

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. IN GENERAL.
2. EXCAVATIONS.
3. CURB CUTS.
4. PARADE ORDINANCE OF THE CITY OF SPARTA.
5. SKATEBOARDING AND ROLLER SKATING.

CHAPTER 1

IN GENERAL

SECTION

- 16-101. Damaging, defacing.
- 16-102. Obstructions prohibited.
- 16-103. Exceptions.
- 16-104. Littering.
- 16-105. Peddling from vehicles.
- 16-106. Vehicles spilling loads.
- 16-107. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-108. Porches, awnings over streets, sidewalks.
- 16-109. Obstruction of drainage ditches.
- 16-110. Abutting occupants to keep sidewalks clean, etc.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Obstructing visibility at intersections prohibited.
- 16-115. Exceptions.
- 16-116. Preexisting violations not excepted.
- 16-117. Notice, removal by property owner.
- 16-118. Removal by city.

¹Municipal code references

Banners across streets, etc.: §§ 11-1102--11-1119.

Interference with traffic: § 11-504.

Related motor vehicle and traffic regulations: title 15.

16-101. Damaging, defacing. It shall be unlawful for any person in any manner, whether by operating a vehicle or otherwise, to damage or deface any street, sidewalk, public square or public place. (1978 Code, § 12-101)

16-102. Obstructions prohibited. It shall be unlawful for any person to obstruct or cause the obstruction of any street, sidewalk or public way. (1978 Code, § 12-102)

16-103. Exceptions. Temporary obstructions of streets, sidewalks and public ways may be permitted by the administrative assistant upon application made to him if he finds that the obstruction will not result in undue hazard or inconvenience to the public. The administrative assistant may attach to such permission such conditions and requirements as he deems necessary for the protection of the public, including but not limited to the following:

- (1) Duration of the obstruction;
- (2) Location and extent of the obstruction;
- (3) Required safety precautions, such as barricades, lights, warning devices, etc. (1978 Code, § 12-103)

16-104. Littering. It shall be unlawful to throw or deposit any paper, paper boxes or other rubbish upon the streets or sidewalks of the city.¹ (1978 Code, § 12-104)

16-105. Peddling from vehicles. (1) It shall be unlawful to park a vehicle for the purpose of peddling or selling fruits, vegetables, goods, wares, products and/or merchandise for sale upon the streets, alleys, or sidewalks within one block of the public square or within one block of Broadway Street in the city, whether any such fruits, vegetables, goods, wares, products and/or merchandise are being peddled or sold by the owner thereof direct from his own farm, orchard or garden or otherwise; but this section shall not apply to any White County goods, products or merchandise.

(2) There is hereby established a second zone, consisting of the area beginning at the termination of the first block from the public square and beginning at the termination of the first block on each side of Broadway Street and ending at the termination of the second block therefrom, in which vehicles may be parked and in which such livestock, fruits, vegetables, goods, wares, products and/or merchandise may be exposed for sale. (1978 Code, § 12-105)

16-106. Vehicles spilling loads. It shall be unlawful to operate in the city any vehicle which, by reason of its construction, lack of repair, or otherwise,

¹Municipal code reference
Litter regulations: title 11.

spills, sifts, drops or deposits on the streets of the city any part of the load carried thereon. (1978 Code, § 12-106)

16-107. Gates or doors opening over streets, alleys, or sidewalks prohibited.¹ 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 statute. (1978 Code, § 12-107)

16-108. Porches, awnings over streets, sidewalks. It shall be unlawful to erect or maintain any wood or metal porch or awning over the streets or sidewalks of the city unless the same shall be so erected or constructed that it is drained by box gutters preventing water from falling directly on the sidewalk or street; and so anchored from above that it will support its own weight; and shall be constructed in a workman like manner so as to have an attractive appearance. All persons are hereby prohibited from erecting posts, columns or any other structures on the streets or sidewalks for the purpose of supporting any such porch or awning now in existence or which may hereafter be constructed. Before an awning or porch permitted under this section is erected, plans and specifications of the same shall be filed with the codes enforcement officer for his approval and the right is reserved in said codes enforcement officer to reject said plans if they do not conform to the requirements herein set out, or if in his opinion the erection of the same as proposed will be detrimental to the public interest. Provided however, that this section shall not apply to the erection or maintenance of depots or stations for use by public service companies in loading and unloading passengers; except that, before the erection of any such porch or awnings plans and specifications of the same shall in like manner be filed with the codes enforcement officer for his acceptance or rejection. (1978 Code, § 12-108)

16-109. 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. (1978 Code, § 12-109)

16-110. 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 or ice from the abutting sidewalk. (1978 Code, § 12-110)

¹Municipal code reference

Banners, festoons, etc., across streets: title 11.

