

CHAPTER 14

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CHAPTER 14

STREETS, SIDEWALKS AND PUBLIC WORKS

ARTICLE 1

USE AND CONSTRUCTION OF STREETS

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

- A. The owner of any premises abutting on any street of this town shall trim all trees and shrubbery growing between the sidewalks and the roadway of any such street and all trees and shrubbery growing on any party 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 and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter 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.
- B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in Section A of this section, after receiving five (5) days' notice from the Mayor to do so, shall be guilty of an offense. Every day that the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice shall be a separate offense.

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY

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

SECTION 14-103 UNLAWFUL TO OBSTRUCT SIDEWALKS, PARKWAYS, STREETS AND ALLEYS WITH MERCHANDISE.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the sidewalks, parkways, streets and alleys of the town any goods, wares articles of merchandise or any other obstruction and leave the same thereon or to use the same as a place to carry on a business or trade.

SECTION 14-104 UNLAWFUL TO OBSTRUCT UNLAWFUL SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to use or obstruct the sidewalks of the town in any manner so as to interfere unduly with pedestrian traffic thereon or to use or obstruct the streets and alleys of the town in any manner so as to interfere unduly with lawful traffic and parking thereon.

SECTION 14-105 UNLAWFUL TO PLAY ON STREETS.

It is unlawful for any person to play on the main-traveled portion of the streets and alleys of the town except as may be authorized by ordinance.

SECTION 14-106 WATER FROM RILLING STATIONS AND OTHER BUSINESSES

It is unlawful for any owner or operator of a filling station or other place of business or any agent or employee thereof to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street alley or other public way.

SECTION 14-107 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

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

SECTION 14-108 NOTICE; PENALTY.

If any property owner, occupant or agent of such property shall fail or refuse to repair or clean off the sidewalk abutting or adjacent to the property owned or occupied by him within seventy-two (72) hours after notice served on him/her by any police officer, health officer or any other agent of the town, the property owner or occupant or agent so failing or refusing after notice so to do, to repair or clean off such sidewalk, shall be deemed guilty of an offense.

SECTION 14-109 NO OBSTRUCTIONS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm or corporation to obstruct any street, sidewalk or alley by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains or dam the same so as to back any water upon the streets, alleys sidewalks or gutter.

SECTION 14-110 INJURY; DRIVING OVER CURBING AND CROSSINGS.

An person who shall willfully or wantonly cut or break or remove or in any manner displace any curbing, guttering or who shall recklessly or intentionally drive any vehicle loaded with asphalt materials, lumber or building materials or any kind into or on the curbing or concrete guttering of any paved street, shall be guilty of an offense.

SECTION 14-111 OWNER OF VEHICLE RESPONSIBLE FOR DAMAGE TO STREET.

The owner, driver, operator or mover of any vehicle over any street or alley of the town and specifically vehicles of a load weight in excess of passenger automobiles and light delivery trucks, shall be responsible for all damages which streets or alleys may sustain as a result of the use thereof by such vehicles. This shall not be applicable to deterioration caused by normal vehicular use of such streets and alleys. The amount of such damage may be recovered in an action in the court of proper jurisdiction in the name of the town.

SECTION 14-112 WHEN SIDEWALKS MAY BE OBSTRUCTED.

It is unlawful for an owner or occupant of premises abutting on a sidewalk in the town to store on the sidewalk, goods, and wares and merchandise unless a space of at least six (6) feet in width is left clear for passage of traffic or pedestrians. Such goods, wares and merchandise may not be stored or displayed on the sidewalk in such a manner that vehicles parking at the curb would be damaged thereby. Such goods, wares and merchandise must be removed by the owner or occupant of the premises at least once during each twenty-four (24) hour period.

SECTION 14-113 INSECTS AND WORMS.

Each owner, agent or occupant in front of or on whose lots shade trees have been planted or are growing shall use every reasonable precaution to protect the same from insects and worms.

SECTION 14-114 PERMIT TO STRING WIRES.

