

**Article 6-1****REGULATION OF USE****Sections:**

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**6-101 Buildings, Signs and Obstructions.**

It shall be unlawful for any person to erect, build, set up or maintain, in whole or in part, any fence, sign, shop, post or any building or obstruction whatever in or upon any street, avenue, alley or sidewalk or other public ground within this City; nor shall any

sign, awning or other obstruction be suspended from any building, or in any other manner, into or over any sidewalk or street or alley, so as to obstruct in any manner the free passage of people, or in any manner obstruct travel; nor shall any sign, awning or other obstruction be suspended in or over any portion of a street other than the sidewalk line. All awnings, including the aprons thereof, and all other suspensions from any building, and all suspensions whatever, over any sidewalk, shall not come nearer to the sidewalk than six and one-half feet. (Ord. No. 27, 8-12-04; 25-1, Rev. Ord. 1938; Rev. Ord. 1963).

**6-102 Goods in Street.**

It shall be unlawful for any person to place or permit to be placed upon or over any sidewalk in the said City, or suspend over or place or deposit in any street or sidewalk in said City any goods, wares or merchandise for sale, show or otherwise beyond the front line of the lot where such goods may be placed or suspended. (Ord. No. 27, Sec. 2, 8-12-04; 25-2, Rev. Ord. 1938; Rev. Ord. 1963).

**6-103 Removing Earth, Stone or Gravel From Streets.**

It shall be unlawful for any person to dig, remove, or carry away, or cause or procure the same to be done, any sod, stone, earth, sand or gravel from any street, alley or other public ground in this City; provided, however, that the right to do so may be granted by the Mayor and Council of this City in cases where no injury, public or private is done thereby, provided that this section is not intended to apply to public work done upon such places. (25-3, Rev. Ord. 1938; Rev. Ord. 1963).

**6-104 Excavation In Streets.**

(a) Permit and Bond Required.

It shall be unlawful for any person, persons, company, co-partnership, or corporation to dig or excavate any hole, drain, ditch, or any other excavation in or upon any street or alley in this City, without first having obtained from the Department of

Public Services, a written permit, and filed a good and sufficient bond with the City of Rock Springs, with security approved by the City Clerk, conditioned to hold the City harmless and free from all damages that might be caused thereby, and further conditioned that said person, persons, company, co-partnership or corporation shall repair said street or alley at his or their own expense, and under the supervision of the Director of Engineering and Operations, and shall replace and leave said street or alley in its former state, and shall replace its surface and leave the same in the same condition as before commencement of the digging or excavating. The Director of Engineering and Operations shall approve or disapprove all digging, excavating and repairing, and filling in of all such excavations, and may at his discretion repair such streets and charge the cost thereof to the holder of the permit. The amount of the bond in each case shall be fixed by said Assistant City Engineer, which amount shall be not less than twice the estimated total cost of repair. Any such permit shall be granted only for temporary and necessary purposes, and the permit shall state when it expires. In no case shall such a permit be granted within 90 days after completion of a street overlay project at the site of the proposed excavation, except in the case of an emergency, in which case a permit may be granted after filing with the City Clerk of an Affidavit setting forth the nature of the emergency. The cost of such permit shall be the sum of Five (\$5.00) Dollars, which shall be paid to the City Treasurer. (Ord. No. 148, Sec. 1, 11-5-17; 25-4(a), Rev. Ord. 1938; Amend. Ord. 707, 4-7-41; Rev. Ord. 1963; Ord. No. 76-22, 7-6-76).

(b) Warning Public of Excavation.

Any person making any such excavation, or digging any such drain, or ditch, or causing the same to be done, under written permit of the Director of Engineering and Operations, shall provide and maintain during the night, between dusk and daylight, and at all times when no person is left for guard, a temporary fence or suitable obstruction, around and in front of

the same, and place and keep at or near such place between dusk and daylight a suitable light, in order to serve as a warning and prevent persons, animals or vehicles from falling into the same, and such light, fence or obstruction shall not, during the same time the same is required to be placed, be removed therefrom by anyone. The person, company, or corporation obtaining such permit and causing such excavation to be made shall post a sign at the site of the excavation, listing the name of the permittee. (Ord. No. 20, Art. I, Sec. 24, 8-4-04; 25-4(b), Rev. Ord. 1938; Amend. Ord. 707, 4-7-41; Rev. Ord. 1963; Ord. 76-22, 7-6-76).

(c) Filling Excavation.

