

CHAPTER 11

Streets, Sidewalks and Public Property

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ARTICLE I

Sidewalks, Curbs and Gutters

Sec. 11-1. Obstructing sidewalks; snow removal; required within certain time.

(a) It shall be the duty of all persons within the corporate limits of the Town to keep the sidewalks in front of and adjacent to the tenements and grounds occupied by them clear of snow and ice, and after any fall of snow, such persons shall remove the same from such sidewalks within twenty-four (24) hours after the termination of each such snowfall; and it is unlawful for any person to drag, shovel or deposit any snow that has been removed from private property upon any street gutter or sidewalk or upon any other public ground or place in the Town.

(b) For the purposes of this Section and Sections 11-2 and 11-3, the word sidewalks includes not only areas improved with concrete or other such material, but includes also areas within a street right-of-way actually used by the public as pedestrian walkways, or capable of being so used, although unimproved. (Prior code 7.04.230)

Sec. 11-2. Obstructing sidewalks; snow removal; persons responsible in multiple-occupancy buildings.

Whenever houses or other buildings are occupied by several tenants, it shall be the duty of the persons occupying the story or stories nearest such sidewalks to clean snow and ice from the same. Where the basement of any building reaches below the level of the ground, the second story shall be deemed nearest as aforesaid, and such persons occupying the basement or first story shall be required to keep clear as aforesaid any such sidewalk for a greater number of feet than may be contiguous or opposite to any premises or part of premises actually occupied by them. (Prior code 7.04.240)

Sec. 11-3. Obstructing sidewalks; snow removal; person responsible for vacant property.

(a) Where any premises, or parts of premises, are not occupied in any manner, it shall be the duty of the owner thereof to comply with the requirements of Sections 11-1 and 11-2.

(b) In the event the owner of any such premises so unoccupied is a nonresident of the Town or absent from the Town, any resident agent who has charge of such premises shall comply with such requirements. (Prior code 7.04.250)

Sec. 11-4. Obstructing public right-of-way; snow removal.

It is unlawful for any owner, occupant or manager of any lot, tract or parcel of land within the Town to plow or pile into the public right-of-way any snow removed from any privately owned driveway or parking area. Commercial snow removal operators shall not plow, pile or store snow removed from private property into the public right-of-way. (Ord. 5-2008 § 2)

Secs. 11-5—11-20. Reserved.

ARTICLE II

Construction Standards

Sec. 11-21. Street surfacing - Board of Trustees' duty.

Whenever the owners of a majority of the frontage of the lots or lands adjacent to or abutting upon any street or alley or designated portion thereof petition the Board of Trustees in writing to grade, gravel or otherwise surface the street or alley, or designated portion thereof, it shall be the duty of the Board of Trustees to order such improvement or improvements to be made or cause the same to be made, and assess the costs of the improvement against the lots or lands adjacent to or abutting upon the streets or alleys so improved and to collect the same as provided by law and in this Article. (Prior code 11.04.010)

Sec. 11-22. Street surfacing - Street Supervisor's duty.

If the petition is for grading only, graveling only or grading and graveling combined, the improvement shall be as petitioned for, the improvement or improvements shall be made by the Town under the supervision of the Street Superintendent, and in making the same the Street Superintendent may use gravel from the Town gravel pits without charge therefor. Before any street is graveled or otherwise surfaced, the grade thereof shall be established, and any street graded shall in like manner have the grade thereof established and all improvements shall conform to the grades. (Prior code 11.04.020)

Sec. 11-23. Street surfacing - Accounts to be kept.

When any street or alley or portion thereof is graded, graveled or graded and graveled, or otherwise surfaced as herein provided pursuant to petition as aforesaid, accurate accounts shall be kept of the entire costs, including all materials used and labor performed and engineering expenses on account thereof, as well as the cost of publishing the notice and making the assessments as herein provided, or other expenses. After the work of construction has been completed, the committee of the Board of Trustees on streets, alleys and public grounds shall examine the same and, if constructed as ordered, the committee shall make a report approving the same and stating the total cost thereof, the total frontage of lots and lands subject to assessment on account thereof, the owners thereof as near as may be ascertained, and the amount of assessment per lineal foot to be assessed on all adjacent or abutting lots or lands, together with their recommendation as to the portion, if any, of the entire expense which should be paid by the Town, by reason of unusual or special benefits to the public occasioned by such improvement. (Prior code 11.04.030)

Sec. 11-24. Street surfacing - Assessment; hearing.

