

**CHAPTER D -- STREETS AND SIDEWALKS**

**ARTICLE I -- DAMAGING STREETS**

**Section 1 – Permit to Dig in Streets**

It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the Town without first securing a permit in writing from the Town Administrator.

**Section 2 – Sidewalk Construction**

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood, or other material without a written permit from the Town Administrator.

**Section 3 – Street Repair**

It shall be the duty of every person, firm or corporation, who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the Town, to put said street, public alley or sidewalk in as good condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this Section shall be guilty of a misdemeanor.

**Section 4 – Excavations -- Leaving Unprotected**

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks of the Town to fail to securely cover such excavations with planks or to place ropes around the excavation three (3) feet from the ground, or to fail to place a sufficient number of red lights around the excavation before dark and to keep the lights burning all night each night the excavation shall be open.

**Section 5 – Street Not to be Damaged**

It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run, any harrow or other implement, engine, machine or tool upon any asphalt, bitulitic, warrenite, or other permanently paved street of the Town which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

**Section 6 – House Moving**

- (a) No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Board of Commissioners.
- (b) Any person desiring to move any house or building upon or across the public streets or sidewalks must deposit with the Town Administrator certificates of insurance in manner and form satisfactory to the Town Attorney, reflecting that the applicant has in force, motor vehicle liability insurance with policy limits of no less than \$100,000.00/\$300,000.00, on the vehicles which will be used in the move, and a general liability insurance policy with policy limits of no less than \$100,000.00/\$300,000.00, covering any incident which might occur during the move, by which persons might be injured or property damaged, which would not be covered by the motor vehicle liability insurance.

- (c) The owner of the house or building to be moved must also execute a written instrument by which he agrees to pay the actual expenses incurred by the Town in connection with the moving of the building, and in connection therewith, to deposit with the Town Administrator, cash, cashier's check or bank money order, in the amount of the estimated Town expenses, subject to refund should such deposit exceed the actual cost.

**Section 7 – Damage to Bridges and Culverts**

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the Town, or shall place any obstruction in any culvert, ditch or drain to prevent the free flow of water on or over the streets of the Town.

**Section 8 – Damage to Lights, Signs, or Town Property**

No person shall injure, tamper with, remove or paint upon or deface any building, fence, sign, sign post, street light, or bulletin board or other municipal property except employees of the Town in performance of their duties.

**ARTICLE II -- OBSTRUCTING STREETS AND SIDEWALKS**

**Section 1 – Assembly on Sidewalk**

All persons are forbidden from assembling or collecting and standing so as to obstruct any sidewalk or street and all persons so collecting and standing shall disperse and move upon the demand of any police officer.

**Section 2 – Display of Goods Prohibited**

No person shall place for display or sale any goods, food, wares or merchandise of any kind upon any of the sidewalks of said the Town, which shall extend out on the sidewalks without first obtaining a permit from the Town Administrator.

**Section 3 – Placing Objects on Street and Sidewalks**

No brick, stone or wood or other substance obstructing the free passage of persons and vehicles shall be placed or suffered to lie in any of the alleyways, streets or other routes, of the Town, nor shall any person place on or in any of the streets, sidewalks or alleyways of the Town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind. Provided that any person erecting a building, may with permission place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.

**Section 4 – Sheds and Awnings**

No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of an awning or erect upon the street or sidewalk any post for the support of any awning. If any person shall violate this Section then each day that the above forbidden structure shall remain after notice shall constitute a separate violation. Provided that this shall not be construed to prevent the erection over a sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building, and at least seven (7) feet above the level of the sidewalk. All awnings must be kept in good repair.

## Section 5 –Parade Permits

(a)Definitions - The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Block*- That portion of any street lying between its intersections with other streets.

*Group demonstrations* - Any assembly together, or consort of action between or among, two or more persons for the purpose of protesting any matter or of making known any position or promotion of such person or of or on behalf of any organization or class of persons or for the purpose of attracting attention to such assembly.

*Parade*- Any parade, march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks or other public grounds or places.

*Picket line* - Any two or more persons formed together for the purpose of making known any position or promotion of such person or of or on behalf of any organization or class of persons.

(b)Exemptions - The provisions of this division shall not apply to:

- (1) Funeral processions.
- (2) Students going to or from school classes or participating in educational or recreational activities where such activity is under the supervision and direction of proper school authority.
- (3) Any governmental agency acting within the scope of its functions.

(c) Permits required- It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley or other public place within the town unless a permit therefore has been issued by the town in accordance with the provisions of this division.

