

## Chapter 70

### STREETS AND SIDEWALKS\*

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\* **Cross References:** Buildings and building regulations, ch. 8; placing rope, wire or other line across street or sidewalk, § 40-11; operation of mobile sound equipment in residential areas, § 40-14; horses prohibited on sidewalks, § 40-16; subdivisions, ch. 72; parades, § 76-5; driving on street closed to traffic, § 76-83; pruning of trees overhanging street or sidewalk, § 78-4.

**State Law References:** Local regulation of sidewalks, G.L. 1956, § 24-7-1; highways, G.L. 1956, chs. 24-1--24-3, 24-6; authority of council to lay out, alter or repair sidewalks, G.L. 1956, ch. 24-7; offenses on highways, G. L. 1956, §§ 11-22-9--11-22-11.

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#### Article I. In General

Sec. 70-1. Repair of sidewalks--Generally.

Sec. 70-2. Same--Order to repair.

Sec. 70-3. Same--Repair by city on failure to comply with order.

Sec. 70-4. Same--Assessment of costs of work done by city.

Sec. 70-5. Assignment of building numbers; numbers to be affixed to structure.

Sec. 70-6. Penalty for failure to affix building number.

Sec. 70-7. Placement of building numbers; color, size and visibility of numbers.

Sec. 70-8. Placing merchandise on street or sidewalk.

Sec. 70-9. Placing injurious material on street.

Sec. 70-10. Securing of wastepaper transported on streets; scattering wastepaper while loading or unloading vehicle.

Sec. 70-11. Securing of dirt, coal or similar materials transported on streets.

Sec. 70-12. Deposit of dirt or ashes on streets.

Sec. 70-13. Congregating in streets.

Sec. 70-14. Playing ball in streets; throwing stones or other missiles in streets.

Sec. 70-15. Molesting boundary markers.

Sec. 70-16. Moving of buildings--Application for permission.

Sec. 70-17. Same--Notice to police, fire and highway departments; prescription of route.

Sec. 70-18. Same--Bond; payment of damages.

Sec. 70-19. Same--Violations; penalty.

Secs. 70-20--70-40. Reserved.

#### Article II. Excavations

Sec. 70-41. Compliance with article.

Sec. 70-42. Permit required; determination of location of underground utilities.

Sec. 70-43. Blasting permit.

Secs. 70-44--70-70. Reserved.

#### Article III. Poles and Wires

Sec. 70-71. Permit for installation--Required.

Sec. 70-72. Same--Application.

Sec. 70-73. Same--Revocation; right of city to remove facilities.

Sec. 70-74. Location of wires.

Sec. 70-75. Use of poles by other persons or city.

Sec. 70-76. Reservation of space in underground conduits for use by city.

Sec. 70-77. Indemnification of city.

Sec. 70-78. Removal of utility poles no longer in service.

Secs. 70-79--70-100. Reserved.

#### Article IV. Snow and Ice on Sidewalks

Sec. 70-101. Definitions.

Sec. 70-102. Removal of snow required.

Sec. 70-103. Penalty for failure to remove snow.

Sec. 70-104. Removal of snow falling from buildings.

Sec. 70-105. Removal or covering of ice.

**Sec. 70-106. Enforcement by the department of public works.**  
**Secs. 70-107--70-130. Reserved.**

#### **Article V. Street Names**

**Sec. 70-131. Adoption of map.**  
**Sec. 70-132. Names shown on map to be official names.**  
**Sec. 70-133. Map declared public record; custody of map.**  
**Sec. 70-134. Sale of map to public.**  
**Sec. 70-135. Approval of changes.**  
**Sec. 70-136. Erection of street signs.**  
**Sec. 70-137. Review of new names by department of public works.**  
**Secs. 70-138--70-160. Reserved.**

#### **Article VI. Sidewalk Obstructions**

**Sec. 70-161. Definitions.**  
**Sec. 70-162. Parking in sidewalk or sidewalk area.**  
**Sec. 70-163. Other obstructions.**  
**Sec. 70-164. Exceptions.**

