

## CHAPTER 11 Streets, Sidewalks and Public Places

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### ARTICLE 1 Sidewalks

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#### Sec. 11-1-10. Snow and ice removal.

- (a) As used in this Article, the term sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (b) Every person in charge or control of any building, or lot of land within the Town fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed and cleared away snow and ice from so much of said sidewalk as is in front of or abuts said building or lot of land, within forty-eight (48) hours after the cessation of any fall of snow, sleet or freezing rain.
- (c) In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal shall, within forty-eight (48) hours after the cessation of any fall of snow, sleet or freezing rain, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.

(Ord. 1998-4 §§1—4; Ord. 2011-18 §1)

#### Sec. 11-1-20. Duty to keep sidewalks free of obstructions.

- (a) Each owner of property within the Town shall keep all sidewalks on, adjacent to, abutting or fronting his or her property free from obstructions, litter, impediments to pedestrian travel and hazards.
- (b) Violations of this Section shall be punished upon conviction as follows:
  - (1) For a first violation, a fine of twenty-five dollars (\$25.00);
  - (2) For a second violation in any twelve-month period, a fine of fifty dollars (\$50.00); and
  - (3) For a third violation in any twelve-month period and for each subsequent violation during such twelve-month period, a fine of one hundred dollars (\$100.00).
- (c) Nuisance declared. Sidewalks that are obstructed so as to impede pedestrian traffic are hereby declared to be a public nuisance.
- (d) Abatement; notice.

- (1) Whenever the Town's authorized representative has knowledge of conditions in violation of Subsection (c) above, he or she may abate the nuisance by requiring the owner of the sidewalk or property adjacent to, abutting or fronting the sidewalk to remove or abate such obstruction, litter or other impediment to pedestrian travel.
- (2) If the Town's authorized representative determines to proceed under Paragraph (1) above, he or she shall notify the property owner of the duty to abate and that such owner has seven (7) days from the date of the notice to complete such abatement; provided, however, that the time for abatement of a nuisance posing an imminent danger of loss of life, limb, property or health or obstructing pedestrian traffic may be one (1) day.
- (3) Notice under this Section is sufficient if it is mailed first-class to the address of the last known owner of property on the records of the County Assessor or hand-delivered to the owner. The notice shall contain a statement that the owner, within the period stated on the notice, may protest the findings of the Town's authorized representative with respect to any matters stated in the notice, by filing a written notice of protest in the office of the Town Clerk.
- (4) If the property owner fails to commence or complete abatement as required by the notice prescribed by Paragraph (2) above, the authorized representative may perform the repair or replacement and charge the costs thereof, plus up to twenty-five percent (25%) for administrative costs, to the property owner. The Town's authorized representative shall have the authority to call for any necessary assistance, and in no event shall the notice described by this Section be required prior to issuance of a summons and complaint for violation of this Article.
- (5) If any person fails or refuses to pay, when due, any charge imposed under this Article, including any agreed charge, the Town's authorized representative shall assess the cost of abatement, plus five percent (5%) for inspection, a minimum fee assessment of twenty-five dollars (\$25.00) and other incidental costs in connection therewith, as a special assessment upon the property which such nuisance is abated. Such assessment shall be made pursuant to the procedures provided by law or in the ordinances of the Town for special assessments. Every such assessment shall be a lien in the several amounts assessed against such property until paid and shall have priority over all other liens, except general taxes and prior special assessments. In case any assessment is not paid within thirty (30) days after the same has been certified to the Town Clerk by the Board of Trustees, the Town Clerk shall certify to the County Treasurer the list of all delinquent assessments, giving the name of the owner as it appears on record, the number of the lot, block and subdivision or other legal descriptions sufficient to identify such property upon the records of the County Treasurer and the amount of the assessment. Said certification shall be the same in substance and in the same form as required for the certification of special assessments, and the County Treasurer, upon receipt of such certified list, is hereby authorized to place the same upon the tax list for the current year and to collect the special assessment in the same manner as other taxes are collected, with a ten-percent penalty thereon; and the laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

(Ord. 2007-2 §§1, 3; Ord. 2011-18 §1)

## **ARTICLE 2 Road Access Culverts**

[Sec. 11-2-10. Installation of culvert.](#)

[Sec. 11-2-20. Maintenance.](#)

[Sec. 11-2-30. General conditions.](#)

**Sec. 11-2-10. Installation of culvert.**

The owner of private property shall pay for materials and the cost of installation for new road access culverts whenever the installation of a culvert is made necessary by the creation of a new access from private property to a Town road, by any alteration of the natural flow of water across private property by the owner, or for any other reason created by any owner of private property. The culvert shall be installed according to the specifications of the Public Works Director as to size and location in the Town rights-of-way or other Town property in which such culverts may be installed. The culvert size will be determined in accordance with standard engineering practices. The property owner shall be responsible for cleaning the borrow ditch to the extent required to accommodate the road access culvert and ensuring proper drainage.

