

TITLE 8
PUBLIC WAYS AND PROPERTY

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CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

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8-1-1: STREET CUTS AND EXCAVATIONS; PERMIT AND BOND:**A. Permit Required; Application; Fee:**

1. No person shall cut into, dig or excavate in the surface of any road, street, alley or right of way without a written permit from the town.
2. Application for the permit shall be made to the clerk-treasurer describing the work to be done, the time, and all plans for safety and repair.
3. Such permit shall be approved by the building official, and the applicable permit fee and deposit or bond, as set by the board of trustees by motion or resolution, shall be paid prior to the issuance of a permit.
4. The general policy is that no permit shall be issued unless it is absolutely necessary and there is no other reasonable way to perform the work.

- B. **Repair Of Street Surface:** All such permits shall require that the street surface be repaired in accordance to specifications of the town.
- C. **Deposit Or Bond:** The deposit or bond may be used to ensure compliance with the town street specifications or to cover any violations of this section. (1999 Code § 14-111)

8-1-2: **OBSTRUCTIONS GENERALLY:** It is unlawful for any person to obstruct in any manner any street, alley, sidewalk or other public way by leaving or permitting to remain thereon or therein any vehicle, object, material, structure, fence or other obstruction of any kind. (1999 Code § 14-101)

8-1-3: **INTERFERING WITH FREE FLOW OF TRAFFIC:**

- A. **Prohibited Acts:** It is unlawful to:
 - 1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
 - 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.
- B. **Remedial Action:** When any person causes or commits any of the conditions enumerated in subsection A of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disburse, or to remove any obstructions. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section. (1999 Code § 14-102)

8-1-4: TREES AND SHRUBS:**A. Obstructing View Of Traffic:**

1. Removal: The owner of every lot or parcel of land in the town upon which any trees, shrubs or plants are growing, or upon which any obstruction has been placed, shall remove such trees, shrubs, plants or obstructions, or parts thereof, if they are so situated as to constitute a traffic hazard by obstructing the view of any driver of any vehicle on the streets of the town to the extent that the driver is unable to observe the approach of other vehicles on streets and alleys and at intersections.

2. Trimming:

a. The owner of any premises abutting on any street shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part 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, sight and travel along the streets, sidewalks and alleys. If premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinbefore required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten feet (10') above the roadway of a street or alley, nor lower than eight feet (8') above the sidewalk.

b. Any owner or occupant who fails, refuses, or neglects to trim trees and shrubbery as provided in this section, after receiving five (5) days' notice from the town clerk-treasurer or his designee to do so, is guilty of an offense against the town. In addition to any fine or punishment as an offense, the town may act to abate the nuisance. Every day that the owner or occupant fails, refuses or neglects to trim such trees or shrubbery after the expiration of the five (5) days' notice shall be a separate offense¹. (1999 Code § 14-103)

B. Injuring Trees Or Shrubby: It is unlawful for any person to injure any tree or shrubby on a street or alley in the town. This subsection shall not prohibit the lawful and proper care and removal of such trees and shrubby. (1999 Code § 14-108)

1. See also title 5, chapter 3 of this code.

8-1-5: DISPLAY OF MERCHANDISE FOR SALE:

- A. Display For Sale Unlawful: Except as otherwise provided in this code, it is unlawful for any person to display any goods, wares or merchandise for sale, or to sell the same, on any street, alley or sidewalk, or from any vehicle parked thereon, in the corporate limits of the town. Each separate sale or offer to sell in violation hereof shall constitute a separate offense.
- B. Parking Vehicle For Sale Of Merchandise Prohibited: Any vehicle parked on the streets, alleys or sidewalks for the purpose of making merchandise available for sale by the methods prohibited by this section shall be promptly moved by the driver upon order of the police of the town; and if not promptly moved, the same shall be towed from such location upon order of the police department, and the driver or custodian of the vehicle shall also be deemed guilty of an offense.
- C. Agent Or Employee Also Guilty: In each instance where an individual is guilty of an offense under the provisions of this section, the person for whom such individual is acting in the capacity of an agent or employee shall be guilty of a separate offense. (1999 Code § 14-104)

8-1-6: STRUCTURES ON OR OVER STREETS AND SIDEWALKS:

- A. Permit Required For Construction: It is unlawful for any person to erect or construct, or cause to be erected or constructed, any cellar or basement way, stairway, door, awning post, canopy or any other kind of structure projecting into, upon or over, and adjoining any street or sidewalk within the town, except that the building official may, in his discretion, authorize the same to be done, where the public health, safety and necessity demand, by granting a permit therefor.
- B. Construction And Maintenance Conditions: Upon the granting of a permit under this section, conditions as to the erection of the structure through, upon or over any street or sidewalk may be fixed by the town, and a contract shall be entered into as to the maintenance of the structure and as indemnifying agreement secured, indemnifying and saving the town harmless from any loss, costs or damage by reason of the structure projecting into, upon or over, and adjoining any street or sidewalk within the fire limits of the town. (1999 Code § 14-105)

8-1-7: **PLAYING PROHIBITED:** It is unlawful for any person to engage in any sport, game, amusement or to play in, on or across the main traveled portion of any sidewalk, street, avenue or alley of the town, except as may be authorized by ordinance. (1999 Code § 14-106)

