

**Chapter 14 -- STREETS AND SIDEWALKS\*****Sec. 14-1. Survey, mapping prerequisite to improvements.**

Before laying, paving or macadamizing any street, the street commissioners shall cause the city engineer to make an accurate survey of said street, lane or alley, and plot the same on a map which shall show the location of all sewer pipes, gas pipes, city water pipes, private water pipes, electrical conduits, culverts, and any other thing which it may be necessary to dig up for repairs in the future, and which is to be buried in said street, lane or alley; said plan shall be kept on file in the city engineer's office. Said street commissioners shall cause to be carried to the curb all sewer connections, all service pipes, for water and gas mains, and all water shutoffs; and said street commissioners shall not pave or macadamize any street, lane or alley unless said street, lane or alley has first been properly laid out, surveyed, and placed on record, and permanent monuments set on all angle points and intersections, nor until the grade shall have been established and put on record, and all sewer, gas and water pipes, electrical and other necessary conduits have been laid. But in case either the council or the street commissioners shall so decide the street commissioners shall give at least ten (10) days' notice, to any person, company or corporation, now having or that may hereafter lay pipes in said streets to carry their service pipes for water, gas or sewage to the outside lines of the street, so as to accommodate the various properties along or upon said street in the manner that may be designated by said street commissioners in said notice, but in case any such person, company or corporation shall fail or neglect to comply with said notice such person, company or corporation shall be fined not to exceed one hundred dollars (\$100.00) for such neglect or refusal.

**Sec. 14-2. Establishing new grade of existing streets; notice and hearing requirements.**

In establishing the grade of any public street, lane or alley which has already been opened for public travel, if the street commissioners believe the grade of said street, lane or alley which has already been opened for public travel, if the street commissioners believe the grade of said street, lane or alley, or any portion thereof, should be changed from the grade as it exists at the time the proposed change is to be made, in such a manner as to make a cut or fill of more than three (3) feet, said street commissioners shall service notices, hold hearings, award damages and make assessments, in the manner as is required by law, in regard to the laying out and establishing of new streets.

**Sec. 14-3. Resurvey of streets, etc.; marker requirements.**

When any new street, lane or alley is laid out or accepted by the city or when any old street is resurveyed, the street commissioners shall forthwith cause the city engineer to place a granite monument, not less than three (3) feet and six (6) inches long, and six (6) inches square at the top to mark the points of intersection and change of direction of said street, lane or alley. The top of said post shall be cut to a smooth level surface on which all points of intersection or change of direction be marked by a small drill hole.

**Sec. 14-4. Disturbance of markers prohibited; penalty.**

No stone posts, so set by the city engineer shall be dug up, moved or in any way disturbed, except by the engineering department of the City of Barre and under the direction of the street commissioners, and any person who shall violate any of the provisions of this section be punished by a fine of not less than twenty dollars (\$20.00).

**Sec. 14-5. Unauthorized changes of grade prohibited.**

The grade line of any street, lane or alley, or sidewalk in the city which has been legally established and put on record, shall not be altered in any manner, until said grade shall have first been legally changed.

**Sec. 14-6. Location of pipes; record required.**

When any city or private water pipe, gas pipe or sewer pipe, is permitted to be laid in any street, lane or alley, of the city, the street commissioners shall cause the city engineer to give a proper location for the same and plot the same to be kept in the office of the city engineer, and said pipe shall be laid according to said plan, as directed by said engineer, the street commissioners, or the superintendent of streets.