Signs, etc., on streets and sidewalks: title 11.

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1978 Code, § 12-112, modified)

16-112. 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. (1978 Code, § 12-113)

16-113. 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. (1978 Code, § 12-114)

16-114. Obstructing visibility at intersections prohibited. In all areas on public or private property at any corner formed by intersecting streets, it shall be unlawful to install, set out or maintain or to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view, within that triangle formed by the curb lines (or the shoulder of the road where no gutter exists), of the intersecting streets drawn from the apex of the intersecting curb lines back a distance of sixty (60) feet with a line drawn between said points to form a base, such area to be herein referred to as a clear site zone. (1978 Code, § 12-115)

16-115. Exceptions. The provisions of § 16-113 shall not apply to permanent buildings; public utilities poles; hedges trimmed to a height of less than three (3) feet; trees, the limbs of which are at all times kept trimmed of limbs and sucker growth on the trunk to a height of at least eight (8) feet or the limbs of which overhang the public street and are at all times kept trimmed of sucker growth to a height of at least thirteen (13) feet; plant species not planted in the form of hedge which are so planted and trimmed as to leave at all times a clear and unobstructed cross view; fences not exceeding four (4) feet in height provided that the ratio of the solid portion of the fence to the open shall not exceed twenty-five per cent (25%); supporting members appurtenant to permanent buildings existing on the date of adoption of this code of ordinances; official warning signs or signals; to places where the contour of the ground is such that there can be no cross visibility or signs mounted ten (10) feet or more above the ground whose supports do not constitute an obstruction; and noncommercial signs constructed parallel with the base line which in the opinion of the administrative assistant do not obstruct the clear site zone. All

heights herein mentioned shall be measured from the gutter grade at the apex of the clear zone triangle. (1978 Code, § 12-116)

16-116. Pre-existing violations not excepted. No obstruction to cross visibility shall be determined to be an exception from the application of this chapter because of its being in existence on the date of adoption of this code of ordinances, unless expressly exempted by the terms of this chapter. (1978 Code, § 12-117)

16-117. Notice, removal by property owner. When in the opinion of the administrative assistant an obstruction to visibility exists as prohibited herein, it shall be his duty to give notice in writing to the property owner or owners complained against, providing that said notice shall specify in what manner a traffic hazard has been alleged to exist. Said notice shall direct the removal by the property owner or owners of such structures, trees or other obstructions which constitute said traffic hazard. Said property owner or owners shall be allowed ten (10) days in which to comply with said order, except obstructions of a temporary nature which shall be removed on notice. (1978 Code, § 12-118)

16-118. Removal by city. If within ten (10) days after the service of such notice, either by mailing or by personal delivery, the owner or owners of the lot or parcel of land have failed, refused, or neglected to remove such obstructions, then the city shall cause to be removed such obstructions on the lot or pieces of land of said owner, and the cost of such removal shall be assessed and charged against the lot or parcel of ground on which the obstruction was located. (1978 Code, § 12-119)

CHAPTER 2**EXCAVATIONS****SECTION**

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violation and penalty.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city so designated to accept and process permit applications is open for business, and the permit shall be retroactive to the date when the work was begun. (1978 Code, § 12-201, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-202. Applications. Applications for such permits shall be made to the city administrator or such person as he may designate to receive such applications and shall state the following:

- (1) Location of the intended excavation;
- (2) The size of the intended excavation;
- (3) The purpose of the intended excavation;
- (4) The person, firm, corporation, association, or others doing the actual excavation;
- (5) The name of the person, firm, corporation, association, or others for whom the work is being done;

(6) If applicable, a copy of all required regulatory permits, an approved storm water pollution prevention plan, an erosion control plan, and safety compliance information;

(7) A signed agreement that the applicant will comply with all ordinances and laws relating to the work to be done;

(8) Specific time frames for the completion of the excavation and for the completion of the restoration.

