

TITLE 12

STREETS AND SIDEWALKS

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## Chapter 12.02

### SIDEWALKS

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12.02.010 Advertise Notice for Construction. Upon the Town Council ordering the construction of any sidewalk, the Town Clerk shall immediately give notice in writing to the abutting property owner, fully described therein the length, course, width and character of the walk ordered, and allowing a period of thirty (30) days during which the owner may construct the walk abutting his property, and further providing that all such walks so ordered remaining unbuilt at the expiration of said thirty (30) days of said notice shall be built by the City. (Amended, Ord. 86, May 10, 2007).

12.02.020 Street and Alley Committee to construct Sidewalks. At the expiration of thirty (30) days from the date of the notice as aforesaid, the Town Clerk shall notify the said Street and Alley Committee to build such portions of the walks ordered that

may not yet be built, and said Street and Alley Committee shall within twenty (20) days of the date thereof construct the same, or cause to be constructed.

12.02.030 Contract to Lowest Bidder. The construction of all new sidewalks ordered as hereinbefore provided shall be by contract, the same to be let annually to the lowest responsible bidder, after notice of bids has been given to the said Street and Alley Committee for a period of ten (10) days the bidder accepted and approved by the Town Council.

12.02.040 Cost of Construction. The total cost of all sidewalks constructed by the Street and Alley Committee, or that may be constructed or repaired by the Street and Alley Committee, in accordance with the order of the Town Council, or in maintenance of sidewalks which total cost shall include that of sidewalk proper, as well as that of any notice, grade, blocking, handrailing, private crossing and all other necessary front of which said sidewalk is built or repaired, the property occupying street corners to be assessed for that part of such sidewalk or repairs thereon which is within the street intersection.

12.02.050 Sidewalk to Conform to Established Grade. Sidewalk construction on improved or graded streets must conform with established grade and sidewalk line, on all other streets, sidewalks must be laid to the proper sidewalk line, and otherwise to the satisfaction of the Street and Alley Committee. Driveway crossings into private grounds shall be of form and construction as specified by the Street and Alley Committee.

12.02.060 Repair and Rebuild Condemned Sidewalk. Any sidewalks which are now, or which may by reason of natural deterioration or decay, or by reason of unevenness, steps, rapid slopes, or from any cause whatsoever, become dangerous to the public safety, may be condemned by the Street and Alley Committee, and may be by them immediately removed, remodeled, rebuilt, repaired, or newly built, as in their judgment may be most expedient, and the cost thereof shall be a lien upon the lot abutting upon such sidewalk and may be enforced or the amount may be recovered against the owner by suit before any court of competent jurisdiction, or may be assessed and collected as a special tax against such lot.

12.02.070 Width of Sidewalks. All sidewalks hereafter to be built in the Town shall be of the following width, namely; business district, 10 feet (10'); residence district, five feet (5').

12.02.080 Distance from Property Line. All sidewalks shall use one-fourth inch ( $\frac{1}{4}$ " ) to the foot from the curb grade to the property line. The outer edge of all five and one-third foot ( $5 \frac{1}{3}$ ' ) walks shall be eight feet (8') from the property lines, and surface of the same shall coincide with said ground surface.

12.02.090 Locations of Entrances. The location of entrance to area ways and outside stairways to basement shall be subject to approval of the Street and Alley Committee, and in no case shall the entrance to same be within five feet (5') from the corner of buildings at street intersections.

12.02.100 Railing and Gates. All such entrances shall be provided with substantial metallic railings and gates where required by the Street and Alley Committee, thoroughly guarding such openings against accident to the public; angular or other projections.

12.02.110 Gratings on Openings to Basement. Openings in sidewalks to admit light to basements shall not extend into said sidewalks more than three feet (3') from the property lines and all such openings shall be provided with substantial iron gratings having maximum openings of three-fourths of an inch ( $\frac{3}{4}$ " ) or may be covered by metallic framework having prismatic lights set therein, thoroughly roughed as hereinafter provided for coal covers, all to the satisfaction of the Street and Alley Committee.