After the filing of the report, the Board of Trustees shall consider the same and fix the amount to be assessed per lineal foot against each lot and parcel of land fronting upon the street or alley or portion thereof so improved and the owners thereof to defray the costs of the improvement; and shall fix a date on which the Board of Trustees will hear any and all objections concerning the assessment so made. The Town Clerk shall give notice of the hearing to the owners of the lots and lands by publication once a week for two (2) consecutive weeks prior to the date of the

hearing in a newspaper published in the Town, stating the date of the hearing, the nature of the improvement and the amount of assessment per lineal foot on account thereof. At the time specified, the Board of Trustees shall proceed to hear any objections or complaints offered, may continue the same from time to time, and shall justly and equitably adjust the costs of the improvements and assess the same as aforesaid pro rata upon the adjacent or abutting lots or lands and the owners thereof. The amount so assessed shall be a lien upon the lots and lands from the date of ordering the improvements until the same is fully paid. (Prior code 11.04.040)

Sec. 11-25. Street surfacing - Assessment; record.

When the assessment is finally made and established as aforesaid, the Town Clerk shall enter the same in an assessment book to be kept for such purpose, which in suitable columns shall show the names of the owners, if known, the number of lineal foot frontage owned by each, the amount of assessment per lineal foot against each owner, date of assessment, when paid, and if certified to the County Treasurer, when certified and collected, together with any other proper data. If the assessments or any of them shall not be paid within thirty (30) days from the date when made, the Town Clerk shall certify the assessments to the County Treasurer who shall extend the assessment upon his or her tax roll and collect the same in the same manner as other taxes assessed upon the property. (Prior code 11.04.050)

Sec. 11-26. Street surfacing - Assessment; used only for specified improvements.

The assessments levied under the provisions of Sections 11-21 through 11-25, when collected, shall be used only to pay the costs of improvements and to redeem and pay any warrants of the Town on account thereof. (Prior code 11.04.060)

Sec. 11-27. Sidewalk construction - When.

Sidewalks, curbs and gutters may be constructed by the owners of property abutting upon the same, and at their expense, within the Town, when streets are laid out, opened and improved and in common use by foot travelers, within the corporate limits of the Town, and shall be constructed of the character, location, grade, material and in the manner provided in Sections 11-28 through 11-39. (Prior code 11.04.070)

Sec. 11-28. Sidewalk construction - Board of Trustees' survey; grades.

For the purpose of establishing uniformity in construction of sidewalks, curbs and gutters, as well as to provide for suitable surface drainage in the streets, it shall be the duty of the Board of Trustees to cause the several streets and avenues in the Town to be surveyed, to ascertain and determine the grades for sidewalks, curbs and gutters at the intersection of each street, and to establish the grades by ordinance duly adopted. The sidewalks shall be constructed at a grade corresponding with the grade of the center of the street as established by ordinance, unless otherwise provided in any particular case. The grades may be established from time to time by districts as the needs and the growth of the Town, and the demands for the laying of sidewalks, curbs and gutters, shall require. The grades shall be established as near as may be so as to produce a uniform slope from grade point to grade point, unless the conditions of the surroundings are such that a different grade line between street corners should be established, in which case the variations from the even grade and the extent thereof shall be specified. All such

grades with profiles, plans and specifications exhibiting the same shall be made a matter of record and shall be kept on file with the Town Clerk for the use of the Town and the public in the construction, alteration and repair of sidewalks, curbs and gutters within the Town. (Prior code 11.04.080)

Sec. 11-29. Sidewalk construction - Conformance.