Promptly after such excavation, hole, ditch, or drain has served its intended purpose, such person or persons making or causing to be made such excavation, hole, ditch, or drain, shall fill the same in a proper and workmanlike manner and such filling shall be accomplished by the time of the expiration of the permit granted, as herein contemplated, according to the City of Rock Springs Standard Specifications for back filling excavations, and a surface of equal quality to the surfacing of the street shall be applied within seventy-two (72) hours of the completion of the excavation project. Such surfacing shall be extended beyond the actual excavation to a sufficient extent so that the street surface is restored to a continuous unbroken overlay. In event of any future settling of such area because of such excavation, hole, ditch, or drain, it shall be the duty and responsibility of the permittee to repair such site forthwith, on notice by the Director of Engineering and Operations. Each day of delay in completion of such street surface overlay shall be considered a separate violation of this ordinance and subject to the penalties provided for violation hereof. (Ord. No. 148, Sec. I, 11-5-17; 25-4(c), Rev. Ord. 1938; Amend. Ord. 707, 4-7-41; Rev. Ord. 1963; Ord. 76-22, 7-6-76).

**6-105 Interfering With the Construction or Repair of**

### **Streets or Sidewalks.**

It shall be unlawful for any person to hinder or obstruct the making or repairing of any pavement, sidewalk or crosswalk in this City, which is or may be in the course of construction pursuant to any ordinance, resolution or order of the City Council, or to hinder or obstruct any person employed in making or repairing any public improvement or work ordered by the City Council. (Ord. No. 25-5, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-106 Moving Buildings.**

It shall be unlawful for any person to move any building or frame of any building into or upon or along any of the public streets, alleys or other public grounds or places, or to cause the same to be upon any of said places, or otherwise to obstruct the free passage of the streets and public thoroughfares, without the written permission of the City Marshal. Such permit shall state the streets, or parts of streets, or alleys, or parts thereof, in, through or upon which such building or part thereof may be moved, confining the obstruction to be caused to such streets or parts thereof, as to cause the least inconvenience to travel and to public convenience. It shall be unlawful for any person to leave any such building or frame of a building upon any of the public streets or alleys during night, unless from dusk to daylight, there is placed on or about such buildings or frame of building, on all sides, a red light properly secured, to serve as a sign of danger. It shall be unlawful for any person, during such time, to remove any of such lights, so placed. (Ord. No. 25-6, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-107 Pools of Water on Streets or Sidewalks.**

It shall be unlawful for any person to cause a pool of water, or to cause any standing water to be in or upon any street, sidewalk, alley or other public ground, or to throw, or to let flow, or to deposit any water in or upon the same, so as to cause the same to be wet, muddy, slippery, or otherwise dangerous or obnoxious. It shall be unlawful for any person to permit water to flow, run,

or trickle from any premises, buildings, or grounds owned or occupied by him or her, so as to cause any sidewalk, alley, street, or other public ground, or any part thereof, to become wet, muddy, slippery, or otherwise inconvenient, dangerous or obnoxious; provided, however, that this section shall not be construed to interfere with the proper extinguishment of fires, or the use of water in any manner in other cases of like necessity, nor with the proper irrigation of tree or park lines in this City. (Ord. No. 25-7, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-108 Throwing Material From Roofs.**

It shall be unlawful for any person or persons to throw gravel, tar, paper, shingles, or other roofing material from the roof of any building when the roof is being constructed or repaired, or at any other time, into any street, sidewalk, alley, or other public ground in this City. (Ord. No. 25-8, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-109 No Nails, Glass, Etc., to Be Placed on Streets.**

It shall be unlawful for any person to place, throw or deposit, upon any street, alley or driveway, nails, tacks, glass, crockery, bottles, thorns or other articles likely to injure the tires of any vehicle. (Ord. No. 25-9, Rev. Ord. 1938; Rev. Ord. 1963).

### **6-110 Erection of Telephone, Telegraph or Electric Light Poles on Streets.**

It shall be unlawful for any person or corporation to construct, erect or place any telephone, telegraph or electric light pole, guy wire, "dead man" or any other post or device to be used for the purpose of supporting such pole, in any street of this City, without first having obtained a written permit therefor from the City Council of this City. The application for such permit shall be in writing and may be made at any regular meeting of the City Council, and such application shall set forth with certainty the exact location where it is proposed to construct, erect or place such pole, guy wire,

post or device. Any permit which may be issued by the City Council, upon such application, shall also set forth with certainty the exact location at which such construction or erection is allowed. (Ord. No. 83, Sec. 3, 8-17-08; 25-10, Rev. Ord. 1938; Rev. Ord. 1963).

