

## TITLE 16

### STREETS AND SIDEWALKS, ETC.<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. STREET EXCAVATION AND RESTORATION OF PAVEMENT PROCEDURES.
3. STREET ADDRESS NUMBERS.
4. WALLS AND FENCES.
5. SIDEWALKS AND ABUTTING PROPERTY OWNERS.

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

**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. (1992 Code, § 12-101)

**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

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

feet (14') or over any sidewalk at a height of less than eight feet (8'). (1992 Code, § 12-102)

**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 driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1992 Code, § 12-103)

**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.<sup>1</sup> (1992 Code, § 12-104)

**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 mayor and board of commissioners after a finding that no hazard will be created by such banner or sign. (1992 Code, § 12-105)

**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. (1992 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1992 Code, § 12-107)

**16-108. 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. (1992 Code, § 12-108)

**16-109. 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

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

remove all accumulated snow and ice from the abutting sidewalk. (1992 Code, § 12-109)

**16-110. 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 town clerk. (1992 Code, § 12-110)

**16-111. 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. (1992 Code, § 12-111)

**16-112. 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. (1992 Code, § 12-112)

## CHAPTER 2

### STREET EXCAVATION AND RESTORATION OF PAVEMENT PROCEDURES

#### SECTION

- 16-201. Short title.
- 16-202. Definitions.
- 16-203. Permit required.
- 16-204. Applications.
- 16-205. Application and excavation permit fee.
- 16-206. Manner of excavating - barricades and lights.
- 16-207. Bond required.
- 16-208. Manner of excavating streets.
- 16-209. Liability and responsibility for repairs.
- 16-210. Inspection.
- 16-211. Specification.
- 16-212. Insurance.
- 16-213. Supervision.
- 16-214. Violations and penalty.

**16-201. Short title.** This chapter shall be known and may be cited as street excavation and restoration of paving procedures ordinance. (Ord. #206, Nov. 2019)

**16-202. Definitions.** The following definitions shall be incorporated:

(1) "Building official." The person designated by the mayor or town marshal who shall serve as the supervisor for the inspection or in his or her absence, the subordinate assigned or delegated direct responsibility for the administration of this chapter.

(2) "Emergency." A sudden or unexpected occurrence or condition calling for immediate action. The repair of a broken or malfunctioning utility line or services shall be deemed an emergency if a repair is reasonably warranted under existing circumstances prior to the next working day.

(3) "Excavation." Any excavation or tunneling of any public street right-of-way including, but not limited to, excavation in, cutting of, or tunneling of any street, sidewalk or curb for purposes of constructing or maintaining pipes, lines, driveways, private streets, poles, guy wires, signs, or other utilities, private structures, or facilities.

(4) "Town inspector." A person employed or otherwise engaged by the town and acting under the authority of the mayor or town marshal to physically inspect any excavation for conformity with the permit and other provisions of this chapter.

(5) "Working day." Any day when the town hall office is open for the transaction of normal business. (Ord. #206, Nov. 2019)

**16-203. Permit required.** It shall be unlawful for any person to make any excavation in or to tunnel under any street, curb, alley, or public right-of-way in the Town of Lookout Mountain, Tennessee, without first having obtained a permit from the town marshal (chief of police) or his designees and complying with the provisions of this chapter. It shall be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right-of-way may proceed with an excavation without a permit when emergency circumstances demand the work to be done immediately, and provided further that the person shall apply for a permit on the next working day and shall otherwise and immediately thereafter comply with all other provisions of this chapter. (Ord. #206, Nov. 2019)

**16-204. Applications.** (1) Applications for such permits shall be made to the town marshal and shall state thereon the location/address of the intended excavation or tunnel, the size thereof, the purpose thereof, the name of the person doing the actual excavating, and the name of the person for whom the work is being done. The application form shall contain a contractual undertaking and guaranty on the part of the applicant and, the permittee, if the permittee will comply with all the terms and provisions of this chapter and all other conditions imposed by the town with respect to the permit, whether or not the same be expressed verbatim on the face of the permit. The application shall further contain a contractual undertaking and guaranty on the part of the applicant and permittee, if the applicant and permittee, if different from the applicant, does not comply with the terms, provisions and conditions set forth, the applicant and/or permittee shall be financially liable to the town for the cost of all repairs and/or corrections made by the town and/or by its subcontractors and for all damages incurred by the town occasioned by such failure to comply. Said application shall also provide that the applicant shall guarantee the integrity of the work performed for a period of twenty-four (24) months from the date upon which the refilled excavation is accepted by the town marshal or his designee.

