

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-105. Littering streets, alleys, or sidewalks prohibited.
- 16-106. Obstruction of drainage ditches.
- 16-107. Abutting occupants to keep sidewalks clean, etc.
- 16-108. Parades, etc., regulated.
- 16-109. Animals and vehicles on sidewalks.
- 16-110. Fires in streets, etc.
- 16-111. Abutting property owners to keep sidewalks in good repair.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1989 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1989 Code, § 12-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1989 Code, § 12-103)

16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1989 Code, § 12-104)

16-105. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1989 Code, § 12-105)

16-106. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1989 Code, § 12-106)

16-107. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1989 Code, § 12-107)

16-108. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets or parks without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately.

The city manager may require a refundable deposit of one hundred fifty dollars (\$150.00) from permit applicants. Should the city find it necessary, upon recommendation of the city manager or other person designated by him, to clean and/or pick up refuse and/or litter as a result of said activity, the costs of so doing shall be deducted from said deposit and the remaining funds, if any, shall be returned to the applicant. Should such costs exceed the amount of the

deposit, the applicant will be billed and held accountable for payment of the difference. (1989 Code, § 12-108)

16-109. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1989 Code, § 12-109)

16-110. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1989 Code, § 12-110)

16-111. Abutting property owners to keep sidewalks in good repair. (1) It shall be the duty of the property owners of all property within the City of Lakeland to keep the sidewalks abutting their property in good repair. The Code Enforcement Department of the City of Lakeland, when it determines that a portion of all of a sidewalk or driveway apron or inlet is in need of repair as authorized by the board of commissioners, may on its own motion, order the same to be done.

(2) The order of the Board of Commissioners of the City of Lakeland by resolution duly adopted, direct the Building Official of the City of Lakeland or his delegates to serve notice in writing upon the owner of the property abutting the improvement to make such repairs as requested within ninety (90) days from the date of notification. Such repair to conform to all standards currently adopted and enforced through the subdivision regulations of the City of Lakeland and the building codes and other related technical codes.

(3) The Building Official of the City of Lakeland shall report to the public works department shall thereupon, request the repair to be done either by it's crews or by contract. All repair costs are to include but not necessarily be limited to the following:

(a) Construction cost including removal and disposal, temporary repairs and barricading, materials and labor cost.

(b) Administrative cost of \$100.00 or 15% which ever is greater.

(4) The cost of any improvements required by the board of commissioners shall be assessed against the owner or owners of the abutting property and where such cost has not been paid within thirty (30) days of notice by registered mail the public works department shall certify to the City of Lakeland said assessment for filing against the property.

(5) Right of appeal. The Board of Commissioners of the City of Lakeland shall appoint the board of appeals to hear and determine protest,

appeals, or hardship cases. The board of appeals shall have the power to wave administrative costs in the event a hardship is proven.

(6) The building official shall provide to the City of Lakeland a record of damaged walks and inlets as they are inspected. If sidewalks are not repaired in a timely manner notice shall be filed on the tax records for the property and recorded at the Shelby County Register Office as a lien on the deed and will provide a notification of such to all parties requesting tax data during the sale or transfer of the property.

(7) The building official shall, upon adoption of this ordinance, provide public notification for a minimum of two (2) days in a publicly circulated newspaper, advising all real estate agents and the general public that the ordinance has been amended and that the sidewalks and drive inlets of each house shall be inspected and repaired, if necessary, so as not to create an unexpected problem at closing.

(8) When a sidewalk section must be replaced that is in the location where a handicap ramp is required the curb shall be removed and the ramp installed according to the subdivision specifications and design provided by the code enforcement department. (Ord. #98-06, June 1998)