

## **ORDINANCE #115**

### **AN ORDINANCE CONCERNING THE OBSTRUCTION OF SIDEWALKS AND HIGHWAY RIGHT-OF-WAY.**

#### Section 1 Short Title

This Chapter shall be known as the "Sidewalk and Highway right-of-way obstruction Ordinance for the Town of Plainfield."

#### Section 2 Policy Statement

The right-of-ways and other public places of the Town of Plainfield must be safely maintained for the safety and convenience of the public.

#### Section 3 General Provisions

- a. It shall be the duty of the occupant, owner, or person having the care of any building or land abutting any street in the Town where there is a foot path or public sidewalk, whether the same be paved or not, to keep said sidewalk free from snow, ice, sleet, mud stone, rubbish, or any fixtures or materials including, vending machines, posts, dumpsters, retail merchandise, signs or any other Obstruction, so as to permit the free and safe passage of pedestrians through the same.
- b. No person shall place, store or display, on a public sidewalk, any object or material that may restrict the free and safe passage of pedestrians.
- c. No person shall permit any grass, weeds, brush, shrubbery, hedge, or rubbish to remain upon land immediately adjacent to any public sidewalk or public street in such a manner as to obstruct, impede, or hamper the free use of any sidewalk or street.
- d. No person, firm, corporation or company shall place, install, construct or store within the limits of a Town street or State highway right-of-way any post, fence, wall, sign, structures, vending machine or earth materials, including fill or boulders without a permit.
- e. No person, firm, corporation or company shall place, cause to be placed, or allow to be placed, temporarily or permanently, any object, in or upon any roadway or that projects into the space above the roadway within the Town of Plainfield that may reasonably be deemed to obstruct, or impede vehicular traffic, pedestrian traffic, bicycle traffic or road maintenance, without a permit.
- f. Trees and shrubs may be planted within a Town street right-of-way with the permission of the tree warden provided they are located at least three (3) feet from the edge of pavement and are of a species acceptable to the tree warden and such plantings will not hinder the line of sight on any Town street or access to or from any private driveway or public road.
- g. No wall, fence, or other structure shall be erected and no hedge, shrub, tree, or other growth or earth fill shall be maintained on a corner lot between the building line and the street line, so as to create a traffic hazard by obstructing the view.

#### Section 4 Enforcement

- a. The Police Department shall be responsible for enforcing the provisions of this section relative to keeping sidewalks free from snow, ice, sleet, mud, stone, rubbish, fixtures, materials, vending machines, retail merchandise, signs, motor vehicles, or any other obstructions.
- b. The Town shall have the right to order the removal from the Town street, or right-of-way, including sidewalks and areas near intersections, any and all objects which may create an unsafe condition to the general public. The Director of Public Works, Town Engineer, or their agent shall notify the landowner or occupant in writing of the unsafe condition and order the responsible party to correct the condition within forty-eight (48) hours of such notification, or such other time as may be specified in the notice. The order and notification may be served by person or sent by certified mail.
- c. The land owner or occupant shall have the right to appeal an order of removal to the Board of Selectmen, which appeal must be filed with the Town Clerk within ten (10) days of the mailing of the original notice. The Board of Selectmen shall conduct a hearing on said appeal within thirty (30) days of the receipt of the appeal. The decision of the Board of Selectmen shall be final.

#### Section 5 Violations

- a. Any person willfully refusing to remedy any such conditions when notified shall be fined not more than fifty dollars (\$50.00) for such offense.
- b. Each violation of this chapter shall be considered a separate offense.
- c. Any condition found to violate this section shall be deemed to constitute a separate offense on each day during which it exists after notice to the violator has been provided.
- d. The fine will be issued by the Town of Plainfield Police Department and collected by the Town Treasurer.
- e. Nothing herein shall prohibit the Town of Plainfield from seeking costs and damages arising out of or relating to any violations of this ordinance.

#### Section 6 Savings Clause

- a. Nothing herein shall relieve the owner or person having control of the property of any liability he, she, or they might have pursuant to Ordinance No, 66 of the Town of Plainfield.
- b. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter.

#### Section 7 Effective Date

This ordinance shall become effective on passage.