

## Chapter 14

### STREETS AND SIDEWALKS\*

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\* **Cross References:** Dumping refuse, etc., § 8-21; standing or congregating on sidewalks, §§ 12-8, 12-9; traffic regulations, Ch. 15.

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### ARTICLE I.

#### IN GENERAL

##### Sec. 14-1. Building materials, etc., on streets.

In erecting or tearing down any building or structure, or doing any other work, no person shall place,

deposit or suffer to remain on any street, highway or sidewalk, except when necessary in the prosecution of the work, nor for a longer period than necessary, any lumber or other building material, or any dirt, rubbish or remains of any old building; and in case it is necessary that any lumber, building materials, dirt, rubbish or building remains shall remain on such street, highway or sidewalk after dark, sufficient guards and lights shall be placed and maintained over or near the same from sunset to sunrise, to give notice to all persons passing along such street, highway or sidewalk.

(Code 1948, Ch. VII, § 3)

**Cross References:** Placing merchandise on streets, § 11-1.

#### **Sec. 14-2. Removing gravel, etc.**

It shall be unlawful for any person to dig up, carry away or remove from place to place any stones, gravel, dirt, mould or turf from any part of the highways or streets without the consent of the town council or administrator.

(Code 1948, Ch. VII, § 6)

#### **Sec. 14-3. Placing cinders, etc.**

It shall be unlawful for any person to put or empty into any street or highway in the town any stones, ashes, soot, cinders or shavings without the consent of the town administrator.

(Code 1948, Ch. VII, § 2)

#### **Sec. 14-4. Removal, etc., of trees.**

It shall be unlawful for any person, except the authorized town personnel, to cut down, dig up or remove any shade or ornamental tree on any street, highway or sidewalk in the town without the consent of the town council.

(Code 1948, Ch. VII, § 7)

#### **Sec. 14-5. Revision of Rights-of-Way**

A. The Town Council is authorized and empowered to make, from time to time, additions to or modifications of street rights of way for the purpose of widenings, narrowings, vacations or abandonments. The Town Clerk shall have the right-of-way section posted, notify direct abutters to the right-of-way and advertise the proposed abandonment for three weeks before the hearing in a newspaper of general circulation. No changes shall become effective until after a public hearing in relation to the changes, at which parties in interest and citizens shall have an opportunity to be heard.

B. Before making additions or changes, the Town Council shall refer the matter to the Planning Board for a report, but if the Planning Board shall not make its report within forty-five (45) days of the reference, the necessity for the report may be deemed to be waived.

C. Abandoned rights of way shall be considered land owned by the Town and subject to disposition as provided in these ordinances.

#### **Secs. 14.6--14.19. Reserved.**

## ARTICLE II.

### POLES AND WIRES

#### **Sec. 14-20. Scope.**

The regulations in this article are enacted for the establishment of poles and the running of wires in the town to be used for the purpose of conducting currents of electricity.  
(Code 1948, Ch. XII, § 1)

#### **Sec. 14-21. Permission required; agreement to comply.**

No pole shall be placed or maintained in any street, square, lane, alley or highway in the town, and no wire placed or maintained in, over or under any street, square, lane, alley or highway in the town, without permission of the town council, nor until the person placing or maintaining the same shall have filed with the town clerk a written agreement accepting and promising to abide by and perform all the conditions and provisions of this article and of all ordinances of or in addition hereto that may be enacted.  
(Code 1948, Ch. XII, § 2)

#### **Sec. 14-22. Revocation of permission.**

Permission given by the town council to erect or maintain any poles and wires may be revoked in whole or in part at any time, and any of such poles or wires may be removed by the town, its officers, agents or servants, from time to time or at any time, without notice.  
(Code 1948, Ch. XII, § 8)

#### **Sec. 14-23. Maximum height of poles, minimum height of wires.**

Any poles erected pursuant to this article shall not exceed 30 feet in height from the ground, and the lowest line of wire thereon shall be suspended not less than 20 feet from the ground.  
(Code 1948, Ch. XII, § 4)

