

### 5-1-1 Petitions for New Streets.

All petitions for new streets shall be referred to the Planning Board for report and recommendation. The Director of Public Works shall recommend a grade for each new street.

#### 5-1-1.1 Unauthorized Street Signs.

(a) A person shall not erect, post, or display any sign within twenty (20) feet of a public right-of-way which purports to be or may be mistaken to be a street name sign unless the street name has been authorized and approved by the Planning Department and reviewed by the Fire Department.

(b) Any new right-of-way, either public or private, with more than three (3) separate and distinct residential, commercial, industrial, or institutional buildings which are fronted on the right-of-way shall be assigned a street name by the Planning Department after review by the Fire Department.

(c) The cost and responsibility of erecting such a sign shall be that of the party applying to the Planning Department for approval under subsections (a) and (b) above. The approved sign shall conform to the City guidelines as prepared by the City Engineer.

(Ord. No. 2269, § I, 5-18-98)

#### 5-1-1.2 Private Street Names.

(a) *Definitions.*

(1) *Private Way.* Any street as that term is defined by RSA 672:13, not considered a public highway under the provisions of RSA 229:1.

(2) *Public Way.* Any public highway as defined in RSA 229:1.

(b) *Name.* No private way shall be named with a name that is the same as or similar to that of an existing public or private way. If a private way is so named, the City Manager may petition the City Council to order the name to be changed. Upon receipt of the City Manager's petition, the City Council shall hold a public hearing to determine if there are public safety reasons to order the name of the private way to be changed. If after the hearing the City Council determines that it is in the interest of public safety that the name be changed, it shall declare the name to be a public nuisance and order it changed. The City Solicitor is authorized to initiate any court proceedings necessary to enforce the City Council's order.

(c) *Public Hearing.* The City Clerk shall give notice of the public hearing to the owners of all property abutting the private way that is the subject of the hearing. Notice shall be given by certified mail, mailed to the owners at least ten days prior to the hearing.

(Ord. No. 2323, § I, 10-12-99)

#### 5-1-2 Construction of Sidewalks.

All sidewalks in the City shall be laid upon the grade established by the City Council and of the width and slope established by the City Manager, shall be true and even, and constructed under the direction and supervision of the City Manager.

#### 5-1-3 Grade of Sidewalks Shall Be Recorded.

Whenever the grade of any sidewalks has been established by the City, a record of the same shall be made by the City Clerk, together with the width and slope of said sidewalk; and all sidewalks shall be constructed in conformity to such established grade, width, and slope.

#### **5-1-4 Permit Required to Excavate In or Open a Public Way.**

All applications for a permit to excavate in or open a public way shall include for each permit applied for the fee listed in Schedule I of Article 1-5. An additional fee, as listed in Schedule I of Chapter 1-5, shall be charged for work performed in a public way when the City Engineer determines that the excavation or opening work should have been completed by the date agreed to in the project schedule established prior to commencement of work.

(Ord. No. 1873, § 1, 6-18-90; Ord. No. 1974, § 1, 2-10-92; Ord. No. 2097, § 1, 2-14-94; Ord. No. 2467, § I, 2-18-03; Ord. No. 2501, § I, 8-11-03; Ord. No. 2531, § I, 3-8-04; Ord. NO. 2560, § I, 5-10-04; Ord. No. 2564, § I, 6-14-04; Ord. No. 2577, § I, 11-15-04)

**Charter references:** Use of streets by public utilities, Section 49.

#### **5-1-5 Permit Required to Encumber Highways.**

All applications for a permit to encumber a street, alley, sidewalk, or other public places in the City shall include for each application the fee listed in Schedule I of Chapter 1.

(Ord. No. 1873, § 2, 6-18-90; Ord. No. 1974, § 2, 2-10-92; Ord. No. 2097, § 2, 2-14-94; Ord. No. 2501, § II, 8-11-03; Ord. No. 2531, § II, 3-8-04; Ord. No. 2577, § I, 11-15-04)

#### **5-1-6 Obstructions to Be Fenced In and Lighted at Night.**

Wherever any street, lane, sidewalk, or other public place in the City shall under any license granted as provided in the preceding Section or under the provisions of Section 5-1-4 of this Chapter be dug up, obstructed, or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person so digging up, obstructing, or encumbering shall put, and at all times maintain, a suitable railing or fence around the section or parts of any street, lane, alley, sidewalk, or other public place so dug up, obstructed, or encumbered, so long as the same shall be or remain unsafe or inconvenient as aforesaid and shall also keep one or more lighted lanterns fixed to such railing in the evening through the whole night, so long as such railing or fence shall be kept standing. He shall also, within such reasonable time as the Director of Public Works shall direct, repair such street, lane, alley, sidewalk or public place to the acceptance of said director.

#### **5-1-7 Fire Chief Shall Be Notified of Encumbrances to Streets.**

Any person or corporation or department of the City before digging up, obstructing, or encumbering in any way any street, lane, alley, sidewalk, or other public place in the City shall before beginning such work notify the Fire Chief where such work is to be done and shall immediately upon the completion of such work and the restoration of the place to its normal condition notify the Fire Chief.

#### **5-1-8 Permit for Driveways.**

All applications for a permit to repair, widen, reconstruct, or construct a driveway on residential or commercial property, to ensure conformance with the City of Concord's zoning laws pertaining to driveway locations, shall include the fee listed in Schedule I of Chapter 1 per permit application. Residential

driveways shall be a minimum of five (5) feet from abutting property line, forty (40) feet from nearest adjacent driveway, and thirty (30) feet from street intersections according to the present Zoning Ordinance. Commercial driveways shall be in conformance with approved plans by the Engineering Services and Community Planning Divisions of the Community Development Department.

(Ord. No. 1873, § 3, 6-18-90; Ord. No. 1974, § 3, 2-10-92; Ord. No. 2097, § 3, 2-14-94; Ord. No. 2501, § III, 8-11-03; Ord. No. 2531, § III, 3-8-04; Ord. No. 2577, § I, 11-15-04)

#### **5-1-9 Permission Necessary to Erect Entrances to Structures on Streets or Sidewalks; Cellar Grates Shall Not Extend Above Surface of Street.**

No person shall make, erect, or maintain any stepping stone, hitching post, doorstep, portico, porch, entrance, or passageway to any cellar or basement or any other structure