(Ord. 2011-18 §1)

**Sec. 11-2-20. Maintenance.**

After installation, the owner or occupant of the private property shall be responsible for the maintenance and repair of the road access and/or any related culvert. If, after installation, such owner or occupant is notified of the need for maintenance or repair of the culvert, the owner or occupant shall have fifteen (15) days to make such repair or perform the needed maintenance. In the event of the property owner's failure to perform such maintenance, the Town shall perform such repair and/or maintenance as may be required for the protection of the Town roads and related appurtenances within the right-of-way. The responsible property owner will be billed if the property owner fails to perform the required maintenance or repair on the road access or culvert within the time frame specified above. In the event of an emergency or if a hazardous situation is observed or detected, the property owner shall be notified and requested to provide an immediate remedy to the situation. If the property owner fails to react, the Town shall correct the hazardous situation and bill the property owner for all incurred expenses.

(Ord. 2011-18 §1)

**Sec. 11-2-30. General conditions.**

- (a) Enforcement: Without limiting the availability of any other remedies, the provisions of this Article may be enforced by means of an action brought at the direction of the Board of Trustees for damages, injunctive relief or nuisance.
- (b) State laws: No portion of this policy is intended to authorize any person to alter the flow of water in a manner contrary to the laws of the State regarding water rights or drainage.

(Ord. 2011-18 §1)

**ARTICLE 3 Excavations**

[Sec. 11-3-10. Permit required; authority; fee.](#)

[Sec. 11-3-20. Utility location drawings required.](#)

[Sec. 11-3-30. Enforcement.](#)

[Sec. 11-3-40. Penalty for failure to submit drawings.](#)

**Sec. 11-3-10. Permit required; authority; fee.**

- (a) No person shall make any excavation within the Town for the purpose of installing and/or repairing any water and/or sewer line without having first obtained an excavation permit from the Town Clerk, who is hereby delegated authority to issue such permits, upon the criteria listed in this Article. Those criteria include, in addition to the drawings required by Section 11-2-20 below, the following:
- (1) Applications for excavation permits may be issued at any time by the Town Clerk, but the excavation permitted thereby may take place only between May 15 and November 1, inclusive, of any calendar year, unless otherwise specified by the Board of Trustees.
  - (2) The applicant must have paid the full water or sewer tap fee, as appropriate.
  - (3) The applicant must submit with the application the excavation permit fee as set forth in the Annual Fee Resolution adopted by the Board of Trustees.
  - (4) The applicant must submit evidence of a liability bond in an amount not less than five thousand dollars (\$5,000.00) in all cases in which the excavation will be physically performed by a person other than the landowner.
- (b) For the purposes of this Article, the word person includes any individual, group of individuals, partnership, corporation, contractor or other entity making application for or operating pursuant to an excavation permit.

(Ord. 1981-2 §1; Ord. 2011-18 §1)

**Sec. 11-3-20. Utility location drawings required.**

As-built drawings of the water and/or sewer connection must be submitted to the Public Works Director at the time of inspection and approval of the connection. These drawings must show the relationship of the utility lines to the structure being served, approximate property lines and any adjacent streets or prominent features which would aid in locating the lines in the future.

(Ord. 1981-2 §2; Ord. 2011-18 §1)

**Sec. 11-3-30. Enforcement.**

Any person who makes any excavation without having first obtained an excavation permit, or who fails to comply with the conditions in such permit when issued, shall be subject to summary disconnection from the water and/or sewer systems of the Town and shall further be subject to a fine in accordance with the provisions of Section 1-4-20 of this Code, and shall be further subject to pay the Town for the cost of the disconnection. Further, all of the above sums shall constitute a perpetual lien upon the property served and may be charged to the contractor jointly with the landowner.