All sidewalks, curbs and gutters constructed within the Town shall be constructed upon the grade for each so established, and if in any case a special plan is adopted, for the purpose of drainage or otherwise, the same shall conform to the special grade and plan. Any person who fails or refuses to construct his or her sidewalk, curb or gutter upon the grades made by the Board of Trustees may be required to reconstruct the same to conform to the requirements of Sections 11-27 through 11-40. Before constructing any sidewalk, curb or gutter, the owner of the property adjacent shall, at his or her expense, procure the services of an engineer selected by the Board of Trustees, who shall lay out, stake and establish the sidewalk, curb or gutter, conformable to the grades established in the locality, and the owner shall construct the sidewalk, curb or gutter as so laid out and staked. (Prior code 11.04.090)

Sec. 11-30. Sidewalk construction - Street Supervisor's duty.

It shall be the duty of the Street Superintendent to take charge of all sidewalks, curbs and gutters within the limits of the Town, and see that the same are properly constructed and kept in repair; and in case any become unsafe or out of repair, to cause the same to be repaired at the expense of the property owner, as provided in this Article. When a permit is issued for any person or persons to construct any sidewalk, curb or gutter, it shall be the duty of the Street Superintendent to supervise the construction thereof, and require the same to be constructed pursuant to the provisions of Sections 11-27 through 11-40. In case any such work requires an inspector to see that the same is constructed as provided in Sections 11-27 through 11-40, the Street Superintendent may select and designate a suitable person to act as inspector, under his or her direction and control. (Prior code 11.04.100)

Sec. 11-31. Sidewalk construction - Permit required; contents.

(a) Any person desiring to construct a sidewalk, curb or gutter, where the grades have been established, shall first procure from the Town Clerk a permit therefor, which shall give an accurate description of his or her lot and describe the size of the sidewalk and the character of the material to be used in construction thereof, which shall conform to the provisions of Sections 11-27 through 11-40 and shall state the date when construction will commence. A duplicate copy thereof shall be retained by the Town Clerk as a part of the records of his or her office, and for the use of the Street Superintendent in supervising the laying of the walks. Before construction work shall be commenced, the engineer selected by the Board of Trustees shall endorse on both copies of the permit that he or she has properly located and staked the same, together with any special requirements concerning the construction thereof. In case the sidewalk, curb or gutter is laid pursuant to an order of the Town in relation thereto, upon failure of the owner to construct the same, as herein provided, the permit shall so state and shall be issued to the contractor and person constructing the same. When the sidewalk, curb or gutter is constructed and the same is accepted by the Street Superintendent, the Street Superintendent shall endorse the acceptance upon both copies of the contract permit and upon the duplicate remaining in the office of the Town Clerk,

and the Street Superintendent shall also state the name of the contractor or the person doing the work and the date of the completion thereof in the permit. No permit shall be issued unless grades have been established in the locality.

(b) Where proceedings are had to lay sidewalks, curbs or gutters under any special law of the State, where the entire work in a district is let by the Town as one (1) contract, it shall not be necessary for the property owners to procure a permit.

(c) Before a permit shall be issued, the applicant shall pay to the Town Clerk a permit fee of twenty-five dollars (\$25.00). In no case will the engineer assume to give the exact lot line of the applicant. Accounts shall be kept of all moneys derived from the permits and the amounts paid to the engineer on his or her per diem for such services. (Prior code 11.04.110; Ord. 1-1992, § 1)

Sec. 11-32. Width of sidewalk.

(a) Within that portion of the Town, which the Board of Trustees may hereafter designate as the "business district," all of the sidewalks shall be of uniform width of five (5) feet, extending from the lot line towards the center of the street, and shall have constructed at the outer or street edge thereof a curb and gutter connected therewith, all to be constructed according to the provisions of Sections 11-27 through 11-40 and the plans and specifications adopted by the Board of Trustees; provided that, when any property adjacent to the district above described shall be used for business purposes, the sidewalk, curb and gutter in front of such property shall be constructed to conform to the sidewalks, curbs and gutters in the district.

(b) All other sidewalks within the Town shall be of uniform width of five (5) feet and shall be laid with the inside edge thereof at a uniform distance of two (2) feet from the lot line. In all other portions of the Town where a curb is constructed, the same shall be placed at a distance of twenty (20) feet from the lot line, leaving a space or area between the sidewalk and curb for parking; and gutters, when constructed, shall connect with the curb. All shall be constructed according to the plans, specifications and profiles aforesaid.