**6-111 Building Material In Streets Prohibited.**

It shall be unlawful for any person to throw, place or deposit upon any street, alley or sidewalk any earth, sand, dirt, plaster, lime, lumber, wood or other building material, without the permission of the City Marshal. (Ord. No. 25-11, Rev. Ord. 1938; Rev. Ord. 1963).

**6-112 Coal-Holes, Cellar Doors and Vaults.**

It shall be unlawful for any person to keep open or permit to be left open or unguarded any cellar door, grating or other covering of any coal-hole, cellar or vault in any street or alley or sidewalk, or to permit any such covering or door of any premises owned, used or occupied by him to be left open or out of repair, or in any manner to be insecure. (Ord. No. 25-12, Rev. Ord. 1938; Rev. Ord. 1963).

**6-113 Dangerous Sidewalks.**

It shall be unlawful for any owner or occupant of any premises knowingly to allow any sidewalk abutting on or in front of any building or premises owned or occupied by him, to be or to remain out of repair, so as to be in any way unsafe or dangerous for travelers thereon. It shall be unlawful for any person to violate any of the foregoing provisions of this section, and, after having received notice from the Street Commissioner that such sidewalk is out of repair and in unsafe or dangerous condition, to fail, neglect or refuse to comply with the requirements of such notice, or to fail, refuse or neglect to put the same in a safe condition. (Ord. No. 25-13, Rev. Ord. 1938; Rev. Ord. 1963).

**6-114 Cleaning Sidewalks.**

(a) It shall be the duty of the occupant (or the owner, if the premises are not occupied) of any premises within the limits of this City, to keep the sidewalks in front thereof free from accumulation of snow and ice, mud, waste and offensive material, and to remove the same with reasonable dispatch.

(b) It shall be unlawful for any person to allow or permit snow, ice, mud, waste or offensive material to remain or be upon the sidewalk in front of his residence or place of business in this City, for a period of more than two hours after being notified by the Marshal or Deputy Marshal to remove the same from said sidewalk. (Ord. No. 121, 1-2-12; 25-14(a & b), Rev. Ord. 1938; Rev. Ord. 1963).

(c) It shall be unlawful for any person to deposit any snow, ice, mud, waste, or offensive material into a public right-of-way except under the following conditions:

(i) Snow and ice removed from sidewalks, driveways, and other portions of a private property shall, to the extent possible, remain on that same private property.

(ii) Snow and ice may be moved into the street right-of-way adjoining that same private property only if storm drains, intersections, driveways, and travel ways are not impeded.

Drainage and access issues caused by depositing of snow and ice from private properties into the public right-of-way will not become the responsibility of the city to mitigate. (Ord. No. 2011-13, 12/20/11)

**6-115 Spitting on Sidewalk.**

It shall be unlawful for any person to spit upon any sidewalk or street crossing within the City of Rock Springs, or in or upon the floors or walls of any public building therein. (Ord. No. 108, Sec. 1, 6-6-10; 25-15, Rev. Ord. 1938; Rev. Ord. 1963).

**6-116 Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon

conviction thereof, shall be fined in any sum not more than One Hundred (\$100.00) Dollars, to which may be added the costs at the discretion of the Court. (Ord. No. 20, Art. I, Sec. 25 and 26, 8-4-04; Amend. Ord. 148, Sec. 2, 11-5-17; 25-16, Rev. Ord. 1938; Rev. Ord. 1963).

**6-117 Signs, Awnings, Canopies, Marquees Along Highways.**

(a) No person, firm, company, corporation or association shall permit, erect or cause to be erected any awnings, canopies, marquee, advertising signs or similar installation that extends into, over or across any primary, secondary, urban or other classes of Federal-aid highways within the City of Rock Springs. All awnings, canopies, marquee, advertising signs shall not be less than two (2) feet behind the curb line with a minimum clearance of ten (10) feet from the sidewalk to the bottom of the sign. All supports, braces, guy-wires or similar supporting devices shall not be in or on any established highway right-of-way.

(b) All awnings, canopies, marquee, advertising signs or similar installations which are in place prior to the date of this ordinance, which are supported entirely from outside the highway right of way, may be permitted to remain under a revocable permit from the City of Rock Springs in accordance with the limitations and restrictions contained therein, but subject, however, to compliance with this ordinance in the event extensive repair or maintenance of such awnings, canopies, marquee and advertising signs is instituted by the owner.

