

TITLE 7
PUBLIC WAYS AND PROPERTY

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CHAPTER 1
STREETS, ALLEYS AND SIDEWALKS¹

Section:

7-1-1: Cleaning Sidewalks

7-1-2: Repair And Maintenance Of Sidewalks

7-1-1: CLEANING SIDEWALKS:

- A. Responsibility To Keep Clean: The owners, agents and/or occupants of any house, warehouse, store, tenement house, and any other building, and the ground belonging thereto, or occupied by them, and the owner and agent of any vacant lot or lots, within the town shall keep the sidewalks, whether paved or not, in front of and adjoining such property clean, and after any fall of snow, shall cause said snow and all slush and ice to be immediately removed from said sidewalk fronting their respective lot or lots.
- B. Deposit of Snow onto Streets: No person shall cause or permit snow, ice and/or other debris to be deposited upon a public street, alley, or right of way, except snow may be deposited on top of accumulated snow placed on the street by the Town and/or its designee or assign. Should any deposit of snow on top of snow moved or placed by the Town and/or its designee or assign become a hazard as determined by an official representative of the Town, the State Department of Transportation and/or law enforcement, the adjacent land owner may be required to immediately remove or alter said deposit. Any deposit of snow and/or ice not in conformity to this Ordinance shall be prima facie evidence that it was so placed by the owner, occupant or manager of the adjacent tenements or grounds.
- C. Failure: Failure to remove snow and/or ice accumulation within 24 hours of deposit constitutes a misdemeanor punishable by a maximum fine of \$750.00, with each additional day constituting a separate violation. Additionally, the Town may remove the snow, ice, slush from the sidewalk and charge the cost of such removal against the property owner or agent thereof. The cost of such removal to be collected in the same manner as special assessments and payable within thirty (30) days from the date thereof, and/or may constitute grounds a lien on the subject property. (1960 Code § 6-102; Ord 1070 3/8/18)

7-1-2: REPAIR AND MAINTENANCE OF SIDEWALKS:

¹ See sections 5-2-4-5 through 5-2-4-8 for provisions regarding offenses of obstructing, excavating or removing materials from streets.

- A. Definitions: For the purposes of this section, the term "sidewalk" shall mean that portion of a street between the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians, including the curb.
- B. Maintenance Of Sidewalk: It shall be unlawful and is hereby declared to be a nuisance for any person to allow any sidewalk contiguous with or alongside their property to become in a state of disrepair, through cracking, sinking or otherwise so as to constitute a safety hazard for pedestrians. The owners, agents, lessees or occupants of any house, warehouse, store, shop, business, apartment house or any other building, and the owner or agent of any vacant lot or lots within the town shall keep the sidewalk contiguous with or alongside such property, clean and in a state of good repair.
- C. Required Clearances For Utilities: Before making any required improvements to a sidewalk, the person making such improvements shall request any necessary locations from the utility companies or otherwise maintain satisfactory clearances from gas, water, sewer, telephone or other facilities so that such utilities or facilities will not be damaged or existing services interfered with.
- D. Work Performed By Town: Whenever, in the opinion of the town, it would be to the best interests of the town for the town to maintain, replace or repair the sidewalk, such work shall be done by the town under the direction of an authorized agent of the town, and **the cost of the work shall be charged to the owner of the property.** If the town is not timely reimbursed by the owner, the town may place a lien on the property and record said lien in the public records of Sweetwater County and use any legal action necessary to foreclose on said lien or otherwise to collect same. The owner of the property shall also be liable for all reasonable costs, expenses and attorney fees incurred by the town, plus interest of eighteen percent (18%) per annum on the unpaid amount, all which shall be added to the amount due.
- E. Performance Of Work: All work performed shall be done as follows:
1. Cuts: All cuts of the concrete sidewalk shall be made in a neat and workmanlike manner with the edge of the cut vertical. Any necessary corners shall be at right angles. All new construction shall line up with (match) the adjacent sidewalks. (Ord. 964, 7-13-1988)
 2. Materials And Work: All materials and work shall comply with the Wyoming public works standard specifications (WPWSS), latest edition. Concrete shall be class A as shown in WPWSS section 501 concrete class table except the consistency (slump) shall be three inches (3"). Cement shall be Portland cement type 1 or 11. Coarse aggregate shall be type no. 67. See construction details in figure 1, attached to ordinance 964 on file in the office of the clerk-

treasurer and by this reference made a part hereof. (Ord. 964, 7-13-1988; amd. 2005 Code)

3. Removal Of Surplus Materials And Debris: Upon completion of the work, all surplus construction materials and debris resulting from the work shall be removed, leaving the entire site free, clean, and in a neat condition.

4. Time Restriction: All repair and maintenance work shall be required to be completed within seventy two (72) hours after commencing the work.

F. Notice To Town: Prior to performing any work required by this section, the person performing the repair or maintenance work shall notify the town of his intent a sufficient time in advance to allow for inspection of the construction methods.