(c) In the event that the requirements of this Chapter differ from Chapter 17, then Chapter 17 shall control. (Prior code 11.04.120; Ord. 1-1992, § 1)

Sec. 11-33. Materials required for sidewalk.

(a) All sidewalks shall be constructed of cement of the character and workmanship provided in Section 11-34. All sidewalks shall be constructed with a slope of one-eighth ($\frac{1}{8}$) of an inch per foot toward the curb in all cases.

(b) All curbs shall be constructed of cement five (5) inches in thickness, the top thereof shall conform to the established grades for curbs, and the bottom or base shall not be less than eight (8) inches below the gutter line and shall be nine (9) inches in thickness.

(c) All gutters shall be constructed of cement of the same thickness and character as for sidewalks, and in all cases the same shall be closely united to the curb; the gutter shall be of the uniform width of two (2) feet and shall be so laid that the edge next to the curb shall be four (4) inches lower than the edge next to the street. (Prior code 11.04.130)

Sec. 11-34. Cement requirements for sidewalk.

Any sidewalk, curb or gutter constructed of cement shall conform to the following requirements:

(1) Hydraulic cement concrete walks shall be constructed by excavating to a depth of at least seven (7) inches below the top surface of the intended walk. On this subgrade where the walk is to be constructed, the trench shall be filled with cinders or sand mixed with gravel which shall be thoroughly wet and made compact by ramming until the surface is unyielding, smooth and parallel with and four (4) inches below the finished surface of the walk; along the edge surfaces of the excavation, after backfilling, as above provided, set on edge a wooden strip one and one-half (1½) inches thick and four (4) inches in height, firmly held in place by stakes driven in the ground, thus making a form for the concrete work to follow; upon the cinder or sand and gravel bed, spread sufficient hydraulic cement concrete to make a course three and one-quarter (3¼) inches in thickness and consolidate by ramming with an iron tramping tool; the top surface of the concrete shall then be trowelled over, made smooth and exactly parallel to, and three-fourths (¾) of an inch below the proposed finished surface of the walk; care must be taken to leave no loose particles lying on the surface of the concrete base. The cement used shall be of the best quality of Portland cement, and sand used shall be clean, sharp and coarse, and free from earth or foreign matter. The concrete mixture shall be composed of one (1) part cement, and two (2) parts sand and four (4) parts screened gravel ranging from one-fourth (¼) of an inch to one (1) inch in diameter, thoroughly mixed together, until it appears of the same consistency and to be mixed dry; provided that gravel of like proportions, satisfactory to the Street Superintendent, may be used in the place of sand and screened gravel, in the proportions of one (1) part cement to six (6) parts of gravel and sand, the same to be thoroughly and equally mixed as above provided. Not more than one (1) barrel of cement shall be used in one (1) mixture with the above proportions of sand and gravel. The excavation for base shall be made with a shovel, and in no case shall a plow be used.

(2) The wearing surface shall be three-fourths (¾) inch in thickness, and shall be composed of one (1) part cement and one and one-half (1½) parts of clean, sharp sand; cement and sand shall be of the quality hereinbefore specified, and the same shall be free from dust or foreign substances. The cement and sand shall be thoroughly mixed while in its dry state, then moistened sufficiently to admit of being worked into a homogeneous mass and the resultant mass shall then be evenly spread on the concrete course while the course is still soft, so that both courses will fully unite. The spreading shall be done with a trowel and straight-edge; and a dust of cement shall then be carefully and evenly sifted on the wet surface and floated down to a smooth and uniform surface and shall be rolled with a tooth of line roller. The thickness of this wearing surface shall not be less than three-fourths (¾) inch when finished, and the total depth of cement and concrete shall not be less than four (4) inches above the gravel or cinder base. All work involving the use of cement shall be done rapidly, and on completion shall be protected from injury and from heat, cold and weather until hardset. All such work shall be so constructed as to leave an open joint every five (5) feet, with one-fourth (¼) inch joints to allow for expansion; the joints shall be filled with dry sand after the templet or spacer is removed. When work is completed, all unused materials and debris shall be removed.

