

CHAPTER 92: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 92.01 SUPERVISION OF MAINTENANCE AND REPAIR.

(A) *Maintenance and repair.* All maintenance and repair of public streets, alleys, curbs, sidewalks, and other public ways shall be under the supervision of the Town Council and an officer as the Council shall designate.

(B) *Duty of property owners.* It shall be the duty of all owners of property in the town upon which sidewalks have been laid to keep the sidewalks in good repair at all times and to remove from them all snow or ice.

(C) *Maintenance of property between sidewalks and streets.* All persons who own real estate in the town which abuts upon any sidewalk that is paved shall be required to keep that portion of the land which lies between the sidewalk and the street and is between his or her property lines in good repair and in a good and clean condition, and free of trash or other unsightly things which would mar or detract from the beauty of the street. If the owners are not in possession of their property, then this division shall apply to the tenants or others in control of the property.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.02 DEFACING OF THE PUBLIC WAY.

It shall be unlawful for any person to deface, mark, remove, or otherwise injure any public way or curb, either by injuring any newly laid street, sidewalk, or curb, or by painting, marking, removing, or otherwise injuring it after the surface is dry, without written permission from the Town Council to do so.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.03 OBSTRUCTIONS.

It shall be unlawful for any person or business to cause, create, or maintain any obstruction on any street, alley, sidewalk, or other public way. This prohibition includes the use of the public way as a space for the display of merchandise for sale, or for the display of signs except as provided for in other areas of the code, or by express written permission from the Town Council.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.04 DEPOSITING HARMFUL MATERIALS.

It shall be unlawful for any person to deposit on any public way any material which may injure the way or any person traveling upon the way.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.05 OPENINGS IN PUBLIC WAY.

It shall be unlawful for any person or business to construct or maintain any opening or stairway in any public way without first obtaining permission from the Town Council in writing. All lawfully maintained openings shall be guarded by a strong cover or railing approved by the Town Council.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.06 MAINTENANCE AND CLEANING OF SIDEWALKS.

(A) Owners of property adjacent to public sidewalks are fully responsible for the maintenance of the sidewalks. The town may order the property owner to repair the walks, if they are found to be in an unsafe condition, at the owner's expense, within a given amount of time, not less than 15 days. If the repair is not made, the Town Council may cause the necessary repair to be accomplished and shall bring the costs as a lien against the property on the tax rolls.

(B) No person shall allow dirt, snow, or trash to remain on sidewalks adjacent to his or her property for more than 12 hours.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.07 STREET AND SIDEWALK CONSTRUCTION AND IMPROVEMENT.

Whenever the improvement of any area of the town shall be deemed necessary by the Town Council, a resolution stating the nature and location of the desired improvement shall be declared and either posted or published in accordance with state law. If the owners of a majority of the lineal feet of frontage of the lands abutting on proposed improvement do not protest within 20 days after the last day of posting or publication, by filing with the Clerk-Treasurer a written protest against the improvement, signed by all of the protesting owners, contracts for the work to be done shall be entered into and assessments and liens shall be fixed in accordance with state law. If a proper protest is timely filed, the matter shall be determined by the Town Council at a regular or special meeting of the Council; provided, that at least 10-days' written notice of the meeting is given in a newspaper of general circulation serving the town.

(Ord. 1979-2, passed 3-21-1979)

§ 92.08 CONSTRUCTION OF CURBS.

(A) Any private individual or business may construct, repair, or lay pavement for a curb or sidewalk for a public way by obtaining permission in writing from the Town Council, and by following the Council's instructions as to the form and material to be used. Any deviation from the form or material shall constitute a violation of this section. This work shall not impede the public way for any unreasonable length of time. Final clearance of the construction or repair must be made by either the Town Council or their designated representative, in writing. Materials and obstructions may not be placed within 15 feet of fire hydrants, or in such a way as to block firefighting equipment or in any way interfere with public utilities, without prior written permission from both the utility company and the Town Council.

