

Newton Town Code

Summary of code for Newton Town street right-of-way property

Title 4 Public Health & Safety

Nuisance 4-2-2

12. Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the town council. (1977 Code § 10-313; amd. 2004 Code)

Title 7 Public Ways & Property – (Did not place entire chapter on summary page)

Public Ways 7-1-3

7-1-3: OBSTRUCTIONS: It shall be unlawful for any person owning, occupying or having control of any premises to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premises:

- A. Refuse: Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.**

- B. Building Materials: Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the town council first had and obtained.**

- C. Permanent Or Temporary Structures: Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except trees planted pursuant to the provisions of applicable ordinances. (1977 Code § 11-362)**

Municipal Property 7-4-1

7-4-1: UNLAWFUL USE: Unless authorized by permit or other written authorization issued by the town or unless authority is granted by provisions of this code or other ordinance of the town now or hereafter enacted, it shall be a class B misdemeanor and subject to penalty as provided in section 1-4-1 of this code for any person to: (1977 Code § 8-111; amd. 2004 Code)

- A. **Property Controlled By Town:** Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by the town, any utility, canal, ditch, construction or building.
- B. **Restricted Areas:** Enter upon any property of the town contrary to any posting or marking restricting or prohibiting use of the area.
- C. **Damage To Property:** Intentionally use or perform acts upon property of the town which materially impairs, alters, or damages the property. (1977 Code § 8-111)

7-4-2: REPAIR AFTER UNLAWFUL USE: The town council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of the town to repair or restore the property to its original condition prior to the damage, alteration or change and shall be entitled to seek civil damages to compensate for such damage, alteration or change, including costs of recovering such damages. (1977 Code § 8-112)

Title 11 Land Use, Clear View of Intersecting Streets 11-08-090

11-8-9: CLEAR VIEW OF INTERSECTING STREETS:

- A. A clear view at the intersection of two (2) streets shall be maintained within a triangular area formed by a diagonal line connecting lines at the edge of the right-of-way forty feet (40') from the projected intersection of such lines. To maintain this clear view, the following standards shall apply:
 - 1. No solid type fence or other visual obstructions two feet (2') in height from the street elevation (measured from the edge of the right of way) shall be allowed;
 - 2. Open type fences or other obstructions, such as chain-link or barbwire, may be allowed to a height of six feet (6'), though they must be maintained to permit clear and unobstructed view; and
 - 3. Pruning is required for trees with an overhang less than seven feet (7') above the street elevation (measured for the edge of the right of way) in the clear view area.