### **ARTICLE I.**

#### **IN GENERAL**

##### **Sec. 70-1. Repair of sidewalks--Generally.**

Any sidewalk or sidewalk area or any part thereof adjoining any building or lot of land on any street, highway, square or public place, whether such sidewalk or sidewalk area, or any part thereof, is supported by curbing or not, shall be repaired by the department of public works at the expense of the abutting owner of such building or lot in the manner provided in this chapter.  
(Code 1971, § 19-1)

##### **Sec. 70-2. Same--Order to repair.**

Whenever any hole, depression or obstruction exists in any sidewalk or sidewalk area, the department of public works may order the owner of land abutting on such sidewalk or sidewalk area, at such owner's expense, to fill or cause to be filled or repaired any such hole or depression or to remove any such obstruction thereon within such time as the department of public works shall direct. Such order shall be in writing and shall be personally given to the owner of the abutting land, if residing in the city, particularly describing the materials, widths, height and manner to which the sidewalk or sidewalk area shall be built or the alteration or repairs made, but if the owner does not reside in the city then the notice shall be given to the tenant in possession. If no tenant is in possession of such property, then the same shall be advertised in some newspaper generally circulated in the county at least once and a copy of such notice shall also be sent by mail to the owner's place of residence, if known.  
(Code 1971, § 19-2)

##### **Sec. 70-3. Same--Repair by city on failure to comply with order.**

If any owner of abutting land or lands shall refuse or neglect to obey any order to repair any sidewalk or sidewalk area or remove obstructions therefrom within 24 hours after such order has been served upon him/her in writing or within such other time as the department of public works shall deem to be reasonable, the

department of public works shall proceed at the expense of the city to repair such sidewalk or sidewalk area with materials suitable and satisfactory to the department. The department of public works shall keep an exact account of the cost of labor, material and supervision of the work done hereunder in making such repairs for each owner and shall report to the city council immediately upon the completion of the work.

(Code 1971, § 19-3)

**Sec. 70-4. Same--Assessment of costs of work done by city.**

It shall be the duty of the council, upon receipt of the report of the highway engineer provided for in the preceding section, to certify the expenses thereof to the assessor of taxes for the city, together with ten percent in addition thereto to cover the interest cost of assessing and collection, and the sum so certified shall be added by the assessors to the tax of the owner of such abutting land. Such proceedings shall be conclusive. Such owner, with his/her estate, shall be responsible therefor in the same manner and to the same extent as for other taxes. All societies, organizations and corporations owning real estate in the city, with the estates owned by them, shall be subject to the same regulations and liable for the same charges, costs, expenses and assessments in the same manner and to the same extent as are private individuals, notwithstanding that they may be exempt from taxation in other respects, notice being given to the treasurer or the person performing the duties of treasurer of any such society, organization or corporation.

(Code 1971, § 19-4)

**Sec. 70-5. Assignment of building numbers; numbers to be affixed to structure.**

The department of public works of the city shall assign the official number for buildings along the streets of the city and shall require the number designated for each building to be affixed thereto or inscribed thereon.

(Code 1971, § 19-5)

**Sec. 70-6. Penalty for failure to affix building number.**

Any owner or occupant of a building who for more than six months after written notice from the department of public works, fire department or police department neglects or refuses to affix to or inscribe on such building the street number lawfully designated therefor, or affixes or causes to be affixed to such building or inscribes or causes to be inscribed thereon or retains thereon for more than six months after notice from the department of public works, fire department or police department a street number other than the one so designated, shall, upon conviction, be punished as provided in section 1-4.

(Code 1971, § 19-6)

**Sec. 70-7. Placement of building numbers; color, size and visibility of numbers.**

All numbers affixed to or inscribed on buildings shall be prominently placed. Numbers shall be not less than three inches in height and in a contrasting color to the building. Numbers shall be affixed not less than five feet above grade level and not more than ten feet above grade level. Numbers shall be affixed or inscribed so that they are visible from the street or road and not obstructed by storm doors, shrubs, awnings, overhangs, columns, decorations, etc. Where buildings are set back from the street so that the number affixed or inscribed thereon cannot be seen from the street due to the distance involved, the number shall be prominently displayed at the head of the access to the building.