12.02.120 Trap Doors in Sidewalks. Trap doors in sidewalks for the moving of merchandise to and from area spaces of cellars shall be substantially constructed of iron and when closed shall be firm, unyielding and of strength equal to that required in the sidewalk proper and shall in no case be allowed to project above or be depressed below the surface of the surrounding sidewalks.

12.02.130 Requirements of Openings in Sidewalk. Coal holes or openings through the sidewalks for the admission of coal, wood, light, etc., shall not exceed twenty-four inches (24") in maximum dimensions and shall be provided with cast iron (or other metallic) rims and covers suitably roughed, having top surface of same set into the surface of the walk flush with top of sidewalks. Said covers may be solid, or in the form of grating with maximum openings of three-fourths of an inch (3/4") or may have prismatic lights of glass set therein, and in no case shall rings or ring-bolts be allowed to project above the surface of such covers or sidewalks. Trap doors, coal holes or line openings in the sidewalks shall at all times be kept closed and securely fastened from the lower side, except when in actual use; during such time as they may remain open, that shall be guarded by an attendant who shall remain continually thereby. Covers or rims as aforesaid that are not properly roughed and that may have become smooth by wear of street traffic or other cause must be removed and replaced by others in accordance with the provisions of this chapter.

12.02.140 Containers on Sidewalks; Exceptions. It shall be unlawful for any person, persons, company, corporation, or association to store, keep or deposit, or place for exhibition, any goods, wares, merchandise, coal bins, ash or swill barrels, or receptacles or other personal property upon any of the sidewalks of the Town, with the following exceptions, namely:

A. Merchandise being placed for display in business districts upon that part of the sidewalk adjoining the property line not to exceed the width of three feet (3'); provided, however, that all display of meats, fish, game, provisions, vegetables, fruits and nuts shall be elevated to a height not less than twenty-four inches (24") above the surface of the sidewalk. But in no case shall such merchandise displayed on stands or platforms therefor be placed as to interfere with or obstruct in any manner any doorway or entrance into any building, or be placed within five feet (5') of the entrance to any area opening or stairway leading to any basement or area space.

B. Tobacco signs, carved figures, barber poles, and bulletin boards may be placed upon the sidewalk next to the building line, but shall not extend outwardly from said line to exceed two feet (2'), nor exceed in height six feet (6') above the surface of the walk.

12.02.150 Projections Over Sidewalks Prohibited. It shall be unlawful for any person, persons, company, corporation, or association to erect, construct, maintain, stand or place any projecting signs or signboard, bracket, or hanging lamp, platform, or permanent staging, awning, projecting window, portico or other obstruction of like character of whatever material the same may

be composed, extending over or across any sidewalk in the Town, with exceptions, namely:

A. Signs or signboards not exceeding four feet (4') in height by three feet (3') in width may be attached to the front or sides of buildings so as not to project from the building line over the sidewalk to exceed three feet (3') at such height least eight feet (8') above said sidewalk; provided, however, that the said sign or signboard shall be of substantial construction and securely fastened so such building, all to the satisfaction of the Street and Alley Committee.

B. Private stationary bracket lamps or suspended electric light lamps may be maintained upon front or sides of buildings provided the same shall be of safe and substantial construction from the building line, over the sidewalk, and at such height (8') above the surface of the sidewalk.

C. Awnings may hereafter be attached to the front or sides of buildings, provided the same, at the lowest part, shall be elevated at least seven feet (7') above the surface of the sidewalk, and shall not project over to exceed three fourths (3/4) of the width thereof, and shall be supported without posts, by iron brackets or iron frame work attached firmly to the building, so as to leave the sidewalk wholly unobstructed thereby.

