

CHAPTER 19

STREET, SIDEWALKS AND OTHER PUBLIC PROPERTY

19-1. Certain ordinances relating to streets not affected by Code. Nothing in this Code or the ordinance adopting this Code shall be construed as repealing or otherwise affecting the validity of any ordinance:

(1) Dedicating, accepting, naming, establishing, locating, relocating, opening, paving, widening, improving or vacating any street, sidewalk, alley, park, or other public grounds;

(2) Establishing or prescribing grades for streets in the city; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

19-2. Names of streets. All streets of the city shall be known and designated by the names applied hereto, respectively, on the map of the city kept on file in the office of the City Clerk and the street names designated on said map shall continue to be the names of streets unless and until changed by ordinance.

19-3. Numbering buildings. Buildings located along the streets of the city shall be numbered in accordance with a chart kept by the City Clerk showing the proper street number of each lot. The owner of any such building shall place such number on his building so as to be visible from the street.

19-4. Damage to streets. No person shall damage or deface any street, alley, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the city.

19-5. Encroachments on Public Right-of-Way.

(a) Definitions. The following terms shall be defined as follows for purposes of this section:

Roadway right-of-way is defined as those areas existing or acquired by dedication or by fee simple for highway purposes; and also, the areas acquired by temporary easement during the time the easement is in effect;

Project right-of-way is defined as those areas within the project right-of-way lines established jointly by the City and State which will be free of encroachments except as hereinafter defined.

Encroachment is defined as any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way line has been established.

Permissible Encroachment is defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

Construction Easement Area is defined as the area lying between the project right-of-way limits and the platted street limits within which the City, by concurrence in the establishment of the project right-of-way lines, will permit the State to enter to perform all necessary construction operations.

(b) It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment except as provided in subparagraph (c) of this section, within the limits of the project right-of-way or roadway right-of-way where no project right-of-way lines have been established.

(c) Revocable permits may be issued by the City Council for the temporary retention of permissible encroachments and the City may impose any conditions to such permit that it deems appropriate.

(d) Any person, firm or corporation violating this ordinance shall be fined not less than \$25 nor more than \$500 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

(Ordinance No. 93-C-5 amended June 21, 1993)

19-6. Obstructing streets. (a) No person shall obstruct or endanger the free passage or proper use by the public of any street, sidewalk, alley or public place, except as may be permitted by this chapter.

(b) Goods, wares and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not totally obstructed.

(c) Merchandise may be placed on a sidewalk within three feet of a building by the merchant occupying the premises without a permit.

19-7. Street excavations. (a) It shall be unlawful to dig, tunnel or excavate in or under the streets and alleys of the city without first obtaining a permit therefor from the City Council.

(b) An application for such permit shall be accompanied by a deposit of \$100 and shall show the exact location and the purposes, depth and direction of the digging, tunneling or excavating proposed.

(c) All work shall be done in accordance with such regulations and directions as the city may impose.

(d) Upon completion of the work contemplated by the permit and approval of the same by the City Council, the deposit of \$100 shall be returned to the applicant.

19-8. Builders occupying street. (a) Permission. Builders may occupy such portion of the public street and sidewalk abutting upon and adjacent to such buildings for private use in connection with the actual building operations under permit from the City Council.

(b) Materials on streets. No materials except those required for immediate use in connection with a building or structure, or the alteration or repair thereof under such permit, shall be placed upon the street or sidewalk abutting upon or adjacent of such building. As soon as such building or structure is under roof, all materials shall be placed within the lot line, and the street and sidewalk cleaned and placed in the same condition as before the beginning of the building operations under such permit.

(c) Area used; temporary walks. No more than one-half the space between the center line of the street and the lot line of the premises upon which such building alterations or repairs are being conducted under such permit, and no more than one-third the width of any public sidewalk, shall be occupied under such permit; provided the full width of the sidewalk may be occupied upon obtaining consent of the City Council and upon the providing of a temporary walk leading around the obstructed portion of the sidewalk connecting with the permanent walk at either end thereof. Such temporary walk shall be constructed to the satisfaction of the City Council.