8-1-8: **WATER DRAINING ON STREETS:** It is unlawful for any person to wash or drain into any street, alley or other public place in the town any water from his house or premises or to allow any filth or water to escape from his premises upon any of the places above mentioned or upon property contiguous thereto. No automobile or other vehicle shall be washed at any place within the town where the water, dirt, or other substances removed therefrom will drain into any street or sidewalk of the town. (1999 Code § 14-107)

8-1-9: **SIGNS OR OBJECTS OBSTRUCTING VIEW; SIGHT TRIANGLE:**

- A. Safety Hazard For Pedestrians Or Vehicles: It is unlawful for any person to place any object, vehicle or structure on or so near to any street right of way such that same constitutes a traffic or safety hazard for either pedestrians or vehicular traffic traveling on or onto the street.
- B. Sight Triangle: It is unlawful and an offense for any person to erect, construct, locate, maintain or allow to remain on his property any sign, fence or structure within an area known as the "sight triangle", which is defined as that area formed by measuring from the point of intersection of two (2) lot lines a distance of twenty five feet (25') along each lot line and connecting the points so established to create a triangle with sides abutting street right of way. Any sign, fence or structure placed or located in the area is hereby determined to be a public nuisance, and the town is authorized to cause the structure, fence or sign to be removed. (1999 Code § 14-109)

8-1-10: **RESPONSIBILITY OF ADJACENT PROPERTY OWNER:**

- A. Removal Of Weeds, Trash And Obstructions: It is unlawful for any person to allow any obstruction of any kind to accumulate in the sidewalk in front of his premises. All owners and occupants of property are required to keep their premises and the sidewalks, gutters, streets and alleys adjacent thereto free from weeds, trash

and all obstructions and to remove such weeds, trash and obstructions from such places.

- B. Deposits Prohibited: It is unlawful to deposit, throw or sweep into or upon a street, alley, parking or sidewalk of the town any trash, weeds, tree trimmings, dirt or any other refuse of any kind.
- C. Hazardous Conditions Prohibited: It is unlawful for the owner or occupant of property abutting upon a sidewalk or sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk or sidewalk area. (1999 Code § 14-110)

8-1-11: **PENALTY:** Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. Each day upon which a violation continues shall constitute a separate offense. (1999 Code § 14-112)

CHAPTER 2

PARADES AND PUBLIC ASSEMBLIES

SECTION:

- 8-2-1: Parade Defined
8-2-2: Permit Requirements

8-2-1: **PARADE DEFINED:** As used in this chapter, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the town. (1999 Code § 10-405)

8-2-2: **PERMIT REQUIREMENTS:**

- A. Permit Required: No person shall use any street, alley, public way, park or other property owned or controlled by the town, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the town clerk-treasurer under such conditions as deemed appropriate.
- B. Exception: Permits shall not be required under this chapter in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.
- C. Application: Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the town. The time requirements may be waived by the town clerk-treasurer at his discretion if sufficient time exists for the proper review of the application as herein provided. The applica-

tion shall be submitted upon a form prescribed by the town. The application shall provide such other information as requested.

D. Conditions For Issuance: The town clerk-treasurer shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

2. The conduct of the parade will not require the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town;

3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and areas contiguous thereto;

4. The concentration of persons, animals and vehicles at assembly points of the parade 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 parade will not interfere with the movement of firefighting equipment en route to a fire;

6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

E. Insurance Or Bond: The town clerk-treasurer, in such cases as shall be determined in his discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the town harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit.

F. Denial:

1. Without regard to the provision of this section, the town clerk-treasurer, from his consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

2. The town clerk-treasurer, in denying an application for a parade permit, may authorize the conduct of the parade 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 so indicate within five (5) days after notice of the action of the town clerk-treasurer. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this chapter. (1999 Code § 10-405)

CHAPTER 3
CEMETERY

SECTION:

8-3-1: Cemetery Rules, Fees

8-3-1: **CEMETERY RULES, FEES:** The board of trustees may adopt rules to govern the town cemetery. The board, by motion or resolution, shall also adopt fees for services, lots, spaces, blocks and other charges for the cemetery. (1999 Code § 11-301)

CHAPTER 4

PARK AND RECREATIONAL FACILITIES

SECTION:

- 8-4-1: Rules And Regulations
- 8-4-2: Fees
- 8-4-3: Camping In Public Parks
- 8-4-4: Violation; Penalty

8-4-1: **RULES AND REGULATIONS:** The board of trustees shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the town. (1999 Code § 11-101)

8-4-2: **FEES:** The town shall provide by rules, from time to time, the fees charged for any such park or recreational privileges on any property or facility for recreational purposes owned or operated by the town. (1999 Code § 11-102)

8-4-3: **CAMPING IN PUBLIC PARKS:**

A. Permit Required:

1. Overnight camping in town/public parks is permitted as long as the requesting individual or group has obtained the required permit from the town clerk-treasurer during regular business hours.

2. Each individual camper must present to the town personal identification prior to receiving said permit.

B. Time Limit For Camping: Individual or group overnight camping shall not be allowed for periods of more than seven (7) days. (Ord. 321, 10-22-2007)

8-4-4: VIOLATION; PENALTY:

- A. It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the board of trustees in connection therewith.
- B. Anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and, upon conviction thereof, shall be punished as provided in section 1-4-1 of this code. (1999 Code § 11-103)