(2) The applicant shall disclose any foreseeable lane or sidewalk closures or detours during excavation. As a condition of issuing a permit, all applicants must agree in writing as part of the application to comply with all ordinances and laws relating to the work to be done. The town marshal or his designee shall consider each application for a permit filed under this chapter, under all facts and circumstances shall grant or refuse the permit within five (5) working days and shall endorse his action on the application. The action of the town marshal in granting or refusing a permit shall be final, except as it may be subject to review at law. A permit may be refused for the following reasons:

- (a) The proposed excavation should be redesigned to mitigate a potential safety hazard;
- (b) The proposed excavation should be redesigned to mitigate damage within the right-of-way;
- (c) The proposed excavation cannot be safely made in the public right-of-way;
- (d) The proposed restoration plan does not meet the minimum standards for restoration;
- (e) The applicant has willfully failed to comply with conditions of prior permits issued to the applicant; provided that such disqualification shall be removed upon correction of any such defects;
- (f) For failure to satisfactorily comply with anyone or more of the terms, provisions or conditions of this chapter;
- (g) For other good cause in the discretion of the town marshal. Provided that as to an excavation done in emergency circumstances the application shall be completed on the next working day; and the town marshal or his designees shall review the actual work completed for conformity with the requirements hereof. (Ord. #206, Nov. 2019)

**16-205. Application and excavation permit fee.** Each application shall be accompanied by a fee, established initially, as follows:

- (1) Permit fee of two hundred fifty dollars (\$250.00) for transverse cuts in pavement, subject to the provisions of subsection (11), below.
- (2) For longitudinal cuts in pavement the permit fee of one dollar (\$1.00) per foot shall be charged (two hundred fifty dollar (\$250.00) minimum), subject to the provisions of subsection (11), below.
- (3) Permit fee of fifty dollars (\$50.00) for cuts in the sidewalk, subject to the provisions of subsection (11) below
- (4) Permit fee of one hundred dollars (\$100.00) for cuts in the curb and/or curb and gutter, subject to the provisions of subsection (11), below.
- (5) Street cut permit is not required for cuts outside the sidewalk and street pavement.
- (6) Written notification of intent to work in a town right-of-way must be received at least twenty-four (24) hours prior to beginning work, even if a permit is not required, except in emergencies. E-mail is considered a written notice.
- (7) Permits for relocation or installation of fire hydrants will be required when requested by the town, but no fee (including administrative fees) will be required.
- (8) Multiple cuts, each not exceeding twenty-five (25) square feet in area, when required in a single block or within a work zone distance of two hundred fifty feet (250') as part of a single project, are considered as one (1) cut. Permit and fee will be required for a single cut under these conditions. If the cut exceeds two hundred fifty feet (250'), or multiple cuts within a block or a work

zone greater than two hundred fifty feet (250'), or multiple cuts within a block or a work zone greater than two hundred fifty feet (250'), then the entire lane that is disturbed by construction shall be repaved from intersection to intersection.

(9) Neither permits or fees will be required when work in the right-of-way is conducted as part of a town street improvement project, including resurfacing, where the utility is required to move their facilities as a result of the town project nor shall fees be required for routine maintenance and repairs

by the Hamilton County Water and Wastewater Treatment Authority (WWTA), provided, however, that WWTA and its authorized and approved subcontractors shall nevertheless complete an application and otherwise be subject to all other provisions of this chapter. In addition, WWTA may utilize subcontractors so long as the permit is issued to WWTA and WWTA's running bond shall stand as surety for compliance with the requests of this chapter.

