

CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

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7-1-1: **PUBLIC WORKS DEPARTMENT:**

- A. Creation: There is hereby created a Public Works Department, which shall have general supervision of streets, sidewalks, bridges, and other public ways.
- B. Director: The Department shall be under the direction and control of the Public Works Director. (1977 Code § 11-311; 1998 Code)
- C. Powers and Duties: The Department shall:
 1. Have direct responsibility of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters.
 2. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.
 3. Enforce the provisions of this Chapter and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.

4. Repair, or cause to be repaired, all defects coming to the Department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair. (1977 Code § 11-312)

7-1-2: **REMOVAL OF SNOW:**

- A. Failure to Remove Unlawful: It shall be unlawful for the owner, occupant, lesser, or agent of any property, abutting on a paved sidewalk, to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet hereon within a reasonable time after such snow, hail, or sleet has fallen.
- B. Depositing in Gutter Unlawful: It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material, in the gutter so as to clog or prevent the free flow of water therein. (1977 Code § 11-361)

7-1-3: **OBSTRUCTION IN STREETS:** It shall be unlawful for any person owning, occupying or having control of any property to place, or permit to be placed upon or in the sidewalk, park strip, gutter or street:

- A. Refuse: Any broken wares, glass, filth, rubbish, sweepings, refuse, matter, water, garbage, ashes, tin cans or other like substances.
- B. Building Materials and Similar Obstructions: Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, park strip or sidewalk, or any part thereof.
- C. Permanent or Temporary Structures: Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character, except trees planted pursuant to the provisions of applicable ordinances. (1977 Code § 11-362) (OM 028-2004, 10/26/04)

7-1-4: **OPENINGS IN STREETS; DOORS OBSTRUCTING:**

- A. Openings: It shall be unlawful to construct or maintain openings in streets or sidewalks, except with the special permission of the City Council, and under the direction and supervision of the Public Works Director. (1977 Code § 11-363; 1998 Code)

- B. Doors: It shall be unlawful for any person owning or having the control or management of any alley, road, or passageway to construct or hang gates or doors to such alley, road, or passageway so that the gates or doors thereto, when open, shall project outwardly more than two feet (2') over or upon the sidewalk beyond the property line. (1977 Code § 11-364)

7-1-5: **DISCHARGE OF WATER:** It shall be unlawful for any person owning, occupying, or having control of any premises to fail, refuse or neglect to prevent water from the roof or eaves of any house, building, or other structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk. (1977 Code § 11-365)

7-1-6: **SIDEWALK REGULATIONS:**

- A. Driving or Parking: It shall be unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk, except across a sidewalk at established crossings. (1977 Code § 11-366)
- B. Businesses to Keep Clean: It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of nine o'clock (9:00) A.M. (1977 Code § 11-367)
- C. Placing Goods for Sale or Show: No goods, wares, or merchandise shall be placed, maintained or permitted for sale or show in or on any park strip, street, or sidewalk beyond two feet (2') from the front line of the lot, without first obtaining the written approval of the City Council. Such approval shall be granted only when such sale or show shall be a promotional activity not exceeding forty eight (48) hours and when participated in by a majority of firms seeking approval in their business area.
- D. The City Council's written approval shall specifically provide that no goods, wares, or merchandise shall be placed in such a manner as to leave less than a six foot (6') passageway for pedestrians. (1977 Code § 11-368)
- E. Placing Goods for Receipt or Delivery: It shall be unlawful for any person to place, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than three (3) hours. (1977 Code § 11-369)

- F. Playing: Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction and subject to penalty as provided in Section 1-4-1 of this Code. (1977 Code § 11-370)
- G. Congregating: It is an infraction and subject to penalty as provided in Section 1-4-1 of this Code for any person to congregate about or upon any sidewalk, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises. (1977 Code § 11-371)

7-1-7: **DRIVING ANIMALS ON STREETS:** Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from the contracted law enforcement agency so to do is guilty of an infraction and subject to penalty as provided in Section 1-4-1 of this Code. (1977 Code § 11-331; 1998 Code)

7-1-8 **PARK STRIPS.**

A. All park strips shall be landscaped by the abutting property owner in conformance with the provisions of this section. In general, this landscaping will involve improving the ground surface of the park strip with plant material, non-organic porous material, or hard-surface where permitted. Park strip trees shall also be provided as required herein.

