

CHAPTER 94: STREETS AND SIDEWALKS

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GENERAL PROVISIONS**§ 94.01 BOARD APPROVAL OF NEW STREETS.**

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the Board must give its approval, finding that the street complies with engineering standards set by the Board, and that the best interests of the town would be served by accepting the street as a town street.

(`92 Code, § 40.01)

§ 94.02 REGULATION OF AWNINGS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **AWNING.** Any shelter, cover, or other object placed, erected or extending over any street or sidewalk.

(2) **PERSON.** Any individual, firm, co-partnership, association, corporation, or the title holder or holders of property adjoining any street or sidewalk within the corporate limits of the town.

(3) **STREET or SIDEWALK.** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right, for the purposes of a walkway or vehicular traffic, and shall include any highway, street, road, alley, driveway, or sidewalk open to the use of the public as a matter of right for the purpose of vehicular traffic or a walkway, but is not limited thereto.

(B) No person shall construct, erect, place, or permit an awning to be placed or maintained at a height of less than seven feet over any street or sidewalk within the corporate limits of the town.

(C) It shall be the duty of the Police Department to enforce the provisions of this section.
(`92 Code, § 40.02) (Ord. passed 5-5-50) Penalty, see § 10.99

§ 94.03 RIDING BICYCLES, SKATES AND SKATEBOARDS ON SIDEWALKS.

It shall be unlawful for any person to ride a bicycle, skates, or skateboards upon the sidewalks within the corporate limits of the town.

(Ord. passed 8-3-87) Penalty, see § 10.99

EXCAVATION AND REPAIR**§ 94.15 EXCAVATIONS; PERMIT REQUIRED.**

No person shall make any excavation or opening or dig any ditch, trench, tunnel, or hole in, along, across, or under any street, sidewalk, or other public place for the purpose of laying or placing therein any pipe, wires, or poles or for any other purposes unless a written permit therefor has been issued by some officer of the town vested with proper authority, provided, that a permit shall not be required where the work is performed under a contract with the town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency. (⁹² Code, § 40.15) Penalty, see § 10.99

§ 94.16 APPLICATION; FEES.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in § 94.15 shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. A fee may be required by the Board for such permit. (⁹² Code, § 40.16)

§ 94.17 STREET REPAIR; AFTER EXCAVATION.

When any part of any street, sidewalk, alley, or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the town. (⁹² Code, § 40.17) Penalty, see § 10.99

§ 94.18 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm, or corporation who obtains a permit under the sections of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, or public place of the town without placing and maintaining proper guard rails three feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work. (⁹² Code, § 40.18) Penalty, see § 10.99

§ 94.19 STREETS NOT TO BE DAMAGED BY TRACTORS OR HARROWS.

(A) 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 on any asphalt or other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.

(B) Any person violating division (A) shall be liable to the town for the cost of repairing any and all damage caused.

(`92 Code, § 40.19) Penalty, see § 10.99

Cross-reference:

Injury to public property generally prohibited, see § 130.02

Damaging town property, see § 94.22

§ 94.20 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.

(`92 Code, § 40.20) Penalty, see § 10.99

§ 94.21 HOUSE MOVING.

No person shall move any house or building on or across the public streets or sidewalks without the written consent of the Board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.

(`92 Code, § 40.21) Penalty, see § 10.99

§ 94.22 DAMAGE TO TOWN PROPERTY.

No person shall injure, tamper with, remove, paint on, or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board, or other town property on the streets and sidewalks or elsewhere except employees of the town in the performance of their duties.

(`92 Code, § 40.22) Penalty, see § 10.99

§ 94.23 DRIVEWAYS; PERMIT REQUIRED.

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor has been issued by the town.

(`92 Code, § 40.23) Penalty, see § 10.99

PARADES AND DEMONSTRATIONS**§ 94.35 PERMIT REQUIRED.**

(A) It shall be unlawful for any person to obstruct or block the streets or sidewalks of the town by any exhibition, demonstration, organized demonstration, picket line or commercial venture, so as to prevent the normal flow of pedestrian or vehicular traffic, except that a special permit may be granted pursuant to this subchapter by the Chief of Police, by authority of the Board of Aldermen, or, in the absence of the Chief of Police, by the next highest police officer, for temporary and peaceful occupancy of a limited portion of said streets or sidewalks for purposes other than hostile demonstrations or commercial gain. Participation in such illegal exhibition, demonstration, organized demonstration or picket line by any individual through leadership, organization or physical participation therein, shall be unlawful.