(10) Fees shall not be waived under any other conditions.

(11) When it is determined that non-emergency work in the town right-of-way has proceeded without the purchase of a permit, the contractor or utility shall immediately purchase a street cut permit, and the fee for the permit shall be double the normal fee; no further permits shall be issued to the contractor or utility until such time as the improper work is removed and replaced in accordance with this code and such person shall be subject to the penal provisions of this chapter and each day of such failure or violation shall constitute a separate offense.

(12) Where work in the town right-of-way is self-performed by one (1) of the following entities, or by one (1) of the entity's approved contractors, the fee for each permit shall be invoiced monthly. Invoicing may be provided for:

- (a) Electric Power Board of Chattanooga (EPB);
- (b) Tennessee-American Water Company (TAWC);
- (c) Chattanooga Gas Company;
- (d) AT&T;
- (e) Comcast Cable Company;
- (f) Hamilton County Water and Wastewater Treatment Authority (WWTA).

(13) The amounts of all fees hereinabove provided may be increased from time to time by resolution of a majority of the board of commissioners without the necessity of amending the chapter, and without prior notice to any person. (Ord. #206, Nov. 2019)

**16-206. Manner of excavating - barricades and lights.** (1) Any person making any excavation or tunnel shall do so according to the specifications and standards issued by the town official. In accordance with the then currently adopted version of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, sufficient and proper barricades,

lights and other traffic control devices shall be maintained to prevent accidents and injury to persons or property. If any sidewalk is blocked, a temporary sidewalk shall be provided which shall be safe for travel and convenient for users. No work shall be done which deviates from the approved plans and until a change of plans has been secured from the building official. All expenses of such safety measures and temporary sidewalk shall be borne by the applicant or owner.

(2) The town marshal shall provide each permittee at the time a permit is issued hereunder a copy of the permit which shall include the permit number and the expiration date. It shall be the duty of any permittee hereunder to keep the permit on site of the excavation work. It shall be unlawful for any person to produce any such permit at or about any excavation not covered by such permit, or to misrepresent the number of the permit or the date of expiration of the permit. Permits shall expire after one hundred eighty (180) days and all excavation work performed must be completed within sixty (60) days of commencing. (Ord. #206, Nov. 2019)

**16-207. Bond required.** When permits are required to excavate or in any way obstruct any street in the town, the town marshal shall require from such applicant, before granting a permit, a bond with good and sufficient, as may be determined from time to time by the town marshal, sureties acting with consent of the mayor, conditioned to secure the town against all loss, damage or injury of any kind which may result to the town by reason of such excavation or obstruction; provided, that public utilities and/or persons engaged in the business of contracting shall be allowed to give an annual bond, instead of a bond for each obstruction such annual bond in every instance to be renewed at least once every twelve (12) months. (Ord. #206, Nov. 2019)

**16-208. Manner of excavating street.** (1) In excavating any street, all material for paving or ballasting must be removed with the least possible injury or loss of the same and, together with the excavated materials from the trenches, must be placed where they will cause the least possible inconvenience to the public. All pavement, where trench excavations are to be made, shall be saw cut. Cutting the street with a jackhammer or a hoe-ram is not permitted.

(2) The permittee shall carry on the work authorized by the permit in such manner as to cause a minimum of interference with traffic. He shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness. The latest editions of the *Tennessee Manual on Uniform Traffic Control Devices for Streets and Highways*, copies of which are on file in the public works department, and may be used as a guideline for proper positioning of signs and devices.

(3) Where difficult or potentially hazardous conditions exist, competent flagmen shall be provided to effect a safe and orderly movement of



traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precaution, the permittee shall be responsible for providing a flagman. In the event the building official shall discover any hazardous excavation or unwarranted traffic congestion where flagmen have not been provided, he shall direct the permittee to immediately post flagmen. A failure to post flagmen following a directive shall be a violation of this chapter.

(4) On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantially normal traffic flow. Unless this can be accomplished, work shall be done only during the period between 9:00 A.M. and 4:00 P.M. or between 7:00 P.M. and 7:00 A.M., as the town marshal official may designate.