**Sec. 14-7. Street naming and building numbering.**

In accordance with 24 V.S.A. section 2291 (16) and 24 V.S.A. section 4421 the City Council of the City of Barre hereby establishes the following ordinance regarding: Street Naming and Building Numbering. The purpose for this ordinance is to help establish a more uniform street naming and building numbering system throughout the City of Barre. The City believes that a more uniform system of addresses will have a number of beneficial results:

- (a) It will enable emergency services to locate addresses more efficiently.
- (b) Deliveries will be easier to find.
- (c) The U.S. Postal Service requires a street address.
- (d) Visitors to our city will be able to find an address and know where they are in case of an emergency.
- (e) When the State of Vermont begins its Program of Enhanced 911, the City of Barre will be ready with local uniform addressing. (Ord. 96-3, 10/15/96)
  - (1) Street Naming.
    - a) Every street and road in the City of Barre, both public and private, shall be assigned a name.
    - b) All street and road names must be separate and distinct names. No two streets or roads can have the same or similar sounding names.
    - c) All street and road names suffixes will use the U.S. Bureau of the Census and Postal Service Standards.
    - d) All private road signs will start with the letters PVT. before the road names.
    - e) All future development following the effective date of this provision must meet the guidelines of this ordinance.

## (2) Building Numbering.

- a) All buildings, except accessory buildings shall be numbered. The City Engineer, and/or his/her designee shall assign building numbers using the following as a guide:
  - 1) Building numbers shall start with the lowest number on the end of the street or road which connects a larger street or road. in the case of a hill the lowest building number shall start at the lowest elevation and increase in number as the elevation increases;
  - 2) Odd numbers shall be assigned to the right side of the street or road;
  - 3) Even numbers shall be assigned to the left side of the street or road;
  - 4) The frontage of each side of every street or road shall be marked off in fifty (50) foot segments or smaller segments when the density of development requires more numbers for numbering buildings;
  - 5) A number shall be reserved for every fifty (50) foot segment (or smaller segment). Buildings, except accessory buildings, shall be assigned the number of the segment within which the building lies; in the case where a new building is constructed within a developed neighborhood preexisting as of the date of enactment of this ordinance, the City Engineer shall be permitted to deviate from the fifty (50) foot segment to the minimum extent reasonably necessary to arrive at a number or numbers for the new building.
  - 6) All numbers shall be established based on the location of the front entrance to the street, or based upon the location of the center of the driveway to the street from the center of the driveway (or in some cases based upon location of the center of the structure to the street).
- b) The owner of every building shall place the building number in four (4") inch high numerals on the building, a post, or a sign so that the building number is clearly visible from the street or road. Numbers shall be in a color contrasting to the building background.

## (3) Unit Numbering/Definitions.

- a) The following guidelines are to be used for numbering specific types of buildings:
  - 1) APARTMENT HOUSE - A building under one ownership in which the rooms are arranged and rented as apartments. Apartment houses shall be numbered as follows: The apartment house shall be given one street number and each individual apartment shall be given an apartment number. For example, 101 Prospect Street, Apt. 1; 101 Prospect Street, Apt. 2.
  - 2) RESIDENTIAL OR COMMERCIAL CONDOMINIUM COMPLEX - A building with separately owned units in a multi-unit structure usually with land owned in common. These shall be numbered as follows: each condominium road shall be given a road name and each condominium unit within the complex shall be given its own street number. For example: 2 Green Willow Drive.
  - 3) COMMERCIAL COMPLEX - A building or buildings under one ownership used for commerce or industrial use, shall be numbered as follows: each building shall be given its own street number, and each unit shall be given its own unit or suite number. For example: 100 Main Street, Suite 1. Where there are multiple roads in a complex, each road shall be named and each building given its own number. In the case of commercial condominiums each separately owned unit in the

building should have a unit number and any subleased portion thereof should be given a letter. For example: 100 Main Street, Suite 1, Unit A.

- 4) COMBINED COMMERCIAL AND APARTMENT COMPLEX - A building or buildings used for commercial use in which there are also apartments, shall be numbered as follows: each building shall be given its own street number, each commercial unit shall be given a unit number and each apartment unit shall be given a respective apartment number. At no time shall a commercial unit or apartment within the same complex be given the same numbers. For example: 100 North Main Street, Unit 1; 100 North Main Street, Apt. 2.
- 5) SINGLE FAMILY DWELLING - A detached one family house, shall be given its own street number. For example; 48 Higley Hill Road.
- 6) SINGLE FAMILY UNIT WITH AN APARTMENT - A detached one family house with an apartment, shall be numbered as follows: each single family dwelling unit shall be given a street number and each apartment shall use that street number along with a respective apartment number. For example: 37 Cheney Brook Road; 37 Cheney Brook Road, Apt. 1.