Applications will be rejected or approved if possible within twenty-four (24) hours of its filing and in no case longer than five (5) days from the date of filing. (1978 Code, § 12-202, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-203. Fee. The fee for such permits shall be one hundred dollars (\$100.00). (1978 Code, § 12-203, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-204. Deposit or bond. No permit shall be issued to any person for the excavation in or across any street, road, alley, public way, or city right-of-way until such applicant posts a surety in an amount as estimated by the city to be sufficient to ensure faithful performance of all work, payment of all fees, and restoration of all property to its original condition. An applicant may satisfy the surety requirement in any of the following ways:

- (1) By paying cash;
- (2) By posting a cashier's or certified check;
- (3) By posting a surety bond.

In the event the applicant completes all work in an acceptable fashion and returns the work site to its original condition, cash bonds will be refunded and/or the applicant will be released from all obligations under a letter of credit or bond. In the event the applicant fails to restore the work site to its original condition, the city may use the cash or check, or call on the terms of the letter of credit or bond, to complete all work specifications and return the site to its original condition. Upon completion of this work by the city, any remaining balance shall be returned to the applicant. (1978 Code, § 12-204, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades, lights, and/or flagman and directional signs shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary walkway shall be provided which shall be safe for travel and convenient for users and meet all ADA and codes requirements. No work shall be performed in or about a manhole

or other confined space without sufficient personnel to insure the safety of the general public, while maintaining adequate vehicular and pedestrian traffic flow, and providing safety warnings in accordance with federal, state, and local requirements. (1978 Code, § 12-205, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-206. Restoration of streets. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, public place, or city right-of-way in the city shall promptly upon the completion of the work for which the excavation or tunnel was made, restore said street, alley, public place, or city right-of-way to its original condition. In case of unreasonable delay in restoring the street, alley, public way, or city right-of-way, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1978 Code, § 12-206, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than two hundred thousand dollars (\$200,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident and one million dollars (\$1,000,000.00) aggregate and for property damages not less than five hundred thousand dollars (\$500,000.00) for any one (1) accident, and a one million dollars (\$1,000,000.00) aggregate. (1978 Code, § 12-207, as replaced by Ord. #05-798, Nov. 2005, and Ord. #06-818, Nov. 2006)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work

until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city administrator. (as added by Ord. #05-798, Nov. 2005, and replaced by Ord. #06-818, Nov. 2006)

16-209. Supervision. All excavations and other construction must be inspected by either the superintendent of the street department or other such person designated by the city administrator to perform the inspection. Notice must be given to the city administrator at least forty-eight (48) hours before any work commences except in case of emergency. No surety will be released until final restoration has been completed and inspected by the city administrator. (as added by Ord. #05-798, Nov. 2005, and replaced by Ord. #06-818, Nov. 2006)

16-210. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (as added by Ord. #05-798, Nov. 2005, and replaced by Ord. #06-818, Nov. 2006)

CHAPTER 3

CURB CUTS

SECTION

16-301. Definitions.

16-302. Permit required; application, fees.

16-303. Specifications.

16-304. Building permits requiring curb cuts to be approved by recorder.

16-305. Variances.

16-301. Definitions. For the purpose of this chapter, the following definitions shall apply to these words:

(1) "Center." The point of intersection of the property line nearest right-of-way paralleling the streets which intersect.

(2) "Curb raised safety zone." A length of curb equal to eight (8) feet for the protection of pedestrians.

(3) "Curb return." That portion of a curb next to a driveway approach which includes the radius or curvature, or the ramp-type lug on commercial or industrial type pavements and which connects the driveway approach to the street curb.

(4) "Driveway." A place on private property for the operation of automobiles and other vehicles.

(5) "Driveway approach." Any area, construction, or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to something definite on private property, such as a parking area, a driveway, or a door at least seven (7) feet wide intended and used for the entrance of vehicles into a building.

(6) "Outside sidewalk line." A line parallel to the property line lying along the edge of the sidewalk nearest the street roadway or curb or where no sidewalk exists, a line in the street right-of-way parallel to and five (5) feet from the line of the private property.