(c) Application for such permits must be made within ninety (90) days after the passage of this ordinance.

(d) Any person convicted of a violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than Two Hundred (\$200.00) Dollars. If any violation be continuing, each day's violation shall be deemed a separate violation. (Ord. No. 75-11, 4-15-75).

**6-118 Track Construction Pavement**

**Interference With Other Use of Streets.**

(a) Interference with other use of streets. Any railroad company which operates upon or occupies any public street, or alley, thoroughfare or other public property of this City will so operate engines and cars thereon, as not to deprive the public of the use and enjoyment of such part of said street, or alley, thoroughfare or other public property of this City, and so as to interfere as little as possible with the flow and free travel thereon, and so as not to interfere with or damage any manhole or sewer, or drainage or sewage of said street, or alley, thoroughfare or other public property of this city.

(b) Track Construction and Pavement. All tracks which enter upon or occupy any street, or alley, thoroughfare or other public property of this City shall be constructed in accordance with the grade of said street, or alley, thoroughfare or other public property of this City as may be determined by the Director of Engineering and Operations. Railroad companies shall be required to make, reconstruct, maintain and repair all paving between the rails of their tracks and six (6) feet from the center line thereof in both directions, except when more than one set of tracks exists, the center lines of which are sixteen (16) or fewer feet apart at their closest point on the public right-of-way then the railroad companies shall in addition be required to make, reconstruct, maintain and repair all paving between such multiple tracks. All track grades and pavement surfacing materials shall be approved by the Director of Engineering and Operations prior to undertaking the construction or repair work. All pavements required to be made, reconstructed, maintained or repaired by this section shall be so made, reconstructed, maintained or repaired in the manner, and with the materials, equal to or better than that utilized in the existing abutting pavement, and shall have the same cross-section as the existing abutting pavement.

(c) Reconstruction of Tracks and Pavement or Re-pavement Between or

Outside the Rails. Whenever the Director of Engineering and Operations determines that any railroad tracks which enter upon or occupy any street, alley, thoroughfare or other public property of this City need rebuilding, that the areas specified in subsection (b) hereof need to be paved, reconstructed, maintained or repaired to provide a safe and smooth operation for vehicle traffic or pedestrian traffic on a street, alley, thoroughfare or other public property of this City on which the rails lie, he shall notify the railroad company or the owner responsible for the rails of the needed repairs, pavement reconstruction or maintenance. If the repairs have not been completed within thirty (30) calendar days from such notice, and the Director of Engineering and Operations has not granted a further extension or relief, if the same is requested by the railroad company, then the Director of Engineering and Operations is authorized to make the necessary repairs either by City forces, or by contract. The cost of making these repairs, including the actual cost of City engineering and administrative expenses, shall then be assessed against the railroad in the manner as such assessments are equalized, levied and collected as otherwise provided by law for the equalization, levying and collection of special assessments. (Ord. No. 78-33, 10-17-78).

**6-119 Creosote Treated Ties and Timbers Prohibited.**

The use of creosote-treated ties or timbers will be limited to landscaping purposes only. Specifically prohibited will be the use of creosote-treated ties for constructing decking, patios, driveways, walkways, walls, fences or property barriers, or such uses which could reasonably be construed as such.

The City of Rock Springs will reserve the right to limit landscaping use of creosote-treated ties if odors or creosote running off the ties results in complaints from neighbors. (Ord. No. 93-17, 9-7-93).

**6-120 Construction Debris**

It shall be unlawful for any person or entity to cause or permit any sod, stone, earth, mud, sand, gravel, or any other debris to be deposited on any street, sidewalk, gutter, alley, or public right-of-way.

If material from a construction site is deposited or permitted or deposited on any street, sidewalk, gutter, alley, or public right-of-way, the responsible person or entity shall remove such material completely, as approved by the City, within twelve (12) hours of the occurrence or receipt of notice by the City. If the debris is not removed within this twelve (12) hour period, a Stop Work Order may be issued by the Department of Engineering & Operations until such time as the debris is removed and approved by the City. If no action occurs within twelve (12) hours of the issuance of a Stop Work Order, City equipment and operators may be used to clean the debris and the responsible party will be charged for the services at the current equipment and operator rates. (Ord. No. 2011-13, 12/20/11)