(5) For backfill in roadway areas, the contractor shall provide six inches (6") of graded aggregate base above the utility's main line. From top of graded aggregate base backfill to bottom of paving, the backfill material shall be flowable fill with a compressive strength of two hundred to two hundred fifty (200-250) psi in forty-eight (48) hours. Flowable fill shall be placed a minimum of forty-eight (48) hours prior to the placing of the asphalt or concrete topping. Where it is impractical to use flowable fill because of terrain, slope, width of trench, or other situations, the material for the backfill in the roadway areas may be approved for cement treated aggregate base at the sole discretion of the city building official. Each eight inch (8") layer of backfill shall be thoroughly compacted by means of a mechanical tamp. Other backfill materials may be acceptable, but prior approval for the substitution shall be determined by the city building official or his designee.

(6) Backfill for trenches within the sidewalk areas shall be compacted graded aggregate base instead of loose washed stone. Each eight inch (8") layer of graded aggregate base shall be thoroughly compacted by means of mechanical tamp.

(7) If a perpendicular cut reaches the centerline of the roadway, the asphalt must be replaced from curb to curb and a minimum of ten feet (10') on each side of the centerline of the excavation.

(8) **No cold fill/patch will be allowed for permanent repairs.**  
(Ord. #206, Nov. 2019)

**16-209. Liability and responsibility for repair.** (1) Any person who shall properly make any excavation or other change to the street right-of-way, and shall have same inspected by the building official or his designee and shall be relieved from any liability for any defects due to inadequate workmanship or defective materials provided the excavation shall remain free from defects for twenty-four (24) months following installation.

(2) If a contractor, utility, or other entity makes five (5) or more excavations within one (1) block of a town right-of-way or within a work zone distance of two hundred fifty feet (250') within the town right-of-way, whichever

is shorter, causing disruption to any part of the pavement within two (2) years after said right-of-way has been resurfaced or constructed, said contractor, utility or other entity shall repave the entire street for the distance of the town block or two hundred fifty feet (250'), said distance being the distance utilized to require the repaving. Said repaving shall be done to the standards approved by the town building official and shall be done under the supervision and control and at the direction of the town. The contractor, utility, or other entity shall bear the entire cost of such repaving. In the event any such contractor, utility, or other entity fails to repave as required herein, then such contractor, utility or other entity shall be prohibited from acquiring any permits for additional excavations in any town right-of-way until such time as the repaving required by this section is completed and approved by the town inspector.

(3) The permit application and permit shall require, as a condition of its issuance, that the applicant and permittee, if different from the applicant, shall be responsible for all enforcement costs of the terms of the permit including attorney fees incurred by the Town of Lookout Mountain in enforcing the terms, provisions and requirements of such permit, and such application and permit forms, shall require the signature of the applicant and permittee acknowledging and agreeing to such. (Ord. #206, Nov. 2019)

**16-210. Inspection.** It shall be the responsibility of any person granted a permit to schedule an inspection of the permitted work by the town's inspector upon such conditions as may be specified in the permit. The utility or contractor making any changes to a town right-of-way, shall, at a minimum, have the following inspections performed by the town inspector.

(1) After the repairs or installation of the new conduit or piping and before the graded aggregate base fill over the pipe has been placed;

(2) During the placement of the flowable fill or other approved fill in the sole discretion of the town inspector; and

(3) Final completion.

(4) Should inspections be required after normal working hours or on weekends, the contractor or utility making the changes to the town right-of-way, shall reimburse the town for the inspector's time at a rate to be determined in accordance with the personnel policies in effect at the time the repairs are performed. When it is determined that improper work has been performed in the town right-of-way, the contractor or utility responsible for the work shall remove improper work and reinstall the work in accordance with the town standards. If a permit was not obtained, the contractor or utility shall purchase a permit and the fee shall be double the normal fee. No future permits will be issued to the violating contractor or utility until the improper work has been corrected. (Ord. #206, Nov. 2019)