(7) "Parcel of land." A lot, or lots, or a tract officially registered under one ownership. (1978 Code, § 12-301)

16-302. Permit required; application, fees. (1) It is unlawful for any person to break, repair, alter, construct, or extend any curb along a street or alley or any driveway approach without first obtaining a permit therefor from the recorder.

(2) Any person desiring to make any cut or change in any curb or driveway approach shall first submit an application to the recorder, on forms provided by the city, stating the location of the cut or change desired to be made, the type of installation on private property to be served by the driveway approach together with such plans and specifications as may be necessary to

clearly indicate to the recorder the nature of the work to be performed. This application shall be accompanied by a permit fee based on the following table:

<u>Width of driveway approach</u>	<u>Permit fee</u>
12 feet or less	\$2.00
For each additional 10 feet or portion thereof	1.00

(3) The requirements of this section shall be subject to limitations established by the state highway department's control over the state routes. (1978 Code, § 12-302)

16-303. Specifications. Any alteration or change or new construction to any curb in the city or of any driveway approach shall conform to the following specifications:

(1) Width and location of driveway approach. No driveway approach shall exceed seventy (70) feet in width as measured along the outside sidewalk line. Where more than one driveway approach on a street front serves a single parcel of land, there shall be at least one curb-raised safety zone at least eight (8) feet in length between driveway approaches. The sides, edges or curbs of driveway approaches shall be at right angles to the street curb.

(2) Driveway approach at street intersections. No portion of a driveway approach shall be constructed beyond property lines extended at intersecting streets.

(3) Distance between curb return of a driveway approach and interior property line. No portion of a curb return shall be less than two (2) feet away from the property line not located at an intersection.

(4) Curb return radius for driveways. The radius of curvature of the curb return shall not exceed the distance between the curb and the outside sidewalk line.

(5) Street structures. No driveway approach shall interfere with city facilities such as street lighting poles, traffic signal standards, signs, catch basins, hydrants, crosswalks, bus-loading zones, utility poles, underground pipe or ducts or other necessary street structures and the recorder is authorized to order and effect the removal or construction of any driveway approach which now conflicts with street structures. The cost of removing or reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owners. (1978 Code, § 12-303)

16-304. Building permits requiring curb cuts to be approved by recorder. Any plan submitted to the codes enforcement officer for a building permit, which includes or involves curb or driveway approach problems, shall be referred to the recorder for approval and issuance of permit under this chapter before a building permit is issued. The recorder shall establish the size

of culvert to be inserted under any driveway prior to issuance of the permit. (1978 Code, § 12-304)

16-305. Variations. The recorder is hereby authorized to grant in writing variations from the strict application of the provisions of this chapter provided he first determines that the following conditions are present:

(1) The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property.

(2) That the exception or variance desired is not against the public safety and convenience.

(3) That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants. (1978 Code, § 12-305)

CHAPTER 4**PARADE ORDINANCE OF THE CITY OF SPARTA****SECTION**

- 16-401. Short title.
- 16-402. Definitions.
- 16-403. Purposes.
- 16-404. Permit.
- 16-405. Application.
- 16-406. Standards for issuance.
- 16-407. Contents of permit.
- 16-408. Duties of permittee.
- 16-409. Revocation of permit.
- 16-410. Notice to city officials.
- 16-411. Violation and penalty.

16-401. Short title. This chapter shall be known and may be cited as the "Parade Ordinance of the City of Sparta." (1978 Code, § 12-401)

16-402. Definitions. The following words, for the purpose of this chapter, shall have the following meanings:

(1) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon a street, park or other public place in Sparta.

(2) "City" is the City of Sparta.

(3) "Board of mayor and aldermen" is the Board of Mayor and Aldermen of Sparta.

(4) "City administrator" is the City Administrator of Sparta.

(5) "Chief of police" is the Chief of Police in Sparta.

(6) "Parade Permit" is a permit as required by this chapter.

(7) "Persons" is any person, firm, group, partnership, association, corporation, company, or organization of any kind. (1978 Code, § 12-402)

16-403. Purposes. (1) The City of Sparta recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The city passes this chapter to regulate the time, place, and manner of parades.

(3) The city passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4) The City of Sparta has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, and tranquility in the streets of the city.