G. Final Acceptance: Pursuant to an inspection, the town shall determine whether the sidewalk repair or maintenance work is acceptable or not. When the town finds the work acceptable, an authorized representative of the town shall advise the owner. If the town finds the work unacceptable, the town shall have the option of requiring the owner or the person performing the work to redo the work, or of doing the work itself and charging the cost of the work to the owner.

H. Barriers And Warning Devices: When any person is performing work pursuant to this section, sufficient barricades and pedestrian control devices shall be used to warn and protect users of the sidewalk from the construction work. Warning lights or other devices shall be used at night or during periods of limited visibility to warn and protect users of the sidewalk from the construction work.

I. Nonliability Of Town: This section shall not be construed as imposing upon the town or any official or employee any liability or responsibility for damages to any person or property injured by the performance of any maintenance or repair work to the sidewalks; nor shall the town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, or performing or causing to be performed any work required hereunder; nor shall they be liable should they elect not to cause any sidewalks to be repaired or maintained. (Ord. 964, 7-13-1988)

J. Penalty:

1. Misdemeanor: Any person who shall violate any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code for each violation.

Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 964, 7-13-1988; amd. 2005 Code)

2. Additional Remedies: The imposition of any fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violations through injunctions, mandamus or otherwise, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

3. Liability For Expense, Loss Or Damage: Any person violating any of the provisions of this section shall become liable to the town for any expense, loss, or damage occasioned by the town by reason of such violation and the town may institute appropriate civil action to recover any such expense or loss, together with reasonable attorney fees and costs incurred by the town in bringing such action. (Ord. 964, 7-13-1988)

7-1-3: FIRE HYDRANT OBSTRUCTION.

- A. No person, business, or entity shall obstruct, block, place, store or otherwise or in any manner obstruct access to any fire hydrant within the Town.
- B. A fire hydrant may be considered obstructed if any of the following conditions exist:
 - a. An object or collection of objects collectively larger than one cubic foot and/or weighing more than ten pounds is placed, constructed or left with 10 feet of the fire hydrant on any sidewalk, street or public property.
 - b. Any object larger than one cubic foot or collection of objects collectively larger than one cubic foot and/or weighing more than ten pounds is placed, constructed or left between a fire hydrant and the nearest accessible parking location which may be used by a fire suppression vehicle.
 - c. Any obstruction is placed, constructed or exists that the Fire Inspector, as designated by Ordinance 8-1-1 or his/her designee, determines presents an obstacle, however minor, to the use of a fire hydrant within the Town.
- C. A violation of this Ordinance shall be punishable as a Class A Misdemeanor pursuant to Ordinance 1-4-1 (A) (I). Every day of a continuing violation may constitute a separate offense.
- D. The Town, at the direction of the Fire Inspector or his/her designee may order the obstruction be immediately removed by the Town. Any costs associated with said removal may be accessed against the offender, whether or not charges are filed. The Town shall be immune from any damages, disposal or destruction of property due to the removal of an obstruction.

CHAPTER 2
MAJOR STREET PLAN

Section:

- 7-2-1: Plan Adopted
- 7-2-2: Official Map

7-2-1: PLAN ADOPTED:

The mayor and governing body do hereby adopt a major street plan for the town. (Ord. 912, 4-21-1980)

7-2-2: OFFICIAL MAP:

- A. Created: There is hereby and herewith created an official map of the whole of the existing public streets and avenues within the town of Superior. (Ord. 912, 4-12-1980)
- B. Adopted By Reference: The map attached to ordinance 912 is by this reference expressly made a part hereof and is an official map of the whole of the existing public streets in the town. (Ord. 912, 4-12-1980; amd. 2005 Code)
- C. Hearings: The mayor and governing body do hereby conclusively find that all public hearings relative to establishment and creation of said major street plan have been held as by law required.
- D. Filing With County: The town clerk-treasurer is hereby authorized and directed to file a certified copy of the ordinance codified in this chapter together with the original official map of the town major street plan in the office of the county clerk and ex officio registrar of deeds of Sweetwater County, Wyoming.
- E. Placing Of Street Lines On Official Map: The placing of any street or street lines upon this official map does not of itself constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.
- F. Finding: The governing body finds that this chapter shall be in the best interests and general welfare and shall advance the safety of the inhabitants and public of the town of Superior, Sweetwater County, Wyoming. (Ord. 912, 4-12-1980)

CHAPTER 3

7-3-1: PARK REGULATION:

The Town Council may regulate and govern the use of any and all parks within the Town by Resolution, including, but not limited to setting usage fees and restrictions, and closing all or portions of any park. If the Mayor determines an emergency exists which endangers the health, safety or property of the Town or the public, the Mayor may temporarily close or otherwise regulate a park until the emergency abates or the Council can act at the next meeting. Failure to comply with an authorized park restriction constitutes a misdemeanor punishable by a fine of up to seven hundred fifty dollars (\$750.00).

(Ord. 1067 8-24-2017)