**16-211. Specification.** Upon issuance of each permit, the building official or his designees shall specify minimum restoration standards applicable

to the permit. Provided that where the work involved is greater in scope than provided for by standard specifications as determined by the building official. The permittee shall be required to submit suitable plans of installation and street restoration for approval prior to issuance of a permit. (Ord. #206, Nov. 2019)

**16-212. Insurance.** Each person applying and as applicable each permittee if different from the applicant for a permit shall file a certificate of insurance (or provide other proof of insurance in form and substance to be approved by the town attorney) indicating that he is insured, or the applicant shall provide an indemnity agreement with security satisfactory to the town attorney, against claims of personal injury or property damage which may arise from or out of the performance of the work, whether such performance be by the applicant, a contractor or subcontractor, or anyone employed by him. Such insurance or indemnity agreement shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The minimum amount of the liability insurance for bodily injury shall not be in an amount less than three hundred thousand dollars (\$300,000.00) for each person and one million dollars (\$1,000,000.00) for each accident and for property damages in an amount not less than one hundred thousand dollars (\$100,000.00), unless other higher limits are established by the Tennessee Government Tort Liability Act, in which event such higher limits shall automatically be controlling and shall then and thereafter be here applicable as the minimum acceptable limit(s) of such insurance. (Ord. #206, Nov. 2019)

**16-213. Supervision.** The building official, or his designee, shall from time to time inspect all excavations and see to the enforcement of the provisions of this chapter. The permittee shall give notice to the building official, or his designee, before refilling any such excavation or tunnel and said work may not commence until the Inspector arrives at the site or otherwise gives permission to proceed. (Ord. #206, Nov. 2019)

**16-214. Violations and penalty.** Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

## CHAPTER 3

### STREET ADDRESS NUMBERS

#### SECTION

16-301. Street address numbers required.

16-302. Violation and penalty.

**16-301. Street address numbers required.** It is a requirement that each residential and commercial structure be clearly identified by its street address number by the placing of clearly visible numbers on each side of the mail box serving the residential or commercial structure, or in the event of a lack of a mail box so serving a structure, by numbers upon other structures or upon the residence or commercial structure itself, placed in such fashion as to be clearly visible from the public street serving such residence or commercial structure. (1992 Code, § 12-301)

**16-302. Violation and penalty.** Failure to comply with the terms of this chapter is declared to be a misdemeanor punishable by fine of not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each violation. Each day of violation shall constitute a separate offense for purposes of imposition of such fine. (1992 Code, § 12-302)

## CHAPTER 4

### WALLS AND FENCES<sup>1</sup>

#### SECTION

- 16-401. Walls or fences along a public roadway prohibited.
- 16-402. Construction, location and size regulated by zoning ordinance.
- 16-403. Variances.
- 16-404. Permit required.
- 16-405. Issuance of permit.
- 16-406. Planting along roadways.

**16-401. Walls or fences along a public roadway prohibited.** Construction of walls or fences along a public roadway within the Town of Lookout Mountain will not be permitted except as provided herein. (1992 Code, § 12-401)

**16-402. Construction, location and size regulated by zoning ordinance.** The construction, location and size of fences or walls shall be subject to the provisions of the town's general zoning ordinances as amended from time to time. No fences shall be built within the town's right-of-way or within any required lot line or set back without a variance from the zoning ordinance restriction being asked for and approved as provided in said ordinance. (1992 Code, § 12-402)

**16-403. Variances.** No variance shall be granted for a wall or fence in excess of three feet (3') high or when the size and proposed location shall create a hazard to the people traveling upon the public roadway, impair their ability to see oncoming traffic or create a dangerous condition for traffic entering or exiting the roadway from another roadway or private driveway.

