

CHAPTER 92: STREETS AND SIDEWALKS; PUBLIC PROPERTY

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STREETS

§ 92.01 LICENSE TO BREAK IN STREETS, ALLEYS OR SIDEWALKS.

It is hereby declared unlawful for any person, firm or corporation to break, or cause to be broken, the surface of any street, alley, sidewalk or public place in the town, or make or cause to be made, any excavation in any street, alley, sidewalk or public place or cause to be removed any coal, rock, gravel, or other material from the surface or underneath the surface of any such street, alley, sidewalk or public place in the town without first obtaining from the town a license to break the street, alley, sidewalk or public place and to make any such excavations or removal of any of the material therefrom.

(A) A license to break any such street, alley, sidewalk or public place or to make any such excavations therein or removal therefrom may be obtained from the Street Commissioner of the town upon proper application therefor, and upon payment to the town a license fee of \$5.

(B) Any person, firm or corporation desiring to break any such street, alley, sidewalk or other public place or make any such excavation therein or removal of any such material therefrom, shall at the time of application for the license state in their application the nature and approximate size of the break, excavation or removal desired to be made, and at the same time execute a bond payable to the town to cover the damages caused by the break, excavation or removal.

(Ord. 2-444, passed 5-6-1954)

(C) All payment made to the town for licenses as herein required and for reimbursement for the costs of repairing and replacing any breaks, excavations and removals made in or to any street, alley or public place in the town, shall become a part of the Street Fund of the town and shall be deposited and credited to the Street Fund.

(Ord. 5-448, passed 12-2-1954)

(D) After any break excavation or removal has been made, the person, firm or corporation making the breaks, excavations or removal or causing the same to be made, shall pay to the town for the replacement of the street, alley, sidewalk or public place in the condition in which it was prior to the making of any such break, excavation or removal, and to cover the cost of repairing and replacing the same, the following amounts:

(1) One dollar per square foot of any break of any paved or improved street, alley, sidewalk or public place; and

(2) Ten cents per square foot for the repair and replacement of any unimproved or gravel street, alley, sidewalk or public place.

(E) Upon the payment by any such person, firm or corporation making any such break, excavation or removal, as aforesaid, of the amounts and sums of money as computed upon the foregoing rate, then in such event, the bond shall be canceled and the person, firm or corporations shall be discharged of any and all liability for any such damage to any such street, alley, sidewalk or public place.

(Prior Code, § 12.04.010) (Ord. 2-444, passed 5-6-1954)

§ 92.02 PROTECTION OF PUBLIC PAVEMENTS.

It shall be unlawful for any person to drive, operate, pull, haul or in any way use a vehicle that does harm to public pavement in the town, but specifically:

(A) *Metal studs and wheels.* A tractor, traction engine or any other rough metal wheels, upon, along, over or across that part of Main Street and Jefferson Street in the town, that are paved with concrete in such a manner that the spikes, cleats, studs or rough part of the wheels of the vehicles or machines shall come in contact with the pavements.

(Ord. 287, passed 2-2-1920)

(B) *Loads and weights.* Loads and weight limits shall be applied to all vehicles operating on paved streets, alleys and public places as they are applied on state and county highways. On graveled and unpaved streets and alleys during period of hefting and thawing, drivers shall not cause ruts in public thoroughfares.

(Ord. 212, passed 3-9-1909)

(Prior Code, § 12.04.020) Penalty, see § 92.99

§ 92.03 RIDING ANIMALS IN PUBLIC PLACES.

(A) It shall be unlawful for any person or persons to drive or ride any horse, mule or pony upon any public place within the corporate limits of the town at a speed that could endanger public travel.

(Ord. 76, passed 6-5-1891)

(B) Further, it shall be unlawful for any person or persons to ride, drive or lead any horse, mule, pony or other beast of burden upon any sidewalk within the corporation limits of the town, except in the necessary act of crossing the same.

(Ord. 193, passed 4-16-1907)

(Prior Code, § 12.04.030) Penalty, see § 92.99

§ 92.04 ENGINE MUFFLERS REQUIRED.

No person, firm or corporation shall use upon the streets, alleys or public highways of the town, any automobile, motor cycle, motor vehicle, other conveyance, carriage, wagon or machine the motor power of which shall be steam, gas or gasoline or of any like source of energy, unless the vehicle is equipped with a sufficient modern and improved muffler to prevent noise from the exhaust of the engine or engines of the vehicle, and the muffler shall be kept and remain closed by the person operating or in charge of the vehicle at all times when the vehicle is in motion.

(Prior Code, § 12.04.040) (Ord. 258, passed 9-7-1914) Penalty, see § 92.99

SIDEWALKS**§ 92.15 RIDING ON SIDEWALKS UNLAWFUL.**

It shall be unlawful for any person to ride a motorcycle, unicycle, bicycle, tricycle or velocipede or any other vehicles on any sidewalk within the corporate limits of the town.
(Prior Code, § 12.08.010) (Ord. 93, passed 6-5-1895) Penalty, see § 92.99

§ 92.16 DEFACING SIDEWALKS UNLAWFUL.

