

Chapter 1

General Provisions

(Title 17, Chapter 1 adopted by ordinance 2014-31, effective November 11, 2014)

Sections:

- 17-1-1. Supervisor of Streets and Sidewalks
- 17-1-2. Shade Trees
- 17-1-3. Liability for Repair of Sidewalk.
- 17-1-4. Defects to be Reported and Repaired.
- 17-1-5. Building Material in Street.
- 17-1-6. Private Improvements to Streets and Sidewalks.

Section 17-1-1. Supervisor of Streets and Sidewalks.

There shall be appointed by the Mayor and confirmed by the Council a supervisor of streets and sidewalks whose duty is shall be to see that the provisions of this chapter are faithfully carried out and who shall perform other and further duties as may be prescribed by the Mayor and council from time to time.

Section 17-1-2. Shade Trees.

It shall be the duty and responsibility of any person owning, having charge or control of any property abutting any street or right of way of the City, to care for, prune, remove or maintain any tree or trees that are in the City street or right of way, such that said tree or trees do not become a safety hazard to traffic, pedestrians or adjoining property. The responsible party shall also take whatever measures are necessary to prevent trees from damaging pavement or sidewalks. Any trees in the City streets or rights of way may be removed by the adjoining property owner if it has been determined that said tree is a safety hazard and upon receipt of written permission by the City. Any damage caused by the failure of the responsible party to comply with this section shall become the liability of said responsible party. If the responsible party fails to maintain a tree in a safe condition the City shall have the option to do whatever is necessary to remedy the unsafe condition and the expense of the work performed by the City shall be borne by the responsible party. (Adopted by Ordinance number 84-8 June 6, 1984.)

Section 17-1-3. Liability for Repair of Sidewalk.

Whenever a sidewalk is out of repair due to the act or omission of any person, the same shall be repaired at his expense under the direction of the supervisor of streets and sidewalks.

Section 17-1-4. Defects to be Reported and Repaired.

All defects in public streets coming to the knowledge of any officer or person in the employ of the city shall be by him at once communicated to the supervisor of streets and sidewalks and he or some competent person detailed by him shall, without delay, repair or cause such defect to be immediately repaired. Until such repair is completed he shall do whatever shall be necessary to protect the public from injury by reason of the defect.

Section 17-1-5. Building Material in Street.

It shall be unlawful for any person to occupy or use any portion of the public streets for the erection or repair of any building upon land abutting thereon, without first making application to and receiving from the council a permit for the occupation or use, for building purposes, of such portions of streets and for such periods of time and under such limitations and restrictions as may be required by the council; provided, that no permit shall be granted to occupy more than fifteen feet of any street, measured from the curb line, and any such permit may be revoked by the council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted or when in the opinion of the council, the public good required such revocation.

Section 17-1-6. Private Improvements to Streets and Sidewalks.

It shall be unlawful for any person to make any improvements, changes or obstructions to city streets rights-of-way or sidewalks without the first making application to and receiving written approval from the City. Mailboxes are exempt from the provisions of this Section, if they are installed in such a manner that they do not obstruct any portion of a sidewalk or street and do not create any other safety hazard. Any person who has made improvements or changes to City streets, rights-of-way or sidewalks or who have placed obstructions upon the same, without City approval, shall immediately restore the street, right-of-way or sidewalk to its original conditions, upon receiving notice from the city.

Persons who fail to promptly restore the street, right-of-way or sidewalk to its original condition, after having received notice to do so, shall be guilty of a misdemeanor.