(Code 1971, § 19-7)

**Sec. 70-8. Placing merchandise on street or sidewalk.**

No person shall deposit, place, or put or suffer any person or persons in his/her employ to deposit, place, or put any goods, wares, or merchandise or any chattel on any street or highway or sidewalk in the city except when loading or shipping the same or actually removing the same into or out of some building or enclosure or loading the same into or unloading the same out of some vehicle.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 19-9; Ord. No. O-00-16, § I, 5-11-00)

**Cross References:** Businesses, ch. 10.

**Sec. 70-9. Placing injurious material on street.**

No person shall put, place or cause to be put or placed in or upon any street, lane, alley or other public travelled place in this city any glass, crockery, scrap iron, nails, or tacks or any other article liable to injure persons or animals or damage vehicles travelling thereon.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 19-10; Ord. No. O-00-16, § I, 5-11-00)

**Sec. 70-10. Securing of wastepaper transported on streets; scattering wastepaper while loading or unloading vehicle.**

No person shall carry or convey through or in any street wastepaper not so covered or protected so as to prevent the escape of such paper into any street, and no person while loading or unloading a vehicle shall scatter or permit any wastepaper to be scattered in any street or highway or where such wastepaper shall be blown into any street or highway.

(Code 1971, § 19-12)

**Sec. 70-11. Securing of dirt, coal or similar materials transported on streets.**

No person shall carry or convey or cause to be carried or conveyed in any street, highway, square or park any ashes, dirt, loam, gravel, stones, bituminous coal, sand, rubbish, fertilizer, cement, lime or dry chemicals, unless the receptacle or vehicle containing such materials shall be closely covered or unless such materials are packaged or enclosed in a suitable or customary container.

(Code 1971, § 19-13)

**Cross References:** Traffic, ch. 76.

**Sec. 70-12. Deposit of dirt or ashes on streets.**

No person shall place or deposit on any of the public highways or streets of the city any ashes or dirt, except for the director of public works or work done under his/her direction; provided, however, that nothing in this section shall be construed to prevent anyone from placing ashes or dirt on the sidewalk of such street or highway for the better protection and comfort of the citizens of the city.  
(Code 1971, § 19-14)

### **Sec. 70-13. Congregating in streets.**

All persons who shall obstruct any street, bridge, lane, sidewalk, passageway or crosswalk in the villages of this city or any part thereof by congregating or standing thereon, crowding or otherwise obstructing the same to the annoyance or disturbance of the peaceful inhabitants thereof or passengers in or through such street, bridge, lane, passageway, crosswalk or sidewalk, shall be punishable as provided in section 1-4.  
(Code 1971, § 19-16)

**State Law References:** Disorderly conduct, G.L. 1956, § 11-45-1.

### **Sec. 70-14. Playing ball in streets; throwing stones or other missiles in streets.**

The playing of baseball, practicing with a baseball and throwing of balls, stones or other missiles in the public streets and highways of the city is hereby prohibited; provided, however, that the provisions of this section shall not apply to dead-end streets, courts, circles and culs-de-sac.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 19-17; Ord. No. O-00-16, § I, 5-11-00)

### **Sec. 70-15. Molesting boundary markers.**

No person shall wantonly break down, injure, remove, mar or destroy any monument or other memorial erected for the purpose of designating the boundaries of any street, highway or turnpike or any platted street, highway or turnpike in the city or any tree, stake or other thing marked for that purpose, or break down, injure, remove, mar or destroy any milestone or mileboard erected upon a highway or turnpike or wantonly deface or alter the inscription on any such stone, board or tree.

(Code 1971, § 19-18)

### **Sec. 70-16. Moving of buildings--Application for permission.**

Whenever any person desires to remove any building along, across or through any of the streets, public highways or bridges within the city, he/she shall present an application to the department of building inspection, which application shall describe the building, its dimensions, location, the place to which it is to be removed and the streets along, through or across which the same is to be removed.

