

Chapter 54

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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ARTICLE I. IN GENERAL

Secs. 54-1—54-19. Reserved.

ARTICLE II. SIDEWALKS**Sec. 54-20. Penalties.**

The Town shall enjoin and restrain any person violating the specific requirements of this article from further construction, repair, or replacement and shall impose a fine according to a schedule of fines as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office, as prescribed by the provisions of section 1-13.

(Code 1959, ch. 17, § 17-18)

Sec. 54-21. Conformance required.

All sidewalks made new, replaced, or repaired in the Town shall conform with provisions in this article, as well as with the grades, plans, profiles, and specifications provided by the Building Commissioner and on file in the Clerk-Treasurer's office, and as adopted by the Town Council.

(Code 1959, ch. 17, § 17-1)

Sec. 54-22. Permit required.

Any person desiring to build, replace, or repair any sidewalk within the Town shall file an application for a permit with the Clerk-Treasurer. Said application shall be:

- (1) Filed before the commencement of any work on the sidewalk, except where a sidewalk is to be laid in accordance with the provisions of a special improvement resolution.
- (2) Signed by the owner or agent of the abutting property of said sidewalk.

(Code 1959, ch. 17, § 17-2)

Sec. 54-23. Driveways.

Where a driveway is to be built across the sidewalk space, the driveway shall conform to the sidewalk grade and shall be six inches in depth and of the same quality as specified for sidewalks.

(Code 1959, ch. 17, § 17-11)

Sec. 54-24. Alley crossings.

All alley crossings shall be constructed of concrete six inches thick; shall be of the same finish and material as specified for sidewalks; and shall be concave or straight as may be ordered by the Building Commissioner.

(Code 1959, ch. 17, § 17-12)

Sec. 54-25. Inspection and acceptance.

The Building Commissioner shall inspect, and where appropriate, approve the material used and the building or repair for all sidewalks.

(Code 1959, ch. 17, § 17-13)

Sec. 54-26. Notice to property owners.

(a) Whenever, in the opinion of the Town Council, any new sidewalks should be built, or old sidewalks repaired in the Town, the Town Council shall forthwith give notice to the owner of the abutting property or his agent, if a resident of the Town.

(b) In case such owner or agent is a nonresident of the Town, the Town Council shall serve such notice by sending a copy thereof by registered letter to such owner or agent, if the address of such owner or agent is known.

(c) If such owner or agent is a nonresident and his address is unknown, or such real estate is vacant, or unoccupied, and the residence of the owner or agent is unknown, then a copy of said notice shall be posted in a conspicuous place requiring said owner to build or repair the same within 30 days from the date of service of such notice.

(d) In case the owner shall fail to build or repair any such sidewalk after said notice has been given, then the Town shall proceed to build or repair such sidewalk as deemed appropriate by the Town Council.

(e) The costs, charges and expenses thereof shall be charged against the owner of such property and shall be the actual cost of materials plus the cost of labor, according to a schedule of fees, as shall be modified from time to time by the Town Council, and made available for public inspection in the Clerk-Treasurer's Office, or the actual cost for hired labor, and shall be subsequently assessed as a lien on the property.

(Code 1959, ch. 17, § 17-14)

Sec. 54-27. Tampering with grade stakes.

(a) It shall be the duty of the contractor, at all times while building, repairing, relaying or replacing any sidewalk, to see to it that the stakes indicating the grade of the same have not been tampered with.

(b) It shall be unlawful for any unauthorized person to tamper or interfere with any grade stake for any sidewalk or to deface or disturb any such sidewalk while it is being constructed. Such action shall be considered an infraction, punishable with a fine according to a schedule of fines as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's Office as prescribed by the provisions of section 1-3.

(Code 1959, ch. 17, §§ 17-16, 17-17)

Secs. 54-28—54-58. Reserved.

ARTICLE III. EXCAVATIONS**Sec. 54-59. Penalties.**

The Town shall enjoin and restrain any person violating the specific requirements of this article from further excavation and shall impose a fine according to a schedule of fines as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office, as prescribed by the provisions of section 1-13.

(Code 1959, ch. 7, § 7-13)

Sec. 54-60. Compliance required.

No excavation shall be made in any public thoroughfare in the Town by any person until and unless he has complied with the terms and provisions of this article.

(Code 1959, ch. 7, § 7-1)

Sec. 54-61. Application for permit to excavate required.

Any person that desires to excavate into, under, or along a public thoroughfare shall first make application for a permit in writing to the Town Council. The applicant shall:

- (1) Designate in writing the purpose of the excavation, the size and number of said excavations, and other information as the Town Council requires.
- (2) Affirm in writing that he has met and will meet all the terms and conditions of this article in making such excavations and repairs of the surfaces on said thoroughfare.
- (3) Affirm in writing that said excavation shall be performed with minimal inconvenience to the public, and the applicant shall provide a plan in writing therefor.
- (4) Affirm in writing that said excavation shall leave the affected thoroughfare in a condition to afford proper storm drainage, and the applicant shall provide a plan in writing therefor.

(Code 1959, ch. 7, §§ 7-2, 7-6)

Sec. 54-62. Issuance of permit.

The Town Council shall review said application and shall make recommendations to the Clerk-Treasurer accordingly that the application shall be approved or denied. Upon the approval of the application, the Clerk-Treasurer shall issue an excavation permit to the applicant.

(Code 1959, ch. 7, § 7-3)

Sec. 54-63. Bond required.