(6) This chapter is passed to help minimize traffic and business interruptions during parades. (1978 Code, § 12-403)

16-404. Permit. (1) No person shall parade unless the issuance of a parade permit has first been approved by the board of mayor and aldermen per procedures specified herein and obtained from the city administrator. Any parade held without the proper permit shall be unlawful.

(2) This chapter shall not apply to funeral processions. (1978 Code, § 12-404)

16-405. Application. (1) Any person seeking issuance of a parade permit shall file an application with the city administrator on forms provided by the city administrator. The city administrator shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the city administrator not less than thirty (30) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. No permit shall be granted sooner than sixty (60) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of mayor and aldermen.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade is to be conducted.

(d) The route to be traveled, the starting point, and the termination point.

(e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of vehicles;

(f) The hours when the parade will begin and end.

(g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(h) The location by streets of any assembly area(s);

(i) The time at which units of the parade will begin to assemble at any assembly area(s);

(j) The interval of space to be maintained between units of the parade; and

(k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person;

(l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Sparta.

(4) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the city administrator and/or chief of police in making their decision.

(5) The board of mayor and aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order. (1978 Code, § 12-405)

16-406. Standards for issuance. (1) The mayor and board of aldermen shall approve the issuance of a parade permit upon consideration of the application and other information obtained when they find that:

(a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services including police, fire, or ambulance services;

(c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;

(d) The applicant has satisfied the bond requirement; and

(e) No other permit has been granted for the same day.

(2) A permit shall be granted to the first person properly applying under the requirements of this chapter.

(3) Most favorable consideration shall be given to applicants whose parades shall be conducted during daylight hours. Where special circumstances dictate that the parade must occur after daylight hours, the board of mayor and aldermen may make a special exception where circumstances in the judgement of the board warrant such exception.

(4) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty (\$250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.

(5) The city administrator shall notify the applicant within five (5) days after the action of the board of the mayor and aldermen whether the permit has been granted or denied. If the permit has been denied, the city administrator shall set forth the reasons why the board of mayor and aldermen denied the permit.

(6) In computing any period of time set out in this chapter, no Saturdays, Sundays, or holidays are to be computed in the time period. (1978 Code, § 12-406)

16-407. Contents of permit. Each parade permit shall state the following:

- (1) Assembly and disassembly time and place;
- (2) Starting time;
- (3) The route and the portions of the streets to be traversed that may be occupied by the parade;
- (4) Minimum speed;
- (5) Maximum speed;
- (6) Interval of space between parade units;
- (7) The maximum length of the parade in miles or fractions thereof;
- (8) Other information as the board of mayor and aldermen in cooperation with the city administrator and/or chief of police shall find necessary for the enforcement of this chapter. (1978 Code, § 12-407)

16-408. Duties of permittee. (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade. (1978 Code, § 12-408)

16-409. Revocation of permit. (1) The board of mayor and aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that

(a) Applicant materially misrepresented facts or information in the application; and/or

(b) Applicant failed to meet the standards for issuance set forth herein.

(2) The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants occurs. (1978 Code, § 12-409)

16-410. Notice to city officials. Immediately upon the issuance of a parade permit, the city administrator shall send a copy of the permit to the following:

- (1) Mayor.
- (2) City attorney.
- (3) Fire chief.
- (4) White County Sheriff.
- (5) Chief of police.
- (6) White County Ambulance service. (1978 Code, § 12-410)

16-411. Violation and penalty. (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets of Sparta for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (1978 Code, § 12-411)

CHAPTER 5

SKATEBOARDING AND ROLLER SKATING

SECTION

- 16-501. Skateboarding, roller skating, roller blades and similar activities prohibited in certain designated areas.
- 16-502. Definitions.
- 16-503. Designation of private property as no skateboarding or roller skating area.
- 16-504. Designation of public property as no skateboarding or roller skating area.
- 16-505. Posting of signs required, content.
- 16-506. Fees set by resolution.
- 16-507. Penalties.
- 16-508. Exemption from the provisions of this chapter.

16-501. Skateboarding, roller skating, roller blades and similar activities prohibited in certain designated areas. (4) It shall be unlawful and subject to punishment in accordance with the provisions of this chapter, for any person utilizing or riding upon any skateboard, roller skates, roller blades or an similar device to ride or move about in or on any public or private property when the same property has been designated by resolution of the board of mayor and aldermen and posted as a no skateboarding, roller skating, roller blading or similar activity area.