(Code 1971, § 19-19)

**Cross References:** Buildings and building regulations, ch. 8.

### **Sec. 70-17. Same--Notice to police, fire and highway departments; prescription of route.**

No building shall be removed along, through or across any of the public streets or highways within the city without permission of the building inspector, upon application as provided in the preceding section, and such permission shall not be granted without first giving notice of such petition to the police, fire and highway departments. The building inspector shall prescribe the streets or highways along or across which and the time within which such building shall be removed.

(Code 1971, § 19-20)

**Sec. 70-18. Same--Bond; payment of damages.**

The owner of every building removed in the city shall pay to the city all damages, costs and expenses occasioned to the city by such removal. Before removing such building, the owner shall give bond to the building inspector in such sum as the building inspector shall prescribe for the payment of such costs, expenses and damages.

(Code 1971, § 19-21)

**Sec. 70-19. Same--Violations; penalty.**

Every owner removing any building along or across any of the streets or highways of the city without the permission of the building inspector or in a manner not in compliance with the terms and conditions of such permission shall be guilty of an offense and shall be punishable as provided in section 1-4.

(Code 1971, § 19-22)

**Secs. 70-20--70-40. Reserved.**

**ARTICLE II.**

**EXCAVATIONS\***

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\* **Cross References:** Protective enclosure or cover required for excavations, holes or pits, § 22-8; soil erosion and sediment control, ch. 68.

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**Sec. 70-41. Compliance with article.**

No person shall make any excavation within the lines of any street or public highway in the city except as provided in this article.

(Code 1971, § 19-33)

**Sec. 70-42. Permit required; determination of location of underground utilities.**

No person, public agency or public utility will make any excavation, take up pavement, or demolish structures or rock in any street or public highway without having first ascertained in the manner prescribed by Digsafe regulations, P.L. 1984, chapter 119, section 1, the location of all underground facilities of public utilities in the area or the absence thereof, and in addition thereto such person must obtain a permit from the director of public works.

(Code 1971, § 19-34)

**Sec. 70-43. Blasting permit.**

(a) *Required.* No person shall use any powder, dynamite or other explosive for blasting within the lines of any street or public highway in the city except upon special permission therefor duly granted by the director of public works, in writing, with the approval of the state fire marshal's office, if necessary, and not revoked as hereinafter provided, upon application made to him/her for that purpose, setting forth the location at which it is proposed to do such blasting, and upon such terms, conditions and restrictions as shall be imposed by such director.

(b) *Issuance; bond.* The director of public works is hereby authorized to grant special permission, in writing, with the approval of the state fire marshal's office, if necessary, to any person to use explosives for blasting at any place within the limits of the city, provided, in his/her opinion, such blasting can be done with safety to persons and property, upon such conditions and under such regulations and restrictions as he/she shall impose. The director may require a bond in such amount and with such surety or sureties to his/her satisfaction as he/she shall deem sufficient, such bond to be given to the director for the benefit of any person who may suffer any damage by reason of the exercise of such permission to use explosives for blasting, conditioned to pay all damages and all costs of suits and losses and expenses of every name and nature which shall accrue to or be suffered by a person by reason of the exercise of such permission to engage in blasting, as aforesaid.

(c) *Duration; fee.* A special blasting permit, when issued, shall be valid for a period of 60 days. A fee as provided in chapter 18 shall be charged for each permit issued.

(d) *Revocation.* The director of public works is hereby authorized at any time to revoke any permission by him/her theretofore granted for the use of explosives for blasting whenever, in his/her opinion, the safety of persons or property shall require such revocation, or whenever permission so granted by him/her shall by any person thereby authorized has been exercised in violation of any rule, regulation or restriction imposed by such director.

(Code 1971, § 19-35)

**Cross References:** Blasting permit required, § 20-5.

**Secs. 70-44--70-70. Reserved.**

**ARTICLE III.**

**POLES AND WIRES**

**Sec. 70-71. Permit for installation--Required.**

No wire to be used for conducting currents of electricity shall be placed in, over or under any street, square, lane or highway in the city without permission of the council or until the person placing or maintaining the same shall have filed with the city clerk a written agreement accepting and promising to abide by and perform all the conditions and provisions of this article.

