

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. STREET CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
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- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
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- 16-109. Parades, etc., regulated.
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16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (2011 Code, § 16-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (2011 Code, § 16-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2011 Code, § 16-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (2011 Code, § 16-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (2011 Code, § 16-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (2011 Code, § 16-106)

16-107. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (2011 Code, § 16-108)

16-108. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (2011 Code, § 16-109)

16-109. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city recorder. (2011 Code, § 16-110)

16-110. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2011 Code, § 16-111)

¹Municipal code reference

Building code: title 12, chapter 1.

16-111. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (2011 Code, § 16-112)

16-112. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (2011 Code, § 16-113)

CHAPTER 2

STREET CUTS

SECTION

16-201. Purpose.

16-202. Definitions.

16-203. Permit required; standards of repairs.

16-204. Deposit or bond.

16-205. Insurance.

16-206. Supervision.

16-207. Violations and penalty.

16-201. Purpose. The purpose of this chapter is to regulate excavation, tunneling, fill, paving, or any alteration or repair by any individual, business, or governmental agency within the public street right-of way. (2011 Code, § 16-201)

16-202. Definitions. For the purpose of this chapter:

(1) "Construction" means any excavation, tunneling, fill, paving, alteration or repair.

(2) "Person" means any individual, contractor, or agent of any public board or utility.

(3) "Street" means the full width of the public right-of-way. (2011 Code, § 16-202)

16-203. Permit required; standards of repairs. No person shall, without first obtaining a permit, commence any construction within any street or close any street for any length of time. Permits may be obtained by making an application for a permit to the city recorder to issue such permit. In the case of an emergency that it becomes necessary for such construction, such as nights, weekends or holidays, the entity responsible is required to request the permit on the first workday after such emergency. The application shall consist of a written statement describing the work proposed, any required construction drawings, and a time schedule for the completion of the work. The following standards shall be used to review the application for a permit and to inspect subsequent construction.

(1) All work of repairing surfaces which have been cut or opened shall be done in accordance with the specifications and standards of workmanship adopted by the City of Harrogate and shall be inspected by the city. Should any cut or trench not be refilled in accordance to these standards, the city may cause such opening to again be excavated and refilled to its satisfaction at the expense of the permittee. The permittee shall be responsible for total street failure, including changes in sub-base and supporting area, resulting from a meter main

breakage or from a sewer line breakage that was directly caused by a previous excavation of the permittee.

(2) The holder of a permit shall perform the work provided for therein with due regard to the public convenience and safety and as expeditiously as possible. Such permits shall expire automatically thereunder unless the work is begun within thirty (30) days after its issuance. Any permit not used within thirty (30) days shall be returned for cancellation or renewal.

(3) The holder of a permit while making the repairs shall use every precaution required as to barricades, lights and devices for the safety of the public. This section shall not relieve the holder of the permit from responsibilities for accidents, should any occur. It shall be distinctly understood, and the application and permit shall state, that all persons making openings shall hold the city and its employees harmless from all damages which may be recovered by reason of injuries received to persons or property on account of such openings.

(4) The holder of a permit shall, as soon as physically possible, repair the opening surface equal to or better than its original state as before the opening was made and shall repair all latent defects in construction for a period of three (3) years after completion of such opening. (2011 Code, § 16-203)

16-204. Deposit or bond. No permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of two hundred dollars (\$200.00) per excavation or tunnel and shall ensure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the recorder, or such other person as may be designated by the board of mayor and aldermen, may increase the amount of the deposit to an amount considered by the recorder or designated representative to be adequate to cover the cost. If the applicant fails to comply with the restoration provision of this section, the expense to the city of relaying the surface of the ground or pavement, and of making the refill, shall be deducted from the deposit. The balance shall be returned to the permittee without interest as provided herein after the tunnel or excavation is completely refilled and the surface or pavement is restored.

Any public utility intending to make excavations or tunnels may make and maintain with the city an annual deposit, surety bond, or letter of commitment in such form or amount as the designated representative of the board of mayor and aldermen deems adequate. (2011 Code, § 16-204)

16-205. Insurance. In addition to making the deposit or giving the bond hereinbefore required to ensure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the

performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person, and not less than seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident. (2011 Code, § 16-205)

16-206. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (2011 Code, § 16-206)

16-207. Violations and penalty. A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (2011 Code, § 16-207)