It shall be unlawful for any person or persons to print, paint, write, indite, cut, carve, hew, mark or paste any word, letter, sign or character upon any sidewalk within the corporate limits of the town, or in any manner, deface any such sidewalk.
(Prior Code, § 12.08.020) (Ord. 128, passed 8-5-1898) Penalty, see § 92.99

PUBLIC PLACES**§ 92.30 REGULATING THE POSTING OF ADVERTISEMENTS.**

(A) It shall be unlawful for any person or persons to paint, print, paste, tack or otherwise mark upon, or in any manner place upon or affix to any tree, telephone pole, telegraph pole, electric light pole or electric utility pole in the streets, alleys or other public places in the town, any printed or written advertisement, handbill, poster, words, sentences, character or device for advertisement purposes; provided that, this section shall not apply to the posting of any sheriff, administrator, executor or guardian or to any notice required by law to be posted.

(B) It shall be the duty of every person, firm, company or corporation owning or having control of any telephone pole, telegraph pole, electric utility pole, electric light pole or tree on any street, alley or other public place on the town, to remove or cause to be removed, from the poles or trees, all advertisements, handbills or other devices for advertising purposes, now upon or attached to the poles or trees, except the legal notices as are provided in division (A) above.
(Prior Code, § 12.12.010) (Ord. 187, passed 11-2-1906) Penalty, see § 92.99

§ 92.31 PLACEMENT OF POLES AND WIRES.

(A) It is established that of the Town Council, by their Street Commissioner or proper municipal officer, exercise exclusive control over any and all telegraph, telephone, electric and steam railroad companies, holding a right of franchise within the corporate limits of the town, compelling them or any of them to remove any and all poles now set, or that may hereafter be set, to any place designated on any street or alley in the town that will be more convenient, or assure greater safety to the general public, and to raise any and all wires now strung or that may hereafter be strung, so as to clear the ground at least 25 feet. All telegraph, telephone, electric light and all other wires of any kind hereafter constructed within the corporate limits of the town shall be supported by aluminum poles, of a size not less than 12 inches in diameter at the bottom and not less than 6 inches in diameter at the top; or iron or steel poles not less than 5 inches in diameter at the bottom and 3 inches in diameter at the top.

(B) The pole to be set in the earth to a depth of not less than 6 feet, and well tamped, all wires shall clear the ground at least 25 feet and shall be fastened to the poles in a manner as will properly hold the wires in place.

(C) It shall be the duty of the Street Commissioner or proper municipal officer of the town to see that the provisions of this subchapter are enforced and the municipal officer shall have the power within the corporate limits of the town to require telegraph, telephone, electric light and other wires constructed along and over the streets and alleys of the town to conform to the provisions of this subchapter.
(Prior Code, § 12.12.020)

§ 92.32 TRIMMING OF SHADE TREES.

(A) It shall be the duty of all person who may be owners of lots within the corporate limits of the town to keep all shade trees on the streets and sidewalks adjacent to their respective lots trimmed to a uniform height of 9 feet above the ground.

(B) It shall be the duty of the Town Committee on Streets and Alleys, in conjunction with the Town Marshal, to enforce the compliance with the provisions of this section.
(Ord. 47, passed - -)

(C) The Superintendent of the Water and Light Plant of the town shall be and is hereby empowered and directed to trim the limbs with 5 feet of the primary electric light wires in the town and in doing so further properly trim the trees in order to retain the shapeliness thereof.
(Prior Code, § 12.12.030) (Ord. 286, passed 10-6-1919)

§ 92.33 CONTROL, MANAGEMENT AND CARE OF KNIGHTSTOWN CEMETERY.

(A) Pursuant to an Act of the General Assembly on April 15, 1905, and as provided in the Act; a Board of Trustees consisting of 3 members of the Knightstown Lodge No.99, Independent Order of Odd Fellows; the Board to be elected by the lodge in the mode and manner of electing their own Trustees and submitted to the Town Council for ratification by them. The Cemetery Board shall consist of a President, Secretary and Treasurer and shall have charge of the funds pertaining to the cemetery for which an adequate bond shall be duly given payable to the Lodge. They shall keep the care fund intact and only expend such income as may be derived from the loaning out of the same. They shall submit an annual report of their doings to the Town Council and the Lodge at the close of each calendar year. No charge shall be made for their services, but they may be compensated for the same on the order of the lodge and Town Council.

(B) The sum of \$50 shall be appropriated out of the General Fund of the town annually and paid over to the Board of Trustees of the cemetery to be used for care and maintenance of same.
(Prior Code, § 12.12.040) (Ord. 298, passed - -)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation who violates any provision of §§ 92.01 *et seq.* shall, upon conviction, be punished by fines in the following amounts.

(1) Violators of § 92.01 shall be fined \$10 and court costs, each day during which any provision of §§ 92.01 *et seq.* is violated shall constitute a separate and distinct offense.

(2) Violators of §§ 92.02 through 92.04 shall be fined in any sum not less than \$5, nor more than \$10, and court costs.
(Prior Code, § 12.04.050)