(Code 1971, § 19-64)

**Sec. 70-72. Same--Application.**

Every application to the council for permission to place and maintain poles and electric wires in, over or under any highway shall state the intended location of such wires and poles and the purpose for which such wires are to be used and shall be accompanied by a plat showing the location of such wires and poles.  
(Code 1971, § 19-65)

**Sec. 70-73. Same--Revocation; right of city to remove facilities.**

Permission given by the council to erect or maintain such poles or wires may be revoked in whole or in part at any time, and any of such poles or wires may be removed by the city or its officers, agents or servants from time to time or at any time without notice.  
(Code 1971, § 19-66)

**Sec. 70-74. Location of wires.**

All wires when placed above the surface of the ground shall be located upon such portion of the highway and suspended from such supports and attachments as shall be approved by the council or a committee thereof. Wires conducting currents for electric lighting and for the transmission of power and wires conducting telegraphic, telephonic and other low-tension current, when such wires run parallel with each other, shall not be located on the same side of any highway.  
(Code 1971, § 19-67)

**Sec. 70-75. Use of poles by other persons or city.**

All persons maintaining wires within the city for conducting electric current for lighting, heating or motive power shall permit any other person to suspend from such poles, wires for conducting currents for lighting, heating or motive power, and also to place lamps on any poles, whenever the council shall so direct and upon such reasonable conditions, terms and remuneration as the council may approve or prescribe. The city may place, without charge to the city, signal circuits and signal supply circuits, belonging to the city and used exclusively for municipal purposes, at suitable points on any or all of such poles.  
(Code 1971, § 19-68)

**Sec. 70-76. Reservation of space in underground conduits for use by city.**

In every excavation made or caused to be made in a public way by any person for the purpose of installing a buried cable or conduit, a three-inch duct or conduit, properly installed, shall be laid and installed by such person within which sufficient space shall be reserved for the use of the city. Such ducts or conduits shall be maintained without charge to the city for the use of signal circuits and signal supply circuits of the city and shall be used by said city exclusively for municipal purposes, and the city shall be permitted access to such conduits whenever necessary for the purpose of placing, maintaining, repairing, adjusting, or removing its wires, cables, or other fixtures or equipment. The city may waive the inclusion of a conduit or duct in any specified trench.  
(Code 1971, § 19-69)

**Sec. 70-77. Indemnification of city.**

Every person erecting, maintaining or using poles or wires shall indemnify and save harmless the city

and its officers, agents and servants from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles or wires or the transmission of electric currents by means thereof.

(Code 1971, § 19-70)

**Sec. 70-78. Removal of utility poles no longer in service.**

Any utility pole erected pursuant to this article or by any state agency regulation, upon, adjacent to or in any city owned or maintained highway, including the roadway, sidewalk, curbing, median or buffer thereof, which is no longer in use for its intended purposes, or which has been replaced by a new pole, shall be removed by the utility company which has ownership or control of the pole which is no longer in service, or, in the case of a replacement pole, by the utility company which has caused its replacement within ten days of its termination of service, or of its replacement, as the case may be. Any utility or entity other than the utility or entity having ownership or control of the pole, which has wires or other appurtenances attached to the pole no longer being utilized shall remove said wires and/or appurtenances within the same ten-day period.

Any violation of this section shall be punishable by a fine of \$500.00. Each day in which the violation occurs shall constitute a separate offense.

(Ord. No. O-05-31, § I, 10-18-05; Ord. No. O-07-20, § I, 8-20-07)

**Secs. 70-79--70-100. Reserved.**

**ARTICLE IV.**

**SNOW AND ICE ON SIDEWALKS\***

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\* **Cross References:** Closing of streets and prohibition of parking for purpose of snow removal, § 76-84.  
**State Law References:** Power of council to regulate removal of snow and ice from sidewalks, G.L. 1956, § 24-7-1.

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**Sec. 70-101. Definitions.**

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

*Sidewalk* means any portion of the sidewalk area which has been made smooth by the application of cement, concrete, asphalt, brick, or other substance, or compacted and made smooth.