(a) Before a permit shall be issued by the Clerk-Treasurer under this article, the person applying for such permit shall give, execute, and deliver a surety bond to the Town, in a sum, to be determined by the Town Council in relation to the cost for the specific project and

conditioned upon the faithful performance and compliance with all rules and regulations adopted by the Town. Said bond shall also be conditioned to indemnify the Town against any loss to property of persons occasioned by said excavation or repair to such thoroughfare.

(b) Any person may furnish said bond upon an annual basis, and which bond shall be binding upon any permit subsequently issued during a calendar year to said applicant.
(Code 1959, ch. 7, §§ 7-4, 7-5)

Sec. 54-64. Town Superintendent to supervise.

All excavations in public thoroughfares shall be made under the supervision of the Town Superintendent.
(Code 1959, ch. 7, § 7-6)

Sec. 54-65. Barriers, braces and warning devices required.

(a) Red lights, safety lanterns or flares shall be kept about the perimeter of the project and lighted from sunset to sunrise at all unfinished work locations, and sufficient barricades to prevent accidents shall be placed around the excavation sites at all times.

(b) Trenches or excavations made in sloughing or water-bearing soils or that are at least five feet deep and in the immediate vicinity of a structural foundation shall be sheathed and braced.

(Code 1959, ch. 7, § 7-7)

Sec. 54-66. Restoration of surface at site.

After the completion of the excavation, the permit holder shall backfill the site with pit-run gravel by either tamping or other methods required by the Town Superintendent. Should any settling of the street surface or pavement occur after same has been filled, the permit holder shall, under the direction of the Town Superintendent, remove and refill the settled area and restore it to proper specifications at the permit holder's expense.

- (1) As soon as the Town Superintendent deems it safe, any hard surface or pavement removed shall be replaced by the Town Street Department, or its authorized agent, with the same kind and type of surface or pavement as that removed.
- (2) The Town Superintendent shall accurately measure and determine the amount of surface or paving removed by the excavation and report the same to the Clerk-Treasurer, along with a statement as to the kind of surface or pavement removed.
- (3) The Clerk-Treasurer shall send a statement of the amount due to such permit holder for the surface or pavement removed according to the following schedule:
 - a. The current fair market value per square foot for concrete, asphalt, or bituminous concrete on concrete base, asphalt or crushed stone base, brick on concrete base, brick on concrete filler.
 - b. The current fair market value per square foot for bituminous or petroleum product matter.

- (4) All funds so received by the Clerk-Treasurer shall be entered into the Town street and alley fund.
 - (5) In the event that any permit holder fails to pay the Town said funds within 30 days after the Clerk-Treasurer sends said statement, said permit holder shall pay all damage costs and expenses, including attorney's fees, required to enforce the claim, and said bond shall be liable therefor.
- (Code 1959, ch. 7, §§ 7-8—7-12, 7-14)

Secs. 54-67—54-90. Reserved.

ARTICLE IV. SPECIAL EVENTS

Sec. 54-91. Permit for special event.

(a) Any person or organization shall submit an application to obtain a permit for a block party, parade or special event.

(b) The permit cost will be determined according to a schedule of fees as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office.

(c) Any street closures associated with the event must be presented to the Council in writing for approval prior to the event and shall not interfere with emergency vehicles or be situated in a manner which would impede access to any fire hydrants.

(d) The duration of the event or street closure must be stated on the application and the permit will be issued only for the approved duration.

(Ord. No. 2004-02, 5-3-2004)

Sec. 54-92. Application must contain pertinent information.

(a) The application for a special event permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such special event;
- (2) If the special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
- (3) The name, address and telephone number of the person who will be the special event chairman and who will be responsible for its conduct;
- (4) The date when the special event is to be conducted;
- (5) The route to be traveled, the starting point and the termination point;
- (6) The approximate number of persons who, and animals and vehicles which, will constitute such special event; the type of animals, and description of the vehicles;

- (7) The hours when such special event will start and terminate;
 - (8) A statement as to whether the special event will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (9) The location by streets of any assembly areas for such special event;
 - (10) The time at which units of the special event will begin to assemble at any such assembly area;
 - (11) The interval of space to be maintained between units of such special event;
 - (12) If the special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Town Council a communication in writing from the person proposing to hold the special event, authorizing the applicant to apply for the permit on his behalf;
 - (13) Any additional information which the Town Council shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (b) Such application shall be filed not less than seven days before the date on which it is proposed to conduct the special event.

Sec. 54-93. Standards for permit issuance.

The Town Council shall issue a special event permit when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- (1) The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the special event will not require the diversion of so great a number of police officers of this municipality to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this Town;
- (3) The conduct of such special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this Town other than that to be occupied by the proposed line of activity and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such special event will not interfere with the movement of fire-fighting equipment en route to a fire.

Sec. 54-94. Notice of permit denial.

If the Town Council disapproves the application for a special event permit, it shall mail to the applicant, within three days after the date upon which the application was filed, a notice stating the reasons for its action.

Sec. 54-95. Alternative permit.

The Town Council, in denying an application for a special event permit, shall be empowered to authorize the conduct of the special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Town Council, file a written notice of acceptance with the Town Council. An alternate special event permit shall conform to the requirements of, and shall have the effect of a special event permit under this article.

Sec. 54-96. Revocation of permit.

The Town Council shall have the authority, after a hearing affording due process, to revoke a special event permit issued hereunder upon application of the standards for issuance as set forth in this article.

Sec. 54-97. Compliance with laws and regulations.

A person holding a special event permit shall comply with all permit directions and conditions and with all applicable laws and ordinances.

Chapters 55—61

RESERVED

