

ORDINANCE 3.05

BOULEVARDS, STREETS, AND SIDEWALKS

SECTION 1. BOULEVARD PLANTING. The planting of trees lying between any lot line and curb line shall be supervised by the City Council. Property owners wishing to plant one or more trees on said boulevard shall apply to the Council for a permit, and the Council shall investigate the locality where the trees are to be placed, and shall grant a permit only if, in the Council's judgment, the location is such as to permit the normal growth and development of each tree and the specie of tree conforms with other plantings in the immediate vicinity. No plantings shall be permitted which would interfere with any electric or telephone transmission lines, and no plantings will be permitted that would obstruct the view of any intersection by drivers of motor vehicles.

SECTION 2. REMOVAL OF BOULEVARD PLANTINGS. The City Council shall have the authority and power to remove or destroy trees in streets, boulevards, or parkways for the purpose of thinning out such trees and procuring their spacing, or to remove trees of a species prohibited by the Council, or infested by injurious insects when such destruction is necessary for the protection of other trees, or to remove trees and plantings which obstruct visibility of intersections by drivers of motor vehicles.

SECTION 3. DAMAGING TREES AND PLANTS PROHIBITED. No person shall break, injure, or destroy any tree or trees, shrubbery or plants, or dig up, injure or destroy any turf or sod, set out, planted or growing in or upon any of the parks or parkways of the City of Rothsay, or in or upon that portion of the streets and avenues of said City lying between the curb line and the lot line of such streets and avenues.

SECTION 4. MAINTENANCE. Property owners shall maintain that portion of the boulevard and sidewalk which lies between the curb line and the lot line. Said boulevard and sidewalk are to be kept free of debris and weeds; the grass shall be kept mowed during the spring, summer, and fall months; the sidewalks shall be kept shoveled during the winter months so as to allow pedestrian passage.

SECTION 5. CONSTRUCTION OF SIDEWALKS, CURB AND GUTTER, AND DRIVEWAYS. No person shall construct, reconstruct, lay, make or repair any public sidewalk, curb and gutter, or driveway in any dedicated public street in the City of Rothsay without first having obtained, from the City Council, a permit for said work. Said permit shall specifically state all of the work proposed to be done, together with a description of the property in front of which the proposed improvements are to be made; conditioned further that the work shall be done only during favorable weather and to the lines and grades to be established by the Council.

SECTION 6. INCONVENIENCE TO PUBLIC. All work shall be prosecuted in a manner which will occasion the least inconvenience to the public, and also provide for passage of water along the gutters.

SECTION 7. BARRICADES. No excavation shall be left open, or obstruction left in the street, unless it is thoroughly barricaded off or railed off, and properly lighted with a red light so as to secure the public safety.

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SECTION 8. DEFECTIVE CONSTRUCTION. In the event that any person shall construct, reconstruct, lay, make or repair any public sidewalk, curb and gutter, or driveway in violation of this Ordinance and which does not meet the plans and specifications and lines and grades established by the City Council, the Council may cause such sidewalk, curb and gutter, or driveway to be removed and assess the cost of removing such sidewalk, curb and gutter, or driveway against the abutting property.

SECTION 9. OBSTRUCTION PROHIBITED. No person shall obstruct any street, sidewalk, lane, alley, public ground, public landing or other public place by placing thereon any building material, any vehicle or any merchandise, box, lumber, firewood, post, awning or any other material or substance except as provided by Section 10 of this Ordinance.

SECTION 10. SPECIAL PERMIT. In any case where a building on premises abutting on any public street or public ground is being constructed or repaired, or where other improvements are being made on such premises, the Council may grant a permit to the person constructing such building or making such repairs or improvements to occupy an area up to, but not exceeding one-third (1/3) of the street, or one-half (1/2) of the sidewalk or both abutting such premises while the construction, repair or improvement is being made. The Council may revoke said permit at any time.

SECTION 11. LITTERING PROHIBITED. No person shall throw or deposit, or permit to be thrown or deposited, any saw dust, slops, washings from ice, dirt, filth, or the sweepings of any house, store, manure, rubbish or any filthy or offensive matter of any kind, on or into any catch basin, street, sidewalk, lane, alley, boulevard, or public place or ground within the City of Rothsay.

SECTION 12. PROHIBITED ACTS. NO PERSON SHALL:

- A. Dig, remove, or carry away, any stone, earth, sand or other material from any street, lane, alley, boulevard, or public ground, within the City of Rothsay without permission from the City Council;
- B. Make any drain, ditch or bridge, across any street, lane, alley, boulevard, or public ground within the City of Rothsay, so as to injure the same, or obstruct the free use and passage thereof;
- C. Place upon or suffer to be placed upon any sidewalk, any goods, wares, or merchandise which he/she may be receiving of delivery without leaving a passageway clear upon said sidewalks of not less than six (6) feet for the use of foot passengers; and on person receiving or delivering such goods shall suffer them to remain on the sidewalk for longer than twenty-four (24) hours.
- D. Sell or offer for sale at public auction, in the City, any goods, chattels, or personal property whatever to any person or persons upon a sidewalk or street within the City of Rothsay so as to collect a crowd upon such sidewalk or street whereby the free passage thereof by any person is prevented or hindered. This Section shall include licensed auctioneers.

SECTION 13. ENFORCEMENT. It shall be the duty of law enforcement and the City Council to cause the strict observance of this Ordinance.

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SECTION 14. STREET EXCAVATION. No person shall make any excavation in any street or public ground in the City of Rothsay without first having procured a permit therefore from the City Clerk/Treasurer. The fee for such a permit shall be five dollars (\$5.00). Every person making an excavation in any street or public ground in the City of Rothsay shall:

- A. Do the work as directed by the Council so as to occasion the least possible inconvenience to the public; provide for passage of water along gutters; and to do the least amount of damage to the street.
- B. To leave at least one-half (1/2) of the public street clear for the passage of vehicles; and to provide for safe bridgeways or passageways across and around excavations and sidewalks for pedestrians.
- C. To guard any open excavation with substantial railings constructed and place so as to bar all entrance to the excavation; and at night, by red lights which shall show the limits of the railings and excavations; and also to mark the limits of piles of material by such red lights.
- D. To protect all poles, pipes, cables, underground structures against any injury; and to pay the City of Rothsay for all damage done in said excavation to poles, pipes, cables, underground sewer and water lines and underground structures.
- E. To refill the excavations as soon as is reasonably possible, and replace paving, sidewalk, all appurtenances, and all above and underground structures in at least as good condition as before the excavation; in refilling said excavation, refill with gravel and pack said gravel so it will not settle and sink after said excavation is filled. In the event the Council shall find any defects caused by improper excavation or improper refilling, the owner shall pay to the City of Rothsay a sum equal to the total expense of remedying such defect.
- F. To remove at once all rubbish and surplus earth.
- G. To indemnify and hold the City of Rothsay not liable for any and all damages, claims or causes of action arising out of the excavation work or accidents caused or claimed by any injured party to be caused by the excavation or by failure to do the work or guard it properly, or by any negligence connected with the work of excavating, guarding the excavation or refilling the excavation.

PASSED BY THE CITY COUNCIL on the 2nd day of January, 1979.

Raymond Goltz, Mayor
Attested by Ethelwyn McBain, Clerk