- b) The owner of every building shall place the assigned unit number in two (2") inch high numerals near the units doors so the number is clearly visible. Numbers shall be in a color contrasting to the building background.

(4) Exceptions.

All existing street and road names and numbers shall be grandfathered, unless there is a conflict. For the purposes of this section "conflict" shall be defined as follows: a conflict is duplicate or similar sounding road names, such as Beacon Place and Beacon Street; confusing, misleading, duplicate or nonsequential building numbers. Resolutions of conflicts shall be handled in the manner described under Section 14-7(E3).

(5) Maintaining Street Names and Building Numbers.

- a) The City Engineer's Office shall keep a permanent record of all street and road names, public or private, and all building numbers assigned. These records will be used as the basis of all addressing for other departments within the City of Barre.
- b) A copy of these assigned names and numbers shall be kept on file and up to date in the City Clerk's office for the inspection of all persons interested.
- c) If there is a conflict in a street or road name and/or number, the City Engineer will present the City Council with the conflict and he/she will make a recommendation as to resolution of the conflict.

(6) Penalty for Section 14-7.

- a) A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq.. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance.

- b) The waiver fee shall be set at:

- First offense \$100.00
- Second offense, within a six-month period \$150.00
- Third offense, within a six month period \$200.00

Each day that the violation continues will constitute a separate violation of this ordinance.

c) Any law enforcement officer can enforce this section. (Ord. 96-3, 10/15/96)

**Sec. 14-8. Changing of street names and building numbers.**

The City Council may, after a warned public hearing, change the names of streets, roads, both public and private, and building numbers, within the City of Barre when necessary to promote the welfare and safety of the community. This provision shall be applicable to all existing streets and roads as well as new streets and roads developed after the effective date of this ordinance. (Ord. 96-3, 10/15/96)

**Sec. 14-9. Signs required on street corners.**

(a) Duty.

It shall be the duty of the City Engineer and/or his/her designee to cause proper signs to be placed at all street corners to properly designate the names of all streets, roads, lanes.

(b) Vandalism, Stealing, Destroying of Signs.

It shall be unlawful to vandalize, remove, destroy, or deface any street sign and/or pole placed by the City.

(c) Penalty for Section 14-9.

1) A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. section 1974a and section 1977 et seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance.

2) The waiver fee shall be set at:

- First offense \$100.00
- Second offense, within a six month period \$150.00
- Third offense, within a six month period \$200.00

3) Any law enforcement officer can enforce this section. (Ord. 96-3, 10/15/96)

**Sec. 14-10. Cost records required.**

The street commissioners shall cause to be kept a correct record of all bills and expenses of the street department, which record shall show the receipts and expenditures for streets, main sewers, sidewalks, land damage, bridges, surface sewers, tools and an accurate account of the cost of all permanent work, and all work, the cost of which is to be paid for in whole or in part by the abutting property owners, and said records shall at all times be opened for inspection by any member of the council.

**Sec. 14-11. Barriers for unsafe streets required.**

Whenever any bridge or highway shall become impassable or unsafe for travel or when it shall become necessary to exclude the public travel therefrom, the superintendent of streets shall forthwith put up a suitable barricade across such highway or bridge or cause such parts thereof as are unsafe for travel to be surrounded by a sufficient fence or barrier, which shall be kept standing so long as the same shall be necessary and he shall maintain one more lighted lanterns or lights each night from twilight in the evening until daylight in the morning, until such place shall have been repaired and such fence and barrier shall be removed.

**Sec. 14-12. Excavation.**

(a) No person shall break or dig up the ground or pavement in any street, lane, alley, sidewalk or common, or public lands in the city, or open any drain or sewer, or erect any staging for building thereon, or in dangerous proximity thereto, or place or deposit any stone, brick, earth, lumber, or other building material thereon, or place any gas pipes or other apparatus therein without first obtaining a written permit from the street commissioners and complying in all respects with the conditions of such permit, which permit shall state the kind of work to be performed, and the nature of the obstruction to the said street and ways, and for how long a time the same shall remain and the obstructions shall be permitted to continue.