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(d) Access to hydrants, drains. No building or other material, temporary walk, or obstruction shall be placed so as to render inaccessible access to, or to render impassable to vehicles, any street, alley, or public way, or to obstruct any fire hydrant, manhole, catch basin, or vault.

(e) Cleaning walk. The holder of such permit shall at all times during the work thereunder, maintain the portion of the permanent sidewalk reserved or the temporary walk above provided for, in a safe condition and clear of all material, rubbish, dirt or snow.

(f) Barriers. The builder shall erect and maintain a sufficient and suitable fence, railing or barricade to guard all excavations, embankments or obstructions along the street.

19-9. Protection of work in streets. Any person laying any street, sidewalk or other public place or making an excavation in the same shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Barricades shall be protected by suitable lights at nighttime. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades, portable fencing and lights. No person shall interfere with or disturb any barricades, fencing or lights lawfully placed to protect or mark new pavement or excavation or opening in any street, alley or sidewalk.

19-10. Moving structures on streets. No person shall move any building or structure on any street without a permit from the City Council. The City Council may issue a permit under such conditions as it may reasonably prescribe to protect the streets and city and private property and to minimize public inconvenience. It may require the permittee to execute a bond or insurance contract in behalf of the city in such amount as it deems appropriate, conditioned that the permittee will comply with the conditions of the permit and indemnify the city against any damage caused to the city or private property or any person by removal of the building or structure.

19-11. Advertising on streets. No person shall paint or post any signs or bills on any streets, poles or other structures in any street or street right-of-way or on the surface of any street or sidewalk.

19-12. Debris in streets. (a) No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the City Council.

(b) Any person violating this section shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this Code.

19-13. Driveways. (a) Grade. No driveway shall be constructed or graded as to leave a step, a sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where it crosses the sidewalk constructed of such materials as to render it slippery or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

(b) Specifications. Driveways across sidewalks shall be constructed in compliance with Section 25-7-19 of this Code.

(c) Repair. The person maintaining a driveway shall keep it in good repair at the place where it crosses the sidewalk, and keep it free from any obstruction.

19-14. Trees. (a) Planting permit. No person shall plant any tree or shrub in any street or parkway or other public place without first having secured permission from the City Council. Application for such permit shall be made to the City Clerk, and shall be referred by him to the Council for approval. No tree or shrub shall be planted or permitted to grow within five feet of any public sidewalk or in such a manner as to block view.

(b) Removal permit. No person shall remove or cut down any tree or shrub in any street, parkway or other public place without having first secured permission of the City Council.

(c) Injury. No person shall injure any tree or shrub planted in any street, parkway, city park, or public place.

(d) Advertisements or notices. No person shall attach any sign, advertisement or notice to any tree or shrub in any street, parkway or public place.

(e) Dangerous trees. Any tree or shrub which overhangs any sidewalk, street or other public place in the city in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such tree or shrub grows so that the obstruction shall cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which the tree grows or stands.

(f) Wires. No person shall attach any wire or rope to any tree without the permission of the City Council. Any person granted the right to maintain pulls

and wires in the streets, alleys or other public places in the city shall, in the absence of provision in the franchise concerning the subject, keep such wires and pulls free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the City Council, to insure that injury shall not be done to the poles, wires, shrubs and trees by contact with wires.

19-15. Signs on Route 133 (Springfield Avenue). No signs other than signs placed by agencies of governments shall be erected on any public property abutting Route 133 (Springfield Avenue). No signs shall be placed on any private property without the consent of the owner thereof. No signs shall be placed or painted on any tree or rock. No signs shall be placed on any utility pole except for utility identification or similar purpose.

(Ordinance No. 95-C-1 amended January 19, 1995)