shall be repaid to the applicant by the Town at the conclusion of the work. (Ord. 316 §1, 1997)

**Sec. 11-2-120. Violations.**

Violations of the provisions of this Article shall be misdemeanors and punishable in accordance with Section 1-4-20 of this Code. (Prior code 20-1-8; Ord. 316 §1, 1997)

**ARTICLE III**

**Parks**

**Sec. 11-3-10. Reservation of park facilities.**

Groups of twenty (20) or more persons may reserve the use of the Town park facilities upon the payment of a refundable cleanup fee of twenty-five dollars (\$25.00). The cleanup fee shall be refunded upon the satisfactory cleanup and removal of all debris resulting from the use of the park by the party reserving it. The Mayor shall have the sole responsibility for determining if the fee is to be refunded. (Prior code 21-1-2)

**Sec. 11-3-20. Recreation equipment deposit.**

Town-owned recreation equipment may be obtained from the Town Hall upon giving a refundable deposit of five dollars (\$5.00) to ensure its prompt return. The Mayor shall have the sole responsibility for determining if the fee is to be refunded. (Prior code 21-1-3)