(b) Whenever any street, lane, alley, sidewalk, or other public place in the city shall under any license or permit be dug up, obstructed, encumbered or rendered unsafe or inconvenient for travel, the person so licensed or permitted shall erect and maintain a suitable guard or fence around the place or places so obstructed so long as the same shall be necessary, he shall keep two (2) or more lighted lanterns or lights in close proximity to such fence or obstruction from twilight in the evening until daylight in the morning. No person shall without authority remove any such fence, guard or railing or disturb or extinguish such lighted lanterns or lights. Whenever any such work is ready for the refilling of the excavated place or upon the expiration of the time specified in said permit, whichever comes first, the permittee shall notify the superintendent of streets in writing and the refilling of all excavations within the street limits shall be done under his supervision. The resurfacing of such portion disturbed in the street limits shall be done by the street department and the cost thereof shall be charged to the person to whom the permit is granted. Thereafter an itemized statement of the cost shall be sent to the permittee, who within ten (10) days shall pay the amount thereof to the city. Upon failure of such person to pay the amount of such costs within the said ten (10) days, the city shall have the right to bring proper action to recover same.

**Sec. 14-13. Awning, shades, signs, etc.; regulations.**

No person shall establish or maintain any awning, shade, or display any sign or article of merchandise in, upon, or over any part of any street, alley or sidewalk without permission or approval of the council, which approved may be revoked at any time; and any person having such permission so established and maintaining the same, shall in all respects conform to any direction in relation to the location, establishing, material, construction and maintenance thereof,

which shall be given by the council, any sign, awning or shade heretofore erected or suspended shall be taken down or removed whenever so ordered by the council. All awnings erected over a sidewalk shall be supported by iron rods and every part of such awning and of the supports thereof shall be at least seven (7) feet above the sidewalk and shall be so attached to the building as to leave the walk unobstructed thereby. No article of merchandise shall be so located or deposited as to endanger or impede the free passage of persons over any and all portions of the sidewalk.

**Sec. 14-14. Gasoline, oil pumps, etc., prohibited.**

No person, firm or corporation shall hereafter erect or install, maintain or allow to be maintained a gasoline pump, oil pump, automobile or water supply apparatus on the curbing or upon the sidewalk of any street. Any person violating the provisions of this section shall be fined not less than five dollars (\$5.00) for the first offense and not exceeding fifty dollars (\$50.00) for each subsequent offense, and each day's violation shall be deemed a separate offense.

**Sec. 14-15. Construction affecting streets and highways prohibited.**

No person shall hereafter construct or regrade any portion of any street, lane or highway within the limits of the city as an approach or entrance to a driveway, or build a fence or building, or deposit materials of any kind within, or in any way affect the grade of a highway, street or lane, or obstruct a ditch, culvert, or drainage course, or place in any ditch or along any curbs pipe for the passage of water within the highway limits, or obstruct any facilities draining a highway, or fill or grade the land adjacent to any street, lane or highway so as to divert the flow of water onto, or prevent its flow by an established course or means from any street, lane or highway right-of-way, without a written permit from the council with the approval of the superintendent of streets. It is intended that this provision shall be so construed so as not to unreasonably affect the ingress or egress to property abutting any street, lane or highway within the city.

**Sec. 14-16. Regulating the placement of utility lines within public rights of way and public property.**

(a) Authority.

This ordinance is enacted by the City Council under the authority set forth in 24 .V.S.A., Section 2291 and Section 104 of the Barre City Charter. This ordinance shall constitute a civil ordinance within the meaning of V.S.A. Chapter 59. (Ord. 98-4, 7-8-98)

(b) Purpose.