(d) Application for permit; issuance or denial; terms and conditions - The chief of police or his designee is authorized to issue permits required by this town, and in the issuance thereof he shall:

- (1)Require a written application for permit to be filed not less than 72 hours in advance of the proposed parade, picket line or group demonstration, which application shall be on a form prescribed by the chief of police, and which application shall be signed by the applicant or applicants; shall require that the applicant show the proposed time, place, purpose and size of such parade, picket line or group demonstration; and whether or not any minors below the age of 18 years shall participate.
- (2)Among other considerations, the chief of police shall consider and find as a prerequisite to the issuance of the permit, the following:
  - (a) That the activity will not require excessive diversion of police from other necessary duties;
  - (b) That the activity will not interfere with the rights of property owners in the area to enjoy peaceful and lawful occupancy and use of their property;

- (c) That the activity can be conducted without unreasonable interference of normal pedestrian or vehicular traffic in the area and will not prevent normal police and fire protection to the public, and will not be likely to cause injury to persons or property or to promote disorderly conduct or to create a public disturbance; and
  - (d) That the activity will not be conducted in front of, or focused upon, the residence or dwelling of a particular person.
- (3) Refuse to issue the permit when the activity or purpose stated in the application would violate any provision of this Code or other ordinance of the town or any statute of the state, or when the activity or purpose would constitute a clear and present danger to the public health or safety or would hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets, alleys or sidewalks.
  - (4) Specify in the permit whether or not minors below the age of 18 years will be permitted to participate. The chief of police shall pass upon whether or not such minors may participate and shall base his determination upon whether or not the purpose or time or place of the particular activity will be detrimental to or endanger the health, safety or welfare of such minors or will interfere with their education.
  - (5) Require that the application for a permit shall specify, and the permit designate, the person in charge of the activity. Such person shall be required to accompany the parade, picket line or group demonstration and shall carry the permit with him at that time. The permit shall not be valid in the possession of any other person.
  - (6) The permit may set the starting time, duration, speed of travel and space for any persons or vehicles in the parade, picket line or group demonstration, may prescribe the portions or areas of streets, alleys, sidewalks or public places to be used any may impose such other reasonable requirements as the chief of police may prescribe for the control and free movement of pedestrian or vehicular traffic or for the health, safety and property rights of the participants and general public.

### **ARTICLE III -- USE AND CLEANLINESS**

#### **Section 1 – Throwing or Burning Trash on Street Prohibited**

No trash, or garbage, or yard waste of any kind shall be thrown or swept upon any sidewalk or street of the Town, nor shall any trash, refuse, yard waste, or rubbish be burned thereon.

#### **Section 2 – Tree Trimmings**

It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery trimmings on any street, sidewalk, or other public property.

#### **Section 3 – Littering**

- (a) Prohibited dispositions of refuse; littering.
  - (1) No person shall throw any leaves, shrubs or other debris into any catch basin or manhole in the town.

- (2) No person shall burn leaves, shrubs, tree limbs or other combustible refuse on the streets and sidewalks of the town.
  - (3) No person shall throw, drop or deposit, or cause to be thrown, dropped, deposited, on any premises or vacant property in the town any waste, including but not limited to refuse, garbage, ashes, rubbish, building rubbish, dead animals, putrescible matter, and anything injurious to health; however, the prohibition contained in this subsection shall not apply to the filling in or grading of property with earth, mud, ashes and similar materials.
  - (4) No person shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited, on any street, avenue, alley, highway, footway, sidewalk, park, or other public place or space in the town, any waste including, but not limited to, refuse, garbage, ashes, rubbish, building rubbish, dead animals, putrescible matter, paper, drinking cups, fruit peelings, broken glass, tacks, brush, grass, weeds and anything injurious to health; however building rubbish and materials used in building construction, repair, remodeling, and excavating operations may be deposited in such places in accordance with applicable provisions of the Code and other town ordinances. If any person, while transporting or hauling, or causing to be transported or hauled, such rubbish or material, or earth excavation, coal, or other material, shall throw, drop, or deposit, or cause to be thrown, dropped, or deposited, such rubbish or material in violation of the provisions of the subsection, such person must immediately clean up and remove the rubbish or material in a manner satisfactory to the town administrator, failing which, the department of public works or the firm with which the town has contracted for the collection of refuse, may clean up and remove the rubbish and material, and the town may collect the cost of such cleaning and removal from such person.
- (b) Refuse from outside the town - No person shall bring into the town from outside the town any waste, including, but not limited to, refuse, trash, garbage, dead animals or putrescible matter, for deposit or storage on any property, public or private, in the town.
  - (c) Private landfills prohibited - No person shall operate a private landfill within the town by which the elevation of land is raised by deposit thereon of waste or other offensive matter, whether the waste or offensive matter shall be buried or not.
  - (d) Private collectors - No person other than the town shall perform, for pay, the service of collection, hauling and disposing of refuse, trash and garbage from within the town unless franchised so to do by the town.

(Article IV deleted by Ordinance March 1, 2016)