(5) No person shall use a skateboard, roller blades, or roller skates or similar device outside of a designated no skateboarding, roller skating, or similar activity area in a manner which creates a nuisance. For the purpose of this chapter "nuisance" is defined as any activity which:

- (a) Threatens injury to persons or property;
- (b) Creates an obstruction or presents a hazard to the free and unrestricted use of public or private property by pedestrians or motorists; or
- (c) Generates loud or unreasonable noise. (as added by Ord. #03-767, May 2003)

16-502. Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed:

(1) Private property shall mean any property held by private interests which is used primarily for business, commercial, office space, religious, multi-family or recreational purposes. This shall also include the parking facilities for these "private property" areas.

(2) Public property shall mean any property owned or maintained by the City of Sparta and any public utility within the geographical boundaries of the City of Sparta.

(3) Roller skates or roller blades shall mean any footwear, or device which may be attached to the foot or footwear, to which wheels are attached, including wheels that are "in line" and where such wheels may be used to aid the wearer in moving or propulsion.

(4) Skateboard shall mean a board of any material which has wheels attached to it and which, is propelled or moved by human, gravitational, or mechanical power, and to which there is not fixed any device or mechanism to turn or control the wheels. (as added by Ord. #03-767, May 2003)

16-503. Designation of private property as no skateboarding or roller skating area. (1) If the property is owner-occupied property, the owner shall submit a written application requesting a designation of a no skateboarding, roller skating or similar activity area.

(2) If the property is occupied by tenants of the owner, then the tenants may submit a written application with the exception that for multi-family property, 2/3 of the tenants must sign supporting a designation of no skateboarding or roller skating and the application shall also contain the written consent of the property owner or his or her designated representative. (as added by Ord. #03-767, May 2003)

16-504. Designation of public property as no skateboarding or roller skating area. It shall be unlawful for any person to use roller skates, coasters, skateboards, or any similar vehicle or toy article on wheels or a runner on any public street, roadway, alley, sidewalk, or other public building or public place. (as added by Ord. #03-767, May 2003, and replaced by Ord. #05-788, March 2005)

16-505. Posting of signs required, content. Prior to the enforcement of the prohibition on skateboarding or roller skating or similar activity, the area so designated shall be posted with signs which provide substantially as follows:

<p>Skateboarding, roller skating or similar activity</p> <p>is prohibited by Title 16, Chapter 5 of the</p> <p>Sparta Municipal Code.</p> <p>Any violation is punishable by a fine of up to</p> <p>\$50.</p>
--

Such prohibition shall apply to the property or area so designated once the property or area has been posted with signs in plan view at all vehicular entrances to the property or area or at prominent locations therein. Signs of appropriate size and wording will be provided to property owners upon approval of an application for a particular location to be designated as a no skateboarding, roller skating, or similar activity area. It shall be the responsibility of the property owner or tenant(s) to post signs in appropriate locations to be designated by the appropriate city officials and to maintain all signs thereafter. Signs that become dilapidated, removed or in a condition so as to be unrecognizable by law enforcement officials shall be replaced with signs provided by the City of Sparta at the expense of the property owner. (as added by Ord. #03-767, May 2003)

16-506. Fees set by resolution. Authority is granted to establish fees for the administrative costs incurred to receipt and process applications for no skateboarding or roller skating areas, for the cost of signs for posting upon property so designated, and for the cost of replacement signs as may be required. (as added by Ord. #03-767, May 2003)

16-507. Penalties. Any violation of this chapter is deemed an infraction, punishable by a fine of up to \$50.00. (as added by Ord. #03-767, May 2003)

16-508. Exemption from the provisions of this chapter. Any device designated, intended, and used solely for the transportation of infants, the handicapped, or incapacitated persons, devices designed, intended, and used for the transportation of merchandise to and from the place of purchase and other wheeled devices, when being used for either of these purposes shall be exempt from this chapter. Furthermore the board of mayor and aldermen may, by resolution, suspend the enforcement provisions of this chapter to accommodate special events when so requested by the event organizer. (as added by Ord. #03-767, May 2003)