(Ord. 1981-2 §3; Ord. 2011-18 §1)

**Sec. 11-3-40. Penalty for failure to submit drawings.**

Any person who fails to submit the utility location drawings required by this Article shall be deemed to have made an unauthorized connection to the water and/or sewer system of the Town and shall be subject to the penalties set forth in Section 11-2-30 above, in addition to the penalties set forth in the rules and regulations for the administration of the sewer and water systems of the Town.

(Ord. 1981-2 §4; Ord. 2011-18 §1)

## **ARTICLE 4 Night Sky**

[Sec. 11-4-10. Purpose.](#)

[Sec. 11-4-20. Title.](#)

[Sec. 11-4-30. Definitions.](#)

[Sec. 11-4-40. Applicability.](#)

[Sec. 11-4-50. Exemptions.](#)

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[Sec. 11-4-70. Application for building permit.](#)

[Sec. 11-4-80. Violation; penalty.](#)

### **Sec. 11-4-10. Purpose.**

The purpose of this Article is to regulate outdoor lighting to reduce light pollution and preserve the dark night sky in the Town. This Article will also reduce glare and light trespass, promote and encourage energy efficiency and preserve and protect the health, safety and welfare of the Town.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

### **Sec. 11-4-20. Title.**

This Article shall be known and cited as the Town of Alma Night Sky Ordinance.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

### **Sec. 11-4-30. Definitions.**

As used in this Article, the following words and phrases shall have the meanings ascribed to them as follows:

Glare means the brightness of a light source that causes eye discomfort.

Light pollution means the general sky glow caused by the scattering of artificial light in the atmosphere and resulting in a decreased ability to see the natural night sky.

Light trespass means light that is emitted by an outdoor light fixture and shines beyond the property on which the fixture is installed.

Outdoor light fixture means an outdoor artificial illuminating device, whether permanent or portable, including but not limited to searchlights, spotlights and floodlights, whether used for architectural lighting, parking lot lighting, landscape lighting, sign lighting or street, sidewalk or alley lighting.

Shielded means set up or installed in such a manner that light rays emitted by the fixture are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

**Sec. 11-4-40. Applicability.**

- (a) All outdoor light fixtures installed on private and public property after October 7, 1999, the effective date of this Article, except those expressly exempted, shall comply with this Article. All outdoor light fixtures existing and legally installed and operative on or before said effective date shall be exempt from its requirements. When an existing nonconforming outdoor light fixture becomes inoperable, its replacement shall be subject to the provisions of this Article.
- (b) This Article shall not apply to interior lighting.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

**Sec. 11-4-50. Exemptions.**

The following outdoor light fixtures shall be exempt from this Article:

- (1) Traffic control signals and devices.
- (2) Streetlights installed prior to the effective date of this Article.
- (3) Temporary emergency lighting.
- (4) Motor vehicle lights.
- (5) Navigation lights.
- (6) Lighted signs which conform with all other Town ordinances.
- (7) Seasonal or holiday decorations with individual lights which are in place for not more than sixty (60) days.
- (8) Sports field outdoor lighting.
- (9) Other special lighting approved by the Town for temporary events, such as festivals, fairs or carnivals.
- (10) Covered porch lighting on residences, provided that each outdoor light fixture does not exceed one hundred fifty (150) watts (2,220 lumens).
- (11) Security lights which are controlled by a motion-sensor switch and which do not remain lighted for more than ten (10) minutes after activation.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

**Sec. 11-4-60. General standards.**

- (a) All outdoor light fixtures shall be shielded or aimed downward. If aimed downward, the fixture shall be pointed at the ground so that no light may escape upward.
- (b) Outdoor light fixtures shall be installed to eliminate or substantially minimize glare and light trespass onto adjacent property.
- (c) Outdoor light fixtures used for landscaping shall be limited to one hundred fifty (150) watts (2,220 lumens).
- (d) Outdoor light fixtures shall not blink, flash, move, revolve, rotate, flicker or vary in intensity or color.
- (e) Mercury vapor outdoor light fixtures are prohibited.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

**Sec. 11-4-70. Application for building permit.**

At the time of application for a building permit, the applicant shall demonstrate to the Town that the requirements of this Article have been or will be met.

(Ord. 1999-1 §1; Ord. 2011-18 §1)

**Sec. 11-4-80. Violation; penalty.**

(a) Violations of this Article shall be punishable as follows:

- (1) First offense: A written warning.
- (2) Second offense: Twenty-five dollars (\$25.00).

(b) Each day during which the violation continues shall be deemed a separate offense.

(Ord. 1999-1 §1; Ord. 2011-18 §1)