*Sidewalk area* means that portion of the highway between the property line and the curbline of the highway which is set aside, laid out, or used for pedestrian traffic.

(Code 1971, § 19-81)

**Cross References:** Definitions generally, § 1-2.

**Sec. 70-102. Removal of snow required.**

(a) The owner, owner-designated occupant, or any person having the care of any building or lot of land bordering on any street, highway, square or public place where there is a sidewalk or sloped area with a

curb cut for handicap access shall, within the first 24 hours after any snow has ceased to fall, cause the snow to be removed from the sidewalk and sloped area with a curb cut for handicap access adjoining such building or lot of land.

(b) The owner, owner-designated occupant, or any person having the care of any building or lot of land bordering on any street, highway, square or public place, which lies within a school zone where there is a sidewalk or sloped area with a curb cut for handicap access shall, if said building or lot of land is a commercial property, within the first four hours of daylight of a school day, after any snow has ceased to fall, cause the snow to be removed from the sidewalk and sloped area with a curb cut for handicap access adjoining such building or lot of land. If the building or lot of land is residential, then the snow shall be removed within the first 12 hours of daylight of a school day, after any snow has ceased to fall. For any day other than a school day, the provisions of subsection (a) shall apply.  
(Code 1971, § 19-82; Ord. No. 0-96-13, 2-20-96; Ord. No. O-05-37, § I, 12-13-05)

### **Sec. 70-103. Penalty for failure to remove snow.**

(b) In case of neglect to act as required by section 70-102(b), the person chargeable with such duty shall be punishable as provided in section 1-4, and each and every day after the expiration of the applicable time limit imposed by section 70-102(b) that the snow shall remain on such sidewalk shall constitute a separate offense.

Violation of this section shall be punishable by a fine of \$100.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.  
(Code 1971, § 19-83; Ord. No. O-00-16, § I, 5-11-00; Ord. No. O-05-37, § II, 12-13-05)

### **Sec. 70-104. Removal of snow falling from buildings.**

The provisions of sections 70-102 and 70-103 shall apply to the falling of snow from any building.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 19-84; Ord. No. O-00-16, § I, 5-11-00)

**Cross References:** Buildings and building regulations, ch. 8.

### **Sec. 70-105. Removal or covering of ice.**

(a) Whenever any sidewalk or any part thereof adjoining any building or lot of land on any street, highway, square or public place shall be encumbered by ice, it shall be the duty of the owner, occupant or any person having the care of such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance. In case such owner, occupant or other person shall neglect to do so for 12 hours during the daytime, he/she shall be punishable as provided in section 1-4 for each and every day that the same shall continue so encumbered.

(b) Whenever any sidewalk or any part thereof adjoining any building or lot of land on any street,

highway, square or public place which lies within a school zone shall be encumbered by ice, it shall be the duty of the owner, occupant or any person having the care of such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable substance. In case such owner, occupant or other person shall neglect to do so within the first four hours of daylight of a school day, if the building or lot of land is a commercial property or within the first 12 hours of daylight of a school day if the building or lot of land is residential, he/she shall be punishable as provided in section 1-4 for each and every day that the same shall continue so encumbered. Violation of this section shall be punishable by a fine of \$100.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.  
(Code 1971, § 19-85; Ord. No. O-05-37, § III, 12-13-05)

**Sec. 70-106. Enforcement by the department of public works.**

In addition to duly appointed police officers, the director of the department of public works, or his or her designee shall have authority to enforce the provisions of this article, and to that end shall be authorized to issue summonses of the municipal court to any person who is in violation of the provisions of this article.  
(Ord. No. O-06-12, § I, 5-8-06)

**Secs. 70-107--70-130. Reserved.**

**ARTICLE V.**

**STREET NAMES**

**Sec. 70-131. Adoption of map.**

The map accompanying the ordinance comprising this article, entitled "Map of Warwick, Rhode Island, showing official street names as of May 18, 1939," is hereby made a part of this article by express reference.  
(Code 1971, § 19-96)

**Sec. 70-132. Names shown on map to be official names.**

The street names as shown on the map referred to in section 70-131 shall be the official names of the streets of the city.  
(Code 1971, § 19-97)