12.02.160 Riding or Driving on Sidewalks Between 1<sup>st</sup> Street and 2<sup>nd</sup> Street on Miles Avenue is Strictly Prohibited. The riding or driving of any vehicle, bicycle, cart, skateboard, or any other type of motorized or non-motorized vehicle or object on the sidewalks between 1<sup>st</sup> Street and 2<sup>nd</sup> Street on Miles Avenue is strictly prohibited. Exceptions to this municipal code section are non-motorized wheelchairs or electric wheelchairs used by a disabled person for transportation. (Amended Ordinance 82, June 22, 2006)

12.02.170 Garbage on Sidewalk Prohibited. It shall be unlawful hereafter for any person or persons, to throw, or place or deposit any orange, banana or other fruit peeling or cuttings, any paper, handbills, cards, or other advertising devices, any fragments of boxes, boards, clothing or other unsightly material, any hay, straw, shavings, stable refuse, or like litter, or any sweepings, scrub water or any refuse, of any kind from any store, saloon, office or other building, upon any of the Town sidewalks, or to throw, place, or deposit, any of them in any place from which may be blown upon any of the Town sidewalks.

12.02.180 Snow and Ice Removal. It shall be the duty of the owner and tenant of any premises within the limits of the Town to keep the sidewalks in front of and adjoining his premises free and safe for pedestrians, and with all possible dispatch to remove snow, ice, slush, mud and other impediment to safe and convenient foot travel, and prevent the continuance and accumulation of the same upon such sidewalks, and in no case in the business districts of the Town shall the snow, ice, slush, mud and other such material removed from such sidewalks be dumped or deposited within the adjoining streets, avenues, or alleys within two feet (2') of the curb line. Sidewalks must in all cases be freed from the night's accumulation of snow, ice, slush, mud and other like impediment before nine o'clock (9:00) a.m. on the following morning. When from the freezing of water, snow, or slush thereon, or by reason of such smoothness resulting from the wear of foot travel or from any cause whatsoever, sidewalks are rendered dangerous, unsafe, or difficult to the free passage of pedestrians, it shall be the duty of the aforesaid owners and tenants of premises in front of which said sidewalks have been constructed to forthwith remedy said condition by sprinkling sand or ashes on said sidewalks or by other safe and efficient means, and in case of permanent polish or smoothness as aforesaid, the owners shall remove the same in accordance with the directions of the Committee on Streets and Alleys.

12.02.190 Responsibility of Owners and Tenants. It shall be the duty of the owners and tenants of any premises within the limits of the Town to keep the sidewalks in front of and adjoining their premises in good, safe and substantial condition, and the owners shall see that all breaks or unsoundness of any character resulting from natural deterioration or from any cause be repaired with all possible dispatch, and when be reason of the construction or repairs of sidewalks from any cause whatsoever any sidewalk or section thereof is removed or rendered dangerous or impassable to the public, such spaces or openings shall be securely fenced and from dark until sunrise, red lights shall be maintained thereon, which such dangerous conditions exists, and a plank walk not less than two inches (2") thickness and not less than three feet (3') in width shall be constructed around such construction or dangerous walk, the same to extend from sidewalk to sidewalk on each side of said opening or obstruction.

12.02.200 Town Marshal's Duties. It shall be the duty of the Town Marshal to enforce the provisions of this chapter, and he shall report immediately any of which such defects exist and notify him to repair the same forthwith. He shall also report all such defective walks and crossings as well as the particulars of any accidents that may occur, the names of witnesses and persons

injured thereby, specifying the hour at which the accident occurred to the Committee on Streets and Alleys. The owner shall be notified and upon refusal or neglect of the owner of any premises to remove obstructions from, or to make necessary repairs to the walks in front of the same, and when in the opinion of the Committee on Streets and Alleys, immediate repairs or removal of obstructions are necessary to prevent accidents, said Street and Alley Committee may forthwith proceed with same, and the full cost of said repairs or removal of such obstructions shall be collected or assessed as hereinbefore provided. Absence of notice to owners to repair or remedy dangerous walks or remove obstructions therefrom shall not constitute a valid excuse against the payment of any fine or damages by such owners or occupants, and nothing contained in any of the preceding actions shall be construed as to release the owners or occupants of real estate from the duty of keeping the sidewalks in front of or adjoining their respective premises at all times in a safe and passable condition, and such duty is hereby imposed upon all such owners and occupants.

12.02.210 Violations; Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable as set forth in section 1.08.010 of this Code.

(Ord 30)