

Streets and Sidewalks

PART 14

STREETS AND SIDEWALKS

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SECTION 14-101 OBSTRUCTIONS GENERALLY

It is unlawful for any person to obstruct in any manner any street, alley, sidewalk or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure, fence or other obstruction of any kind.

SECTION 14-102 INTERFERING WITH STREET, FREE FLOW OF TRAFFIC

A. It is unlawful to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection A herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such condition and to move on or disburse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

SECTION 14-103 REMOVAL OF TREES, SHRUBS, OBSTRUCTING VIEW OF TRAFFIC

A. The owner of every lot or parcel of land in the town upon which any trees, shrubs or plants are growing, or upon which any obstruction has been placed, shall remove such trees, shrubs, plants or obstruction, or parts thereof, if they are so situated as to constitute a traffic hazard by obstructing the view of any driver of any vehicle on the streets of the town to the extent that the driver is unable to observe the approach of other vehicles on streets and alleys and at

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intersections.

B. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage, sight and travel along the streets, sidewalks and alleys. If premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

C. Any owner or occupant who fails, refuses or neglects to trim trees and shrubbery as provided in this section, after receiving five (5) days' notice from the town clerk or his designee to do so, is guilty of an offense against the town. In addition to any fine or punishment as an offense, the town may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees or shrubbery after the expiration of the five (5) days' notice shall be a separate offense.

Cross Reference: General procedure for abatement of nuisances caused by weeds or grass constituting a traffic hazard, see Part 8 of this code.

SECTION 14-104 DISPLAY OF SALE OF GOODS, WARES AND MERCHANDISE.

A. Except as otherwise provided in this code, it is unlawful for any person to display any goods, wares or merchandise for sale, or to sell the same, on any street, alley or sidewalk, or from any vehicle parked thereon, in the corporate limits of the town. Each separate sale or offer to sell in violation hereof shall constitute a separate offense.

B. Any vehicle parked on the streets, alleys or sidewalks for the purpose of making merchandise available for sale by the methods prohibited by this section shall be promptly moved by the driver upon order of the police of the town, and if not promptly moved, the same shall be towed from such location upon order of the police department, and the driver or custodian of the vehicle shall also be deemed guilty of an offense.

C. In each instance where an individual is guilty of an offense under the provisions of this section, the person for whom such individual is acting in the capacity of an agent or employee shall be guilty of a separate offense.

SECTION 14-105 NO STRUCTURES ON OR OVER STREETS AND SIDEWALKS.

A. It is unlawful for any person to erect or construct, or cause to be erected or constructed, any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the town, except that the building official may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefor.

B. Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the town, and a contract shall be entered into as to the maintenance of the structure and as indemnifying agreement secured, indemnifying and saving the town harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within

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SECTION 14-106 PLAYING PROHIBITED

It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main-travelled portion of any street, avenue or alley of the town except as may be authorized by ordinance.

Cross Reference: Play streets authorized, see Section 15-527 of this code.

SECTION 14-107 UNLAWFUL TO INJURE TREES, SHRUBBERY

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the town. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery.

SECTION 14-108 SIGNS OBSTRUCTING VIEW, IN SIGHT TRIANGLE, PROHIBITED

A. It is unlawful for any person to otherwise place any object, vehicle or structure on or so near to any street right-of-way such that same constitutes a traffic or safety hazard for either pedestrians or vehicular traffic traveling on or onto the street.

B. It is unlawful and an offense for any person to erect, construct, locate, maintain or allow to remain on his property any sign, fence or structure within an area known as the sign triangle, which is defined as that area formed by measuring from the point of intersection of two (2) lot lines a distance of twenty-five (25) feet along each lot line and connecting the points so established to create a triangle with sides abutting street right-of-way. Any sign, fence or structure placed or located in the area is hereby determined to be a public nuisance, and the town is authorized to cause the structure, fence or sign to be removed.

SECTION 14-109 DUTIES OF OWNERS AND OCCUPANTS OF ADJACENT PROPERTY RELATIVE TO SIDEWALK OBSTRUCTIONS, HAZARDS

A. It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk in front of his premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash and all obstruction and to remove such weeds, trash and obstruction from such places.

B. It is unlawful to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the town any trash, weeds, tree trimmings, dirt or any other refuse of any kind.

C. It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area.

SECTION 14-110 PENALTY

Any person who violates any provision of this chapter is guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code. Each day upon which a violation continues shall constitute a separate offense.

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CHAPTER 2

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ARTICLE A

STREET CUTS

SECTION 14-201 UNLAWFUL TO CUT WITHOUT PERMIT.

It is unlawful for any person to cut the pavement or curb in or on any of the streets, sidewalks, avenues or alleys in the town for the purpose of laying pipe or other connections for utilities, or to cut or otherwise injure the pavement or curb on any of the streets, sidewalks, avenues or alleys for any purpose whatsoever without a permit therefor as provided by this chapter.

SECTION 14-202 PERMIT.

Every person who desires to lay pipes or lines for the purpose of making and preparing any connections to utilities which will require the cutting of the pavement to make such connections shall make application for and procure from the town a written permit to cut such pavement or curb and make such installations for the proposed purpose or otherwise. No person shall have any right or authority to construct or install any pipes or lines or otherwise cut the pavement or curbs without first having secured such permit.

Cross Reference: Building code 5-101 et seq.

SECTION 14-203 FEE.

Any person desiring to cut the pavement or other hard surface on any street or sidewalk in the town shall pay a fee for the permit. The fee shall be in such amount as set by the town board by motion or resolution.

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SECTION 14-204 NOTIFICATION OF COMPLETION OF WORK.

All permittees, when they have completed the work for which such cut has been made, shall notify the town of the completion of such work in order that the same may be inspected and approved.

SECTION 14-205 NO DELAYS.

Any permittee cutting pavement by virtue of a permit as authorized herein shall perform the excavation or other work without delay or interruption.

ARTICLE B

CURB CUTS

SECTION 14-211 PERMIT FOR CURB CUTS.

A. It is unlawful for any person to cut, break, tear out or remove the curbing or any part thereof along the street in the town for any purpose except in accordance with this article. Any person desiring to cut any curbing in the town shall first obtain a permit from the town before doing so. Application for such permit shall be in writing to the town and shall state the time and place that applicant desires to break the curbing. The application shall contain such other information as is required by the town.

B. The town may, in its discretion, refuse to approve any permit to cut any curbing along the streets of the town when the cutting of the curbing shall constitute a traffic hazard, or interfere in any way with the safety of the public in the use of the street or adjacent sidewalk, or in any way deteriorate or damage the street or interfere with the use thereof by the public. Only such portions of any curbing may be cut or removed as in the opinion of the building officer may be consistent with and not detrimental to the general public welfare.

SECTION 14-212 FEE.

A fee as set by the town board of trustees by motion or resolution shall be paid to the town prior to obtaining the permit required in this article.

SECTION 14-213 INSPECTION.

The removing of such curbing, the construction of the driveway and all other parts of the work in connection therewith shall be subject to the inspection and approval of the town.

SECTION 14-214 PENALTY

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 1-108 of this code.