(B) The cost of correction of improperly done repair or construction work shall lie with the person or business responsible for the work.

(Ord. 1979-2, passed 3-21-1979) Penalty, see § 92.99

§ 92.09 VIOLATIONS; NOTICE.

Any person found in violation of §§ 92.01 through 92.05 shall be given 1 warning to correct the unlawful condition within a time reasonable for the correction. The warning may be given by either the Town Marshal or the official in charge of streets and sidewalks, and shall be in writing. If correction is not made within a reasonable time, the Town Marshal or the Town Council may order the correction made by others, and the cost of the correction shall be billed to the property owner or others found to have caused the violation. If each bill is not paid within 14 days, the Town Council may order either that a claim in the nature of a lien for the amount be placed against the property on the tax rolls, or that civil proceedings be brought against the person or business found to be in violation of the code, to recover the costs of correction and all costs of collection, including court costs and attorney fees. (Ord. 1979-2, passed 3-21-1979)

BUILDING AND HOUSE NUMBERS**§ 92.15 NUMBERING HOUSES AND BUILDINGS; UNIFORM SYSTEM.*****(A) Uniform system.***

(1) There is established a uniform system of numbering all houses and buildings situated on all streets, avenues, alleys, and highways in the town. In establishing the system, 100 numbers shall be allotted to each square, the initial number of each square being an even hundred. On all east and west streets the figures indicating each successive hundred shall be the number of the street running immediately west of the initial number, all even numbers being on the north side of the streets and all odd numbers being on the south side of the streets.

(2) For all the streets running north and south, the river shall constitute the baseline from which all houses or buildings shall be numbered each way, allowing 100 numbers to each square in the same manner as above set forth. For the numbering of houses or buildings on the streets running north and south, the even numbers shall be placed on the west side of the streets, and the odd numbers shall be placed on the east side of the streets. For all houses or buildings on circular or diagonal streets or avenues, the plan for numbering the same shall follow the above plan for east, west, north, and south streets as nearly as practicable.

(3) For all streets running east and west, Indiana State Highway No. 3 shall constitute the baseline from which all houses or buildings shall be numbered each way, allotting 100 numbers to each square in the same manner as above set forth.

(B) *New buildings numbered.*

(1) The Clerk-Treasurer shall notify the owner or occupant of each house or building in the town of the number assigned to the house or building, and the owner or occupant shall, within 30 days after receipt of the notice, affix the assigned number to the house or building, in numbers at least 3 inches high in a conspicuous place near the entrance thereof.

(2) Should the persons fail, neglect, or refuse to comply with the notice and attach the numbers as required, then the same shall be done by the Town Marshal at the owner's expense, the expense to constitute a lien upon the property and to be collected as state and county taxes are collected.

(3) Whenever any new house or building shall hereafter be erected in the town, it shall be the duty of the owner or agent of the house or building to ascertain from the Clerk-Treasurer the number that shall be placed upon the new house or building, and thereupon the owner or agent shall at once cause the number to be placed upon the house or building in a conspicuous place at the entrance thereof. (Ord. 1979-2, passed 3-21-1979)

§ 92.16 CLERK-TREASURER'S RECORD BOOK.

The Clerk-Treasurer on and after the effective date of this section shall, at the expense of the town, acquire a suitable record book in which shall be recorded and maintained the names of the several streets in the town, in alphabetical order. The dwelling houses and buildings on each side of the streets shall be listed according to the names of the present owners thereof, beginning at the baseline as hereinabove established. Suitable numbers shall be assigned to each dwelling house or building in accordance with the provisions of § 92.15, and recorded in the book. (Ord. 1979-2, passed 3-21-1979)

§ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other penalty is set forth shall be subject to the penalty set forth in § 10.99 of this code of ordinances.

(B) The person or persons responsible for a violation of § 92.06 shall be fined \$25 per offense upon conviction, with each day the violation continues constituting a separate offense. (Ord. 1979-2, passed 3-21-1979)