No fence shall be constructed or located nor shall any variance be granted for a location within the required front yard setback or within forty-eight inches (48") of the finished surface of the public roadway, nor shall any "chain link", wire or similar materials be used in such fences. Fences along front yards shall be made of masonry, wood or wrought iron materials. (1992 Code, § 12-403, as amended by Ord. #223, Sept. 2023)

**16-404. Permit required.** Any owner or occupant of property within the town desiring to construct a fence or wall along the public roadway shall

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<sup>1</sup>Municipal code reference

Zoning ordinance: title 14, chapter 2.

apply to the board of commissioners for a permit authorizing the construction. Said application shall contain details and specifications as to location, height and materials to be used in the construction. (1992 Code, § 12-404)

**16-405. Issuance of permit.** Upon approval of the application, a permit shall be issued in accord with the procedures for issuance of building permits within the Town of Lookout Mountain. (1992 Code, § 12-405)

**16-406. Planting along roadways.** Likewise any planting along any roadway within the town shall be kept trimmed back and maintained so as to allow clear view of all road signs and traffic upon or entering the roadway. (1992 Code, § 12-406)

## CHAPTER 5

### SIDEWALKS AND ABUTTING PROPERTY OWNERS

#### SECTION

- 16-501. Property owner to keep sidewalks clean.
- 16-502. Property owner to maintain and repair sidewalks.
- 16-503. Permit required.
- 16-504. Repair of sidewalks at owner's expense.
- 16-505. Non-resident property owners.
- 16-506. Abutting property owners liability.
- 16-507. Completion of work.
- 16-508. Violations and penalty.

**16-501. Property owner to keep sidewalks clean.** Every owner or occupant of property in the town, in front of or along which there is a sidewalk, shall keep such sidewalk clean and unobstructed. Each such owner or occupant shall cause the removal at once of all accumulations of mud, filth, snow and ice and every other substance or thing which may constitute an obstruction or impediment to pedestrians, and everything in the nature of a nuisance. (1992 Code, § 12-501)

**16-502. Property owner to maintain and repair sidewalks.** When any sidewalk becomes out of repair or in any manner defective, whether in the bed or pavement or curbing thereof, or if such sidewalk does not conform to the provisions of the specifications of the town therefor, the owner, occupant, or agent shall cause such sidewalk to be reconstructed or put in good repair according to such specifications. (1992 Code, § 12-502)

**16-503. Permit required.** Repairs to existing sidewalks shall be such as may be prescribed and approved by the board of commissioners. The owner, occupant or agent in charge of the property where such work is to be done shall apply to the departments of streets and sanitation for specifications and instructions setting forth the manner in which the work shall be performed and a permit authorizing such work, and in doing such work shall conform to said specifications and instructions. (1992 Code, § 12-503)

**16-504. Repair of sidewalks at owner's expense.** If the owner, occupant or agent fails or refuses to construct, reconstruct or repair any required sidewalk or curbing, the commissioner of streets and sanitation may cause the same to be done at the expense of owner or he may direct issuance by the department of streets and sanitation of a written notice by registered mail with return receipt or personal delivery to the owner or to the occupant or agent,

if the owner is a non-resident, unknown or cannot be located, requiring that the necessary work be done. (1992 Code, § 12-504)

**16-505. Non-resident property owners.** If the owner is a nonresident, unknown or cannot be located and there is no known agent therefor and the property is not occupied, the notice shall be posted for at least five days on such lot or property. (1992 Code, § 12-505)

**16-506. Abutting property owners liability.** In all instances of injury to persons resulting from the negligently unsafe and defective conditions of any such sidewalk, or the repair of which the abutting property owner, occupant or his agent, has been notified to effectuate in the manner hereinbefore provided more than five days before the happening of such entry, the abutting property owner shall be liable in damages.

If any judgment is obtained against the town as a result of the negligently defective condition of any such sidewalk, or any personal injuries received by any person more than five (5) days after the service of a notice as hereinbefore provided, the town attorney shall institute proper legal proceedings against such property owner for recover over of the amount of any such judgment. (1992 Code, § 12-508)

**16-507. Completion of work.** Failure or refusal to complete such necessary work according to said specifications and instructions, after it has once been commenced, shall be unlawful. (1992 Code, § 12-507)

**16-508. Violations and penalty.** Failure or refusal by the owner, or the occupant or agent, if the owner cannot be notified, to commence such necessary work within ten (10) days of the receipt or posting of such notice shall be unlawful, and each day thereafter shall constitute a separate violation. (1992 Code, § 12-506)