(3) The requirements for laying a cement gutter shall in all particulars be the same as for sidewalks, as above specified. The gutter shall closely adhere to and become a part of the curb, so that the curb and gutter shall make a channel for water.

(4) Cement curbs shall be constructed of the size provided in this Section, and the top and street side of the same above the gutter line shall be surfaced or faced in the same manner and of the same thickness and quality of material and workmanship as above provided for the surface of the upper three-fourths ($\frac{3}{4}$) inch course on sidewalks. In case the curb and gutter are constructed at the same time, they shall be constructed simultaneously and as one (1) piece in six (6) foot lengths, spaced the same as sidewalks. (Prior code 11.04.140)

Sec. 11-35. Sidewalk construction - Petition by owners; Board of Trustees' duty.

Whenever the owner of a majority of the frontage of the lots or lands abutting upon streets and alleys constituting a designated area known as a "district" petition the Board of Trustees in writing to require sidewalks, curbs or gutters or any one (1) or more of them to be constructed as a local improvement under the provisions of state law, which is commonly known as the "district system," it shall be the duty of the Board of Trustees to take such proceedings in relation thereto, as shall be by law provided, the improvements to be made as near as may be according to the provisions of this Article. (Prior code 11.04.150)

Sec. 11-36. Sidewalk construction - Petition by owners; Board of Trustees to order improvements.

Whenever the owners of the majority of the frontage of the lots or lands adjacent to or abutting upon any street or alley or designated portion or portions thereof petition the Board of Trustees in writing to require a sidewalk, curb or gutter, or one (1) or more thereof, to be constructed along either or both sides of any portion or portions of a street or alley described in the petition, it shall be the duty of the Board of Trustees, if the official grades therefor are established, to order by ordinance that the improvements be made, to describe the same and further to state therein that, if the same is not made and constructed by the property owner chargeable therewith within thirty (30) days from the final publication of the ordinance, the Town will construct or cause the same to be constructed and charge the cost thereof against the owner or owners of the adjacent property and collect the cost thereof as provided by law, which ordinance and the publication thereof shall be notice to all persons affected thereby of the contents and requirements thereof as to making the improvements. (Prior code 11.04.160)

Sec. 11-37. Sidewalk construction - Failure to construct; contract by Town.

If any person fails or refuses to construct any sidewalk, curb or gutter in front of his or her premises when so ordered and within the time so provided, the Board of Trustees shall proceed to construct the same by contract, which contract may include all portions of the improvement not constructed by the owners thereof described in the ordinance, and when completed, the cost of each portion shall be ascertained and assessed against the adjacent lot or land and the owner thereof. Thereupon, it shall be the duty of the Board of Trustees to extend the assessment or assessments in a book to be kept for that purpose, and if the same is not paid by the owner within thirty (30) days, it shall be the duty of the Town Clerk to certify the assessment or assessments to

the County Treasurer who shall extend the same upon the tax roll and collect the same as other taxes against the property. (Prior code 11.04.170)

Sec. 11-38. Sidewalk construction - When Board of Trustees deems necessary.

