

CHAPTER 11

Streets, Sidewalks and Public Property

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ARTICLE 1

Streets and Sidewalks

Sec. 11-1-10. Repair and maintenance.

The owner, occupant, lessee or person in possession or control of any premises or property shall maintain the sidewalks adjoining such premises or property in good repair and in a safe, unobstructed condition, free of snow, weeds and debris. (Ord. 2007-07 §1)

Sec. 11-1-20. Snow and ice removal from sidewalks.

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

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

(c) 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.

(d) If the owner or occupant does not remove the snow and ice as required in this Section, the Town Administrator shall, by certified mail, personal service or posting of a written notice affixed or hung on the door of an occupied residential property, direct the owner, occupant, agent in charge or other person responsible that the snow and ice be removed. Failure to comply with the provisions of this Section within twenty-four (24) hours following issuance of a written warning by the Town shall be a violation for which the property owner may be fined in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 2004-07 §2; Ord. 2007-07 §1)

Sec. 11-1-30. Obstructions on corner lots.

No planting of shrubs, trees, flowers or the erection or construction of any solid fence, structure or the placement of any other solid material which is over thirty-six (36) inches above the level of the roadway and which obstructs the view of traffic shall be allowed within thirty (30) feet of any street corner as measured along the property lines from the corner. (Prior code 5-8; Ord. 2007-07 §1)

Sec. 11-1-40. Parking of campers, motor homes and trucks.

Campers, camper trailers, motor homes, trucks, trailers or other large vehicles shall be parked at least twenty-five (25) feet from any street corner so as not to obstruct the view of traffic at any intersection. (Prior code 5-9; Ord. 2007-07 §1)

Sec. 11-1-50. Maintenance of sidewalks, curbs and gutters.

(a) Prior to issuance of a certificate of occupancy on any new structure or addition, all sidewalks, curbs and gutters shall be inspected by the Town and any required repairs shall be made by the builder.

(b) All maintenance of sidewalks, curbs and gutters shall be the responsibility of the owner of the adjacent property. Upon written notice from the Town, a property owner shall have ninety (90) days in which the complete specified repairs, after which time such repairs may be completed by the Town at the cost assessed against the property owner and the property.

(c) Nothing in this Article shall require or authorize property owners to maintain any roads. However, all property owners shall maintain, repair and replace as necessary any and all curb, gutter, tree lawns and sidewalks adjacent to their properties. (Ord. 2004-07 §§3—5; Ord. 2007-07 §1)

ARTICLE 2

Excavations

Sec. 11-2-10. Excavation permit required.

Unless acting under a duly authorized written contract with the Town, it is unlawful for any person, other than a duly authorized 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 or pavement of any street, alley, sidewalk or other public place in the Town limits without first having obtained and having in force a permit therefor. (Prior code 5-1)

Sec. 11-2-20. Permit application.

Any person desiring to procure a permit required by Section 11-2-10 above shall file with the Town Clerk, at least twenty-four (24) hours before the time for beginning the proposed work, a written application upon a form prepared and provided by the Town. (Prior code 5-2)

Sec. 11-2-30. Permit deposit requirements.

No permit to excavate in any street or alley shall be issued unless the applicant therefor shall have first deposited with the Town Clerk a performance or cash bond in an amount sufficient to cover the entire expense of replacing the surface and subsurface material in the event it is not replaced or replaced improperly by the applicant. Nothing in this Article shall relieve the applicant from any duty to replace, repair or repave any excavation to its original condition or as close thereto as possible. (Prior code 5-3)

Sec. 11-2-40. Permit fees.

As set forth in Appendix B, a fee shall be charged for a permit issued under the provisions of this Article for any excavation of twenty-five (25) square feet or less. For excavations larger than twenty-five (25) square feet, an additional permit fee as set forth in Appendix B shall be charged for each twenty-five (25) additional square feet or fraction thereof. (Prior code 5-4)

Sec. 11-2-50. Return of bond or deposit.

After completion to the satisfaction of the Town of the work covered by the permit issued under this Article, such permittee shall be entitled to a return of such bond or deposit. (Prior code 5-1; Ord. 2007-07 §1)

Sec. 11-2-60. Barricades and lights required.

Any person making or causing to be made any excavation or opening in any street or alley or within five (5) feet of the public right-of-way shall keep the excavation barricaded at all times. In addition, between sunset and sunrise on every night that the same remains open or danger exists therefrom, he or she shall keep such excavation or opening properly lighted so as to warn persons of such excavation. Failure to provide such barriers shall be unlawful. (Prior code 5-6; Ord. 2007-07 §1)

ARTICLE 3

Public Parks

Sec. 11-3-10. Parks in the Town.

Parks in the Town shall be closed to public use between the hours of 10:00 p.m. and 6:00 a.m. on Mondays, Tuesdays, Wednesdays and Thursdays of each week. Parks in the Town shall be closed to public use between the hours of 11:00 p.m. to 6:00 a.m. on Fridays, Saturdays and Sundays of each week. (Ord. 6-95 §1)

Sec. 11-3-20. Violations and penalties.

Any person violating this Article shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 1-4-20 of this Code. (Ord. 6-95 §2; Ord. 2007-07 §1)