

CHAPTER 14

STREETS AND SIDEWALKS

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ARTICLE A

OBSTRUCTING STREETS AND SIDEWALKS

Section 14.1 Assembly on Streets or Sidewalks

No persons shall assemble or remain assembled on the streets and sidewalks in sufficient numbers or in any manner as to constitute an obstruction to free passage thereon if requested to disperse by any officer of the Village of Folsom.

Section 14.2 Hardware, Furniture, Merchandise or Other Works Prohibited

No person shall obstruct the streets, sidewalks, or alleys of the Village of Folsom by placing thereon any hardware, furniture, merchandise, shelving, boxes or other works that will

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in any manner interfere with the use of the streets, sidewalks, or alley by the public.

Section 14.3 Display of Goods Prohibited

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of the Village of Folsom.

Section 14.4 Placing or Leaving Objects on Streets and Sidewalks

No brick, stone or wood or other substances obstructing the free passage of persons and vehicles shall be placed or left to lay in any of the alleys, streets, or other routes of the Village of Folsom, nor shall any person place on or in any of the streets, sidewalks, or alleys any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind. Provided that any person erecting a building, may with municipal permission place building material for immediate use on the streets in such a way as not to interfere with the usual traffic.

Section 14.5 Construction Near Sidewalk

Before building or remodeling in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

Section 14.6 Encroachments on Streets

It shall be the duty of the chief of police to notify all persons about to erect any building, sidewalk, wall or fence near the street or any public way or alley not to encroach upon the street or public alley, and if in the opinion of the mayor any obstruction is being, or has been, constructed on any street or public alley, the mayor shall cause a survey of the line of the street or alley to be made by a competent surveyor. If the survey shall show that the street or alley is obstructed by any building, sidewalk, wall or fence, the owner shall be required to pay the costs of the survey and shall be required to remove all obstructions at once. Every person who shall be found to have encroached on any street or public way or alley by any such building, sidewalk, wall or fence and refuses or neglects to remove the same upon notice from the chief of police within 10 days from the day thereof, shall, upon conviction, be guilty of a misdemeanor.

Section 14.7 through Section 14.10

Reserved

USE AND CLEANLINESS OF STREETS AND SIDEWALKS

Section 14.11 Use of Nails and Tacks Restricted

It is hereby declared unlawful for any person to drive any nails or tacks into the telephone, telegraph or electric light poles, or into any house or store situated on any sidewalk or street of the municipality, except with the prior permission of the owner.

Section 14.12 Driving Through Street Barricade

No person shall drive any vehicle into or upon any alley or street that has been barricaded by an employee of the Village.

Section 14.13 Removing Barricades Forbidden

No person, other than an employee of the Village shall remove any barricade which has been erected by the Village of Folsom.

Section 14.14 Burning Trash, etc.

It shall be unlawful for any person to burn any trash, garbage or substance on or in any public street, alleys, park or public place within the Limits of the Village.

Section 14.15 through Section 14.20

Reserved

ARTICLE C

EXCAVATIONS

Section 14.21 Permit Required

It shall be unlawful for any person, firm or corporation, except as provided by public utility franchises, or employees of the Village in the course of their employment, to open, dig into, remove the surface from or excavate any street, sidewalk, alley, public way or place without first obtaining a permit therefore from the street commissioner and/or mayor.

Section 14.22 Application for Permit

The application for an excavation permit shall contain such information as the street commissioner deems necessary.

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Section 14.23 Regulations authorized

In granting an excavation permit, the street commissioner may impose reasonable regulations,

including but not limited to:

- (1) The manner of making the excavation.
- (2) The location of the excavation.
- (3) Protection of underground utility installations.
- (4) The duration of the excavation.
- (5) Required safety precautions, such as barricades, lights, warning, devices, etc.
- (6) The extent and size of the excavation.
- (7) Steps to be taken to protect nearby property owners.

Section 14.24 Assets or Insurance Required

The applicant for an excavation permit shall submit satisfactory evidence that he has sufficient assets or insurance to indemnify the municipality for any costs, losses or liabilities that it may incur by reason of the excavation, and to satisfy any judgments or liabilities arising out of the excavation.

Section 14.25 Backfilling and Resurfacing

It shall be the duty of the person making any excavation hereunder to fill the excavation and restore the surface to a condition at least equal to the surface prior to the excavation. If required, the person making an excavation shall furnish a bond, deposit or other security sufficient to assure compliance with this section. Provided, however, that the Village may elect to fill and resurface the excavation and charge the cost thereof against the person making the excavation.

Section 14.26 Inspections Required; Fee

All excavations except those backfilled and resurfaced by the Village shall be inspected and approved by the Village before and after backfilling and before and after resurfacing. A fee for making the inspections may be charged in the amount as fixed from time to time by the board.

Section 14.27 Penalty

Whoever violate this ordinance shall be punished by a fine of not more than \$100.00.

Editorial Note: The authority for municipal construction and maintenance of sidewalks is L.R.s. 33L401 (16). Streets and roads maintenance is provided for at LR.S. 33:401(18). The general police regulatory authority at L.R.S. 33:401(5) provides

the municipality with the power to prevent street and sidewalk obstruction and interference. L.R.S. 401(21) grants to the municipality full jurisdiction in matters of streets and sidewalks, including authority to pave, repair, and light these public work properties. Street lighting is also provided for at L.R.S. 33:402(5). Proper measures for the protection of the traveling public may

be taken in accordance with L.R.S. 33:402(2). The street commissioner, as directed by the governing authority, has general supervisory control of the streets and sidewalks as provided in L.R.S. 33:426. L.R.S. 33:3301 et seq contains specific statutory authority and limitation on municipal powers regarding streets and sidewalks, including assessment provisions.