Whenever the Board of Trustees shall deem it necessary that any portion of a sidewalk, curb or gutter shall be constructed or repaired or be reconstructed because it is not conformable to the provisions of Sections 11-27 through 11-40, it may, upon its own motion, order that the sidewalk, curb or gutter or portion thereof be constructed, repaired or reconstructed as the case may be. The order may be by resolution or by ordinance duly passed in relation thereto, which shall describe the place where the sidewalk, curb or gutter is to be constructed, repaired or reconstructed, and further that, if the same is not done by the property owner or owners within thirty (30) days from the date of the resolution or publication of the ordinance, the Town will construct, repair or reconstruct the same, or cause the work to be done, and charge the cost thereof and certify and collect the same as provided by law. In case the order is by ordinance, the publication thereof shall be notice to all persons thereof as to making such improvements. If the order is by resolution, the same shall be served upon the owner of the adjacent property in person or by mailing a notice of the resolution to the owner of the property. If any property owner shall fail to construct, repair or reconstruct his or her sidewalk, curb or gutter when so ordered within thirty (30) days from the service of the notice or publication of the ordinance, the Town may construct the same and assess all costs thereof, including costs of inspection and the services of the engineer in properly locating the same, against the adjacent or abutting property and the owner or owners thereof. If the same is not paid by the property owner to the Board of Trustees within thirty (30) days thereafter, the costs thereof shall be ascertained and determined by the Board of Trustees and the Town Clerk shall certify the assessment to the County Treasurer, who shall extend the same upon the tax roll and collect the same as other taxes assessed against the property. In case the order shall include any of such improvements in front of the lots or lands of more than one (1) owner, the same shall be included in one (1) ordinance or resolution ordering the same, but the costs when constructed by the Town shall be assessed against each abutting property and the owner thereof separately according to the amount of costs of each respectively. (Prior code 11.04.180)

Sec. 11-39. Sidewalk construction - Out of repair.

If it shall appear to the Board of Trustees that any sidewalk is so much out of repair as to endanger the traveling public, it may, upon its own motion, by resolution order that the same be repaired forthwith. In case the same is not repaired within three (3) days after notice given thereof to the owner, the Town may repair the same and assess the costs thereof against the property adjacent and the owner thereof, and if not paid in thirty (30) days, the Town Clerk shall certify and collect the same as provided above. (Prior code 11.04.190)

Sec. 11-40. Violation.

Any person who violates any of the provisions of Sections 11-27 through 11-39 or who changes, disturbs, removes or alters any grade stakes or pins set by the engineer, either upon any special work done by the engineer or the regular pins or monuments set by the engineer in establishing grades, as provided in Sections 11-27 through 11-39, shall upon conviction thereof be punished according to Section 1-71 of this Code. (Prior code 11.04.200)

Secs. 11-41—11-60. Reserved.

ARTICLE III

Street Excavations

Sec. 11-61. Permission and fee payment required.

It is unlawful for any person, persons, corporations, partnerships or others to make any cut and/or break in the surface of any street, alley or highway within the corporate limits of the Town for any purpose whatsoever unless such person, persons, corporations, partnerships or others shall first have secured the permission from the Town Clerk to make such cut and/or break and shall also first have paid to the Town Clerk a fee for making such cut and/or break in the amount of fifty dollars (\$50.00). (Prior code 11.08.010)

Sec. 11-62. Filling; time limit.

Any person, persons, corporations, partnerships or others making any cut or break in the surface of any street, alley or highway within the corporate limits of the Town shall promptly, i.e., within ten (10) days, after such cut or break is made, fill and patch the cut and/or break so made in accordance with the directions and under the supervision and subject to the inspection of the Street Superintendent. (Prior code 11.08.020)

Secs. 11-63—11-80. Reserved.

ARTICLE IV

Railroad Crossings

Sec. 11-81. Raising or lowering tracks to conform with grade.

Every railroad company, corporation or person owning or operating a line or railroad running through or within the limits of the Town shall keep the track of its railroads, when the same crosses or extends lengthwise of any sidewalk, street, alley or highway, on a level with the surface of such sidewalk, street, alley or highway, and shall raise or lower its tracks when required to conform to any grade of such street, which at any time may be established by the Board of Trustees. (Prior code 11.12.010)

Sec. 11-82. Ditches, drains and sewers to be in good repair.

Every such railroad company, corporation or person owning or operating any such line of railroad shall make and keep open and in repair all ditches, drains, sewers and culverts along and under its railroad tracks, keep all filthy or stagnant water from standing upon its ground or right-of-way, and keep the natural drainage of adjacent property from being impeded by its road beds. (Prior code 11.12.020)

Sec. 11-83. Raising or lowering tracks; approval required.

All changes of grade and all work done by such railroad company, corporation or person pursuant to Sections 11-81 and 11-82 shall be subject to the approval of the Street Superintendent. (Prior code 11.12.040)

Sec. 11-84. Stationary locomotive engine limits; penalty.