The purposes of this ordinance are:

- to improve visual quality along major traveled ways and other areas in the City and diminish the visual blight and clutter created by above ground utility lines;
- to minimize the disruption of overhead utility services as a result of inclement weather and other factors;
- to bring about the removal of utility poles which present visual or physical inconvenience to the motoring or pedestrian public and pose possible safety hazards due to their location near sidewalks or intersections;

- to implement the objectives of Barre Comprehensive Plan (1991) with regard to the burial of utility lines where feasible to advance the community's goals for enhancement of visual and historic resources.

(c) Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows;

- (1) "CITY" shall mean the City of Barre.
- (2) "INSTALLED UNDERGROUND" shall mean the placement of utility lines, (including individual service lines, transmission lines and distribution lines) below the finished grade of the right of way and the removal (if appropriate) of all poles, guy wires and related structures used to support overhead utility services. "Utility Apparatus: as defined in this ordinance may be mounted on pads at ground level within the right of way, if such will not interfere with the convenience of the public.
- (3) "MAJOR ROADWAY RECONSTRUCTION" shall mean a project where an entire width of road surface and subsurface is to be opened or newly laid, with a minimum length of ¼ mile.
- (4) "OVERHEAD UTILITY SERVICE" shall mean the location of utility lines, typically for electrical, telephone and cable service, or for traffic signals, above ground, supported by utility poles and related structures.
- (5) "PERSON" shall mean any individual, firm, company, association, society, corporation or group.
- (6) "PUBLIC IMPROVEMENT PROJECT" shall mean any project undertaken by a local, state, or federal body for the benefit of the general public, such as but not limited to, road or bridge construction or the development of a park.
- (7) "UTILITY LINES" shall include any wire, cable, conduit or other material for the transmission or distribution of electrical, telecommunications, audio/visual or other signals, impulses or energy.
- (8) "UTILITY APPARATUS" shall include equipment used in connection with a utility service such as transformers, switches, amplifiers, and other similar equipment. "Utility Apparatus" shall not include utility lines or poles or related structures to be used to support lines of apparatus above ground.
- (9) "CITY COUNCIL" shall mean the governing body, elected by the people, for the City of Barre.

(d) Utility Service Installation Requirements.

- (1) All utility services shall be installed underground in the right of way of any road or highway hereafter constructed which is to be dedicated to the City as a public road.

- (2) Any individual utility service line which originates in a public road right of way and extends to any building or structure hereafter constructed (including residential, commercial, or industrial) shall be installed underground.
  - (3) All utility services located within the boundaries of a major roadway reconstruction or public improvement project undertaken by the City, the Vermont Agency of Transportation, or the US Federal Highway Administration in areas of Barre described in Section 3,4 below, shall be placed underground.
  - (4) Areas of the City affected by Section 3.3 include the following major traveled corridors; all of North and South Main Streets, Washington Street, Maple Avenue, and Vermont Route 62 all being within the boundaries of the City.
  - (5) On all other City streets, utilities should be placed underground during major roadway or public improvement projects. The City Council may waive this requirement for specific projects upon determination, after a public hearing, that placing utilities underground is not economically feasible.
  - (6) Street lighting, if proposed for any project regulated under this Ordinance, shall be installed to meet minimum IES( Illuminating Engineering Society of North America) standards and shall be served by underground electrical service.
  - (7) On side streets with above ground utility services which intersect with a roadway with underground utility lines, the first pole supporting the above ground service shall be placed on such side street at least one hundred (100) feet from the center line of the roadway with the underground utilities.
- (e) Enforcement and Penalties.
- (1) Any person found to be in violation of any provision of this ordinance shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof.
  - (2) The City may commence appropriate enforcement proceedings against any person who fails to cease all violations within the time prescribed in Section 4.1 and may seek to recover fines in an amount not exceeding Five Hundred Dollars (\$500) for each violation per week, with each week the violation continues considered a separate offence. Alternatively, the City may also seek injunctive, or other appropriate relief, from a court of competent jurisdiction.

(f) Enactment.

This Ordinance, enacted by the City Council of Barre on the 16<sup>th</sup> day of June 1998, shall take effect sixty (60) days after enactment. (Ord. No. 1998-4, 8-16-98)