**Sec. 70-133. Map declared public record; custody of map.**

The official street name map shall be a public record and kept in the custody of the city engineer.  
(Code 1971, § 19-98)

**Sec. 70-134. Sale of map to public.**

The city engineer shall cause copies of such official street name map to be made and placed on sale in the city clerk's office at \$5.00 a copy. All monies collected by the city clerk from the sale of such maps shall be

turned over to the city treasurer.  
(Code 1971, § 19-99)

**Sec. 70-135. Approval of changes.**

No street name shall hereafter be changed except by vote of the council.  
(Code 1971, § 19-100)

**Sec. 70-136. Erection of street signs.**

No person shall erect any street sign or street signpost without authority of the council.  
(Code 1971, § 19-101)

**Sec. 70-137. Review of new names by department of public works.**

Any person, group, organization or corporation who is desirous of naming any driveway, accessway, street or lane as a public street shall first submit the name of the proposed driveway, accessway, street or lane to the department of public works for review.  
(Code 1971, § 19-102)

**Secs. 70-138--70-160. Reserved.**

**ARTICLE VI.**

**SIDEWALK OBSTRUCTIONS\***

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\* **Cross References:** Residential picketing, § 40-9.

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**Sec. 70-161. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sidewalk* means any portion of the sidewalk area within the area dedicated for public highway and sidewalk usage, which area has been made smooth by the application of cement, concrete, asphalt, brick or other substance, or compacted and made smooth.

*Sidewalk area* means that portion of the public highway between the property line and the curblineline or pavement line of the highway which is set aside, laid out, improved and used for pedestrian traffic.  
(Code 1971, § 22-214)

**Cross References:** Definitions generally, § 1-2.

**Sec. 70-162. Parking in sidewalk or sidewalk area.**

(a) *Prohibited.* It shall be unlawful for any motor vehicle to be parked or be left standing within all or any portion of a sidewalk or sidewalk area as the same are hereinabove described.

(b) *Penalty.* The owner and/or operator of any motor vehicle so parked or left standing in violation of this section shall be punishable as provided in section 1-4.

(Code 1971, § 22-215)

**Cross References:** Stopping, standing and parking, § 76-191 et seq.

### **Sec. 70-163. Other obstructions.**

(a) *Generally.* It shall be unlawful for the owner and/or operator and/or tenant and/or person in charge of any premises or property within the city which abuts a sidewalk or sidewalk area, as the same are hereinabove described, to obstruct or permit the obstruction or fail to prevent the obstruction of all or any portion of such abutting sidewalk or sidewalk area, which obstruction arises from activities including, but not limited to, parking of motor vehicles or the placement or deposit of any goods, wares, merchandise or objects of any type in whole or in part within all or any portion of said abutting sidewalk or sidewalk area.

(b) *Deposits of snow.* It shall be unlawful for the owner and/or operator and/or tenant and/or person in charge of any premises or property within the city which abuts a sidewalk or sidewalk area, as the same are hereinabove described, to obstruct or permit the obstruction or fail to prevent the obstruction of such abutting sidewalk or sidewalk area by the depositing or piling of snow by hand, machinery or motor vehicle. Each day that a violation continues shall be deemed a separate offense.

(c) *Penalty.* The owner and/or operator and/or person in charge of the premises found in violation of this section shall be punishable as provided in section 1-4.

(d) *Responsibilities of property owners.* Nothing to the contrary herein contained, the owner or owners of the premises found in violation of the provisions of this article shall be ultimately responsible for maintaining the premises in compliance herewith. Any fines or penalties assessed hereunder or any costs incurred by the city in enforcing these provisions shall be and become a lien against such property to the same extent and character as the lien for real estate taxes, with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens.

(Code 1971, § 22-216)

### **Sec. 70-164. Exceptions.**

Nothing to the contrary herein contained, the following shall not be considered obstructions for the purposes of this article: utility poles, traffic and street signposts installed or maintained by the city or state, and mailboxes installed and maintained by the United States Postal Service.

(Code 1971, § 22-217)