No railroad company, corporation or person owning or operating any such railroad, its agents or employees, shall allow any locomotive engine or railroad car to remain stationary within forty (40) feet of any street crossing longer than ten (10) minutes, under penalty as provided in Section 1-71 of this Code. (Prior code 11.12.050)

Sec. 11-85. Stationary locomotive engine time limit; penalty.

No railroad company, corporation or person owning or operating any line of railroad, its agents or employees, shall suffer or allow its trains, cars, locomotives or engines to stand or remain stationary upon, across or over any street or sidewalk in the Town where the same is crossed by its railroad track, for a period of more than five (5) consecutive minutes at any one (1) time. Any violation of this Section shall be punished according to Section 1-71 of this Code. (Prior code 11.12.060)

Sec. 11-86. Warning bell required.

Every engineer or other person in charge of any locomotive engine within the Town in approaching any public crossing, street or highway shall ring or cause to be rung a bell, to warn all persons of the approach of such locomotive engine, and shall continue to ring such bell or cause the same to be rung until such locomotive engine and train of cars shall have cleared such crossing. For every violation of this Section, the offender shall upon conviction be punished according to Section 1-71 of this Code. (Prior code 11.12.070)

Secs. 11-87—11-100. Reserved.

ARTICLE V

Trees and Plants Upon Public Rights-of-Way

Sec. 11-101. Promulgation of rules.

The Board of Trustees shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the public right-of-way of any street, alley, sidewalk or other public place in the Town. Such rules, regulations and specifications shall be in writing and shall not be effective until approved by the Board of Trustees. Copies of such rules, regulations and specifications shall be available to the public through the office of the Town Clerk. (Prior code 11.16.010)

Sec. 11-102. Responsibility for care and maintenance.

It shall be the duty of the owner of property abutting the right-of-way of any street, alley, sidewalk or other public place to maintain and care for all trees and shrubs on such abutting right-of-way. The Town, acting through its authoritative officials, shall have the power to require any such property owner to perform such maintenance on any tree or shrub of the right-of-way abutting such owner's property as may be necessary. The Town shall further have the power to require any property owner to trim, remove or protect any tree or shrub on such owner's property which may project beyond the property line onto or over the right-of-way abutting the same. The Town shall cause a notice requiring such work to be performed to be served upon the property owner in accordance with Section 7-31, and such work shall be done within the reasonable time specified in this notice. Nothing in this Article shall be construed as requiring the owner of property to trim any trees or shrubs when such trimming is required because of Town utility lines or traffic-control signs or devices, and it shall be the duty of the Town to do any trimming required for such utilities, signs or traffic-control devices. (Prior code 11.16.030)

Sec. 11-103. Clearance standards.

Specifications are hereby established concerning trees, shrubs, vines, hedges and other plants upon the public rights-of-way of any street, alleyway, sidewalk or other public place located in the Town. The following standards shall apply:

- (1) The minimum height clearance above any street, alleyway, or public place will be fifteen (15) feet;
- (2) The minimum height clearance above any sidewalk or similar public place will be eight (8) feet.

Additionally, shrubs, vines, hedges and other plants will not be allowed to extend or protrude over any sidewalk rights-of-way. (Ord. 4-2008)

Secs. 11-104—11-120. Reserved.

ARTICLE VI

Public Parks

Sec. 11-121. Possession of glass containers prohibited.

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park or recreation facility of the Town. (Ord. 1-1992 § 1)

Sec. 11-122. Dumping prohibited.

It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste,

garbage, refuse or other trash in or upon any park or recreation facility of the Town. (Ord. 1-1992 § 1)

Sec. 11-123. Proper trash disposal required.

It shall be unlawful for any person utilizing the facilities of any park or recreation facility of the Town to leave such park or recreation facility without first placing in trash disposal receptacles, where provided, all trash in the nature of boxes, papers, cans or other containers, garbage and other refuse in the possession of such person. If no such trash disposal receptacle is available, then such person shall carry away said refuse or trash in his or her possession from the area, to be disposed of in a proper and legal manner elsewhere. (Ord. 1-1992 § 1)

Secs. 11-124—11-140. Reserved.