(B) There shall be no parade, demonstration, aggregation or assembling of groups in the public streets or in or around any public building in town except upon the issuance of a permit therefor, under the regulations set out in this subchapter. The Chief of Police or, in his absence, the next highest ranking officer of the Police Department, but authority of the Board of Aldermen, is authorized to issue permits required by this section.

(`92 Code, § 40.35)

§ 94.36 APPLICATION.

A written application for a period required by this subchapter shall be filed 24 hours in advance of the proposed parade, picket line or group demonstration, on a form prescribed by the Police Department. The application shall be signed by the person or group of persons filing such application, and the application shall state the proposed place, time, purpose and size of such parade, picket line or demonstration, and whether or not any minors are going to participate. Such application shall also specify the person to be in charge of such parade or demonstration.

(`92 Code, § 40.36)

§ 94.37 AUTHORITY OF OFFICER TO DETERMINE WHETHER MINORS MAY PARTICIPATE.

If the application filed for a permit required by this subchapter specifies that minors are to be permitted to participate in the parade or demonstration, the police officer having authority to issue the permit shall determine whether or not said minors shall be permitted to participate and shall base his determination upon whether or not the purpose, time or place of the participation will be detrimental to or endanger the health, welfare or safety of such minors. The police officer shall have the authority, if he deems necessary, to require parents' written permission for participation in any such parade or demonstration by a minor.

(`92 Code, § 40.37)

§ 94.38 FINDINGS PREREQUISITE TO ISSUANCE OF PERMIT.

The officer having authority under this subchapter to issue the permit sought pursuant to this subchapter, in considering the issuance of the permit, shall, among other considerations provided, consider and find as a requisite for issuance that:

(A) The activity in question will not require excessive diversion of police from other necessary duties.

(B) The activity in question will not interfere with the rights of property owners in the area to enjoy peaceful occupancy and use of their property.

(C) The activity in question can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area and will not prevent normal police or fire protection to the public and will not be likely to cause injury to persons or property or provoke disorderly conduct or create disturbances.

(D) This section shall not be violated at any time, and no permit, as contemplated by this subchapter, shall be issued for demonstrations, parades and such other purposes allowed under this subchapter to be used and exercised between 6:00 p.m. and 6:00 a.m. on any day.

(`92 Code, § 40.38)

§ 94.39 TERMS AND CONDITIONS.

(A) A permit issued pursuant to this subchapter may set the starting time and duration of the parade, demonstration or picket line, and may set the speed of its travel; the space between persons or vehicles; the portions or areas of the streets and sidewalks to be used; the length of the parade, group or line and such other requirements as the issuing officer may include in the permit for the control of free movement of traffic upon the streets and sidewalks, or for the health, safety and property rights of the participants and general public. Failure to comply with such requirements as set forth in the permit shall be unlawful.

(B) A permit for a parade, demonstration or picket line issued under this subchapter shall also designate the person in charge of the parade, demonstration and picket line.
(`92 Code, § 40.39)

§ 94.40 GROUNDS FOR DENIAL.

The police officer having authority under this subchapter to issue a permit shall refuse 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 statute of the state, or when the activity or purpose would endanger the public health or safety or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the streets or sidewalks.
(`92 Code, § 40.40)

§ 94.41 CONDUCT OF PERSONS ENGAGED IN DEMONSTRATIONS.

(A) It shall be unlawful for any person or group of persons to shout, scream, sing or make any other noises with their voices which shall be unreasonably loud and disturbing to the public in general. By the terms of this section, it shall be considered that shouting, screaming, singing or the making of any other noises with voices by any person shall be considered as being unreasonably loud and disturbing when it can be heard throughout the distance of three city blocks or 1,200 feet, whichever is the least.

(B) Any gathering of persons or any group of persons upon the streets or sidewalks for the purpose of creating, or which creates mechanical or vocal sound which is of such intensity or nature as to interfere with the rights of peaceful occupancy by property owners in the adjoining areas, is unlawful, and no individual shall participate in, lead, direct or encourage such actions.

(C) Nothing provided in this section shall be construed to prevent the orderly expression of spectators at any regularly organized sport event or the peaceful assembly of any group for orderly expression or communication between those assembled.

(`92 Code, § 40.41) Penalty, see § 10.99

§ 94.42 DUTY OF DESIGNATED DEMONSTRATION LEADER.

The person designated in a permit issued pursuant to this subchapter as being in charge of the parade, demonstration or picket line, shall accompany the parade, demonstration or picket line and shall carry the permit with him while so accompanying the parade, demonstration or picket line.

(`92 Code, § 40.42)