1. Definition. Park strips – means the strip of land next to a road which is between the curb or future location of a curb and the sidewalk or property line.
2. Park strips less than four (4) feet in width shall be landscaped and maintained with any one or a combination of the following: grass, ground cover, annuals, perennials, bark, or wood chips, paving material, or decorative rock, gravel, or chips.
3. All park strip landscaping shall be maintained in a safe and well-kept condition by the abutting property owner. Trash, other debris, and noxious weeds shall not be allowed to collect or grow in these areas.
4. Park strips four (4) feet or more, but less than six (6) feet shall be landscaped with any one or a combination of the following: grass, ground cover, annuals, perennials, bark, wood chips, paving material, or decorative rock, gravel, or chips, and may include trees. If trees are used, such trees shall be spaced no less than twenty five

(25) feet apart and no greater than thirty (30) feet apart. Trees with a minimum caliper size of two (2) inches are recommended. (see Providence City for a complete list of approved trees and recommended ground cover).

5. Park strips six (6) feet in width or greater shall be landscaped with any one or a combination of the following: grass, annuals, perennials, bark, wood chips, and may include trees. If trees are used, such trees shall be spaced no less than twenty five (25) feet apart and no greater than thirty (30) feet apart. Trees with a minimum caliper size of two (2) inches are recommended. (see Providence City for a complete list of approved trees and recommended ground cover).
6. Where a park strip has been installed, the abutting property owner shall provide landscaping as provided in this section and shall continue to maintain the landscaping in a healthy, safe, attractive, and nuisance-free condition. This shall include taking appropriate measures to water and trim plant materials, and to keep the parkway weed-free.
7. Vegetation which causes a public safety problem may be removed by the City.
8. It shall be unlawful for any person to remove from park strips any trees required by the provisions of this section. This provision shall not apply to routine parkway maintenance.
9. Occupancy permits for new commercial buildings shall not be issued unless the abutting park strips landscaping has been installed or a bond provided to guarantee installation.
10. In all new subdivisions and developments, the developer as a part of the development, is responsible for the street lights, locations(s) to be determined by the City. The developer will be responsible for all associated costs pertaining to the street lights and all coordination with the power company will be handled by the developer.

B. Paving Materials: Paving materials, limited to placed concrete, concrete pavers, brick pavers, or natural stone pavers, may be used in portions of a park strip subject to the following limitations:

1. Paving Materials Near Existing Street Trees or Water Barrels: Placed concrete shall not be placed in any park strip with existing street trees. Other paving materials shall be kept a minimum of eighteen inches (18") away from existing street trees and water barrels. Grass ground cover, perennials, annuals, organic mulch or gravel shall be used near existing street trees and water barrels.

2. Twenty Four Inch Wide Park Strips: Except as specified above, placed concrete, natural stone pavers, or brick pavers may be used in one hundred percent (100%) of a park strip that is twenty four inches (24") or less in width. If placed concrete is used, it should be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.
3. Thirty Six Inch Wide Park Strips: In park strips that are thirty six inches (36") or less in width, brick pavers, concrete pavers, or natural stone pavers may be used in one hundred percent (100%) of the surface area. Placed concrete shall not be used except for carriageways as outlined below. The use of plants in combination with paving materials is encouraged.
4. Carriageways: In order to provide for safe and convenient access across park strips to and from vehicles that may park at the curb, up to two carriageways (walkways between the curb and sidewalk) through planted area are encouraged per lot. The material of carriageways may be placed concrete, concrete pavers, brick pavers, or flat, natural stone paving materials such as flagstone or a combination of these materials. The carriageway shall be not more than six feet (6') in width and shall be located so as to provide the most direct route from the curb to the sidewalk.
5. Prohibited Materials: Materials prohibited in park strips include asphalt, concrete (except where allowed as outlined above), thorn-bearing plants, groundcover which exceeds twenty-four inches (24") in height at maturity, shrubs which create visual barriers, anything that impedes pedestrian use, and structural encroachments.
6. Retaining Walls, Fences, Steps, and Other Similar Structural Encroachments: Retaining walls, fences, steps, and other similar structural encroachments in park strips are prohibited. These structural encroachments are generally prohibited because they limit access from the street to sidewalks and create obstructions to, and increase the cost of, performing maintenance of public improvements and utilities within the park strip.