#### **Sec. 14-24. Wires on buildings.**

No wire shall be suspended from or attached to any building, except for the purpose of conducting electricity thereto, unless by special permission of the town council, or of some person delegated by it for that purpose, and in accordance with directions, and in no case shall such wire be placed on any building in proximity to any other wire.  
(Code 1948, Ch. XII, § 5)

#### **Sec. 14-25. Maintenance of poles, use of poles by others, conditions.**

All wires, when placed above the surface of the ground pursuant to this article, shall be suspended from poles, which shall be provided and maintained by the person using such wires, and such person shall permit any other person to suspend from such poles wires for conducting electrical currents for lighting, heating, motive power or other purposes, and also to place lamps on any poles or lampposts not in use for that purpose, whenever

the town council shall so direct, and upon such reasonable conditions, terms and remuneration as the town council may approve or prescribe; such poles shall be so placed that the wires shall cross streets only at right angles.  
(Code 1948, Ch. XII, § 3)

**Sec. 14-26. Filing plat of wire system.**

Upon the completion of any circuit, and before the same shall be used, a plat, showing the location of all poles and wires in such circuit, shall be filed in the office of the town clerk, and any change of poles or wires shall be reported at said office in writing within 24 hours after such change shall be made.  
(Code 1948, Ch. XII, § 6)

**Sec. 14-27. Supervision.**

The location, height, arrangement, construction and attachments of all poles and wires subject to this article shall be under the direction of the town council, or of some person by it, who may, at any time and from time to time, direct changes to be made therein as the public safety or convenience may require.  
(Code 1948, Ch. XII, § 7)

**Sec. 14-28. Liability.**

Every person erecting, maintaining or using any poles or wires subject to this article shall indemnify and save harmless the town, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles or wires, or the transmission of electric currents by means thereof, and the town, town council, or agents or servants of said town exercising the rights, powers and permissions, and subject to the restrictions respectively given and reserved herein, shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.  
(Code 1948, Ch. XII, § 9)

**Sec. 14-29. Branding poles.**

All poles used for carrying wires for conducting electricity for light, heat, motive power or other purposes shall be branded or otherwise marked in a legible and permanent manner to the satisfaction of the town council, or of some person delegated by it, with the name or title of the person owning the same, and at his expense; and in all cases where wires of more than one person are placed upon any one pole, that part of the pole or crossarm to which such wires are attached shall be marked in such manner as to designate the ownership of such wires, and in such way as shall be satisfactory to the town council or person delegated as aforesaid.  
(Code 1948, Ch. XII, § 11)

**Sec. 14-30. Protection of pipes.**

In all lighting, power and high tension circuits, lines or wires, every person owning or using such lines or wires shall take all proper means and precautions to prevent the currents of electricity from such lines or wires, through leakage or otherwise, from injuring or damaging the water mains or pipes, or other pipes laid in the town.  
(Code 1948, Ch. XII, § 12)

**Sec. 14-31. Maintenance of fixtures, etc.**

Every line, pole, fixture, structure, electrical appliance, etc., must be kept in thorough order and repair, and in conformity with the ordinances of the town.  
(Code 1948, Ch. XII, § 13)

### ARTICLE III.

#### EXCAVATION OF STREETS AND HIGHWAYS\*

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\* **Cross References:** Excavations, § 4-9(a); soil and earth removal operations, § 11-33 et seq.