- A. It is unlawful and an offense for any person to trim, cut or otherwise mutilate any shade or ornamental tree of any street parking or other public place in the town for the purpose of stringing wires or cables along or across the parking's or other public places without first obtaining a permit before in writing from the town, which shall be filed with the town clerk.
- B. Whenever any telephone, telegraph or electric light and Power Company or any other person with authority to use the streets for such purposes desires to string any wires or cables along or across any of the street parking or other public place, such person shall make application to the town. If the Mayor determines that it is necessary for the proper stringing of the wires to trim or cut any such trees and the same can be done without serious injury to the trees he shall issue his/her written permit stating the nature and extend of such trimming or cutting which shall be filed; with the town clerk as heretofore provided. All such trimming or cutting shall be done under the direct supervision and control of the Mayor or some competent person designated by him/her.

ARTICLE 2

EXCAVATING OR CUTTING STREETS AND ALLEYS

SECTION 14-201 NOTIFICATION TO THE TOWN.

Before beginning any boring, cutting or excavation under, across or through any street or alley, the party about to perform the same shall notify, in writing, the town that such boring, cutting or excavation is intended to be done, the location thereof, and the necessity of such boring, cutting or exaction. Such written notification must be made prior to commencement of any such boring, cutting or excavation.

SECTION 14-202 FEE TO BE PAID TO TOWN.

Any person who shall hereafter bore, cut or excavate under, across or through the surface of any street or alley in the town shall obtain a permit from the town clerk, upon payment of the fee set by the town and upon approval of the Mayor and Town Board of Trustees, prior to the commencement of any such cutting, boring or excavation.

SECTION 14-203 SECURITY BOND.

Prior to commencement of any boring, cutting or excavation of any street or alley the party to perform the same shall post with the town clerk a good and sufficient surety or indemnity bond, payable to the town in the amount set by the board of trustees. Such bond shall be to protect and save the town from harmless from any and all damaged caused by such boring, cutting or excavation.

SECTION 14-204 TO FILL EXCAVATION, APPROVAL BY TOWN.

A. After the installation, replacement or repair of any utility lines or other line, the party making such bore, cut or excavation shall fill the bore, cut or excavation and tamp the earth or other fill material as specified by the town, subject to the rules and regulations as may be prescribed by the town board of trustees. The party making any such bore, cut or excavation shall replace any paving, whether asphalt, concrete or a combination, damaged, destroyed or removed in like manner as existed prior to such bore, cut or excavation.

B. The following specifications apply to the fill:

1. A suitable soil stabilizer shall be used as part of the reconstruction process;
2. All soils treated with the stabilizer and routinely compacted shall attain unconfined compressive strengths greater than the same soils which are untreated and compacted to ninety-five percent (95%) of the maximum laboratory dry density;
3. Treated soils should attain a field California Bearing Ration (CBR) of forty (40) or greater, when used in accordance with manufacturer's instruction
4. Treated soils shall gain in compressive strength and maintain their size and shape when subjected to damp environments;
5. Treated soils should attain sufficient strength to allow for repaving, removal or any traffic control. Devices and provide for the return to normal traffic on any site where the stabilizer is used within two (2) hours or less of the final compaction lift when used in accordance with manufacturer's instructions;
6. Treatment of soil will create less than 10 degrees F exothermic reaction so as to prevent possible damage to pipe or other underground conduits, plant or animal life. The stabilizer shall not pose a threat to thermal injury to works nor will it cause the ground to expand after compaction which could prevent immediate repaving;
7. The stabilizer shall be environmentally safe and shall not exceed EPA standards for ingestion or inhalation, or cause hazards to work crews or environment;
8. The stabilizer will be non-corrosive to underground pipe and other conduits;
9. The ration of stabilizer to soil shall not be less than twenty-five (25) pounds per cubic yard of soils and

C. Upon completion of all restoration work the Mayor shall examine the location to determine if such filling, tamping or paving complies with the standards set forth by the rules and regulations of the town board of trustees and endorse upon the permit his/her acceptance or rejection of the restoration. If such restoration does not comply with the standards set by the town board of trustees, the town may cause proper and necessary repairs at the sole cost of party to whom the permit was issued.

D. It is the Mayor and Town board of Trustee's discretion as to the repair and replacement of streets and

alleys either being trenched or bored.