

Sec. 25-95. - Maintenance of rights-of-way.

- (a) *Height of grass.* All owners of property within the City are required to maintain at a height not to exceed six inches from the ground all unpaved public right-of-way abutting their property by cutting grass, weeds, and other vegetation on the unpaved public right-of-way. For the purposes of this section, the term "property owner" is defined as the person or persons shown on the county real estate tax records as the owner of the property, and the term "public right-of-way" shall mean all streets, roads, alleys, lanes, water or other public ways where the public has the right to travel or which are open to the use of the public.
- (b) *Waste material.* All property owners within the City are required to remove all waste material, junk or other debris from the public right-of-way abutting their property.
- (c) *Prohibited placements.* The placement and maintenance of shrubbery, raised sprinkler systems, signs, tree trimmings, refuse, overhang of branches less than eight feet above grade, and all other articles or materials, other than trees, within the public right-of-way is prohibited.
- (d) *Maintenance of driveways and sidewalks.* It shall be the responsibility of the owner of the property whose driveway or other entrance to his property intersects the public right-of-way to maintain said driveway, including that portion of the sidewalk within the width of the driveway or other entrance, including without limitation that portion which is on the public right-of-way.
 - (1) Prior to the installation of any new driveway apron, developers shall install a minimum of three Schedule 40 PVC (polyvinylchloride) sleeves, one and one-half-inch diameter, under the driveway apron for future installation of underground utility lines.
- (e) *Exceptions.* The prohibitions contained in this section shall not apply in the following situations:
 -
 - (1) *Trash for pick-up.* Properly packaged trash, waste material, refuse and other articles may be placed on the unpaved public right-of-way no more than 24 hours before the next scheduled pick-up.
 - (2) *Paved portions of streets.* Property owners are not required to maintain the paved surface of the public streets.
 - (3) *Mailboxes.* Single-family property owners may place mailboxes in the unpaved public right-of-way when such placement is a prerequisite to mail delivery to their property.
 - (4) *Parking.* Vehicular parking in the public right-of-way shall be governed by other applicable laws, ordinances or regulations.
 - (5) *Agents of City.* The prohibitions against placing or maintaining any object or material in the public right-of-way shall not apply to the City or to its authorized agents, nor shall they apply to franchised public utilities operating within the scope of their easements or franchises.
 - (6)

Inaccessibility. The City Manager may designate public property abutting paved public rights-of-way greater than 60 feet in width, and which are designated as major trafficways, to be maintained by the City due to unreasonable access problems affecting abutting property owners. This finding shall be based on barriers separating the abutting property owners' property and the unpaved right-of-way such as an unbroken line of trees or bushes, planted by the original developer of the property or by the City. All requests and all decisions shall be in writing and shall state the basis for a claim that unreasonable access to the public right-of-way exists.

(f) *Penalty.* For the purposes of this section, 25-95, the following penalties shall apply.

- (1) If a citation which issued for violation of this section is paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$50.00; and if such fine is paid after issuance of a notice to appear or municipal information but prior to the date of arraignment for such violation, the fine shall be \$75.00; and if such fine is paid after the date of arraignment but prior to any trial, the fine shall be \$100.00. If the case is brought to trial, the penalty, upon conviction, shall not be less than \$100.00.
- (2) Under the provisions of this section, each day that a violation exists shall constitute a separate offense and shall be subject to a separate penalty and fine.