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##### **Sec. 14-32. Applicability of article.**

The provisions of this article shall not apply to excavating or digging conducted by the department of public works, in the construction, improvement or maintenance of state/town roads, or to corporations operating railroads.  
(Ord. of 6-16-80)

##### **Sec. 14-33. Permit required.**

No person, firm or corporation (including public utility companies) shall excavate or dig into any portion of any of the public highways of the town without having first obtained the special permit mentioned in section 14-34 herein.  
(Ord. of 6-16-80)

##### **Sec. 14-34. Application; bond; issuance; designation of purpose, time and place; retention of duplicate; insurance.**

(a) The director of public works of the town may at any time issue a special permit authorizing any person to excavate or dig into the public highways of the town and before issuing such special permit, he shall first receive from such person a written application setting forth the name and address of such applicant and a designation of the particular portion of the public highways which the applicant desires to excavate or dig into, and a designation of the purpose for which such excavation or digging is to be carried on. In addition, the director of public works shall first receive a bond from such applicant running to the town, in such sum not less than \$1,000.00 as the director of public works may fix, with such surety or sureties as are satisfactory to the director of public works, the bond to contain a condition that the obligation of the same shall be in full force and effect for a period of one year after final completion of work, as certified by the director of public works, in order to ensure that such public highways are left in as good condition as before the commencement of the work. Such special permit, if issued by the director of public works, shall designate the purpose of the excavating or digging permitted, the particular portion of the public highways to be excavated or dug into, and the time limit within which such excavation or digging shall be completed. The director of public works shall retain on record a duplicate of such permit.

(b) The applicant, prior to applying for such permit, shall have placed on file with the director of public works and finance director, a certificate of property damage and bodily injury liability insurance

indemnifying and holding harmless the Town of North Smithfield for an amount not less than \$500,000.00 for each occurrence and \$1,000,000.00 in the aggregate for the contemplated excavation. Said policy of insurance must include completed operations hazard endorsement and underground hazard coverage [to] be issued by a carrier authorized to do business in the State of Rhode Island and the certificate of insurance must be attached to the application.  
(Ord. of 6-16-80)

**Sec. 14-35. Compliance with purpose; time and place designated; specifications.**

No person who has received the special permit provided for in section 14-34 shall be authorized to excavate or dig into the public highways of the town at any other time or place or for any other purpose than the time, place and purpose designated in such special permit. The director of public works shall set forth in writing the specifications of the town for any such excavation, including but not limited to dimensions of excavation, provision for proper traffic control, proper patching and/or repairing of excavated area, and any other pertinent requirements as determined by the director of public works, and as approved by the town administrator.  
(Ord. of 6-16-80)

**Sec. 14-36. Compliance, on written notice, with orders, etc., of director of public works; notification.**

No person who has received the special permit provided for in section 14-34 shall do any work, excavating or digging thereunder, except in conformity with such orders, rules or regulations, general or special, established by the director of public works of the town, as shall have been brought to the attention of such person by notice in writing from the director of public works. In addition, the applicant, prior to commencement of operations, shall comply with all the provisions of the General Laws of Rhode Island, 1956, as amended, especially Title 39, Chapter 2, Section 15, prior to the commencement of excavation, installation, backfilling, etc. by notification to any electric, gas or other distribution company having underground lines in the vicinity of the work area. Failure to comply shall constitute grounds for immediate revocation of the license.  
(Ord. of 6-16-80)

**Sec. 14-37. Revocation and effect thereof.**

The director of public works may at any time revoke any special permit provided for in this article, and thereupon such person holding such special permit shall cease to excavate or dig into the public highways of the town.  
(Ord. of 6-16-80)

**Sec. 14-38. Notification to fire chief and police chief of issuance.**

Upon issuance of the special permit as provided in this article, the director of public works shall forthwith notify the chief of police and the fire chief of the location, size and probable duration of the excavation or digging for which such special permit is granted together with the name and address of the permittee.  
(Ord. of 6-16-80)

**Sec. 14-39. Compensation for inspection services.**

Prior to issuance of each special permit as provided in this article, the director of public works shall

estimate the number of man-hours necessary for town inspection service and the permittee shall pay to the town an inspection fee established by the town council.

In no case shall the total fee for each permit be less than \$25.00 nor exceed \$500.00. Should the estimate of man-hours turn out to be deficient or excessive, the permittee will be required to pay the difference or be refunded accordingly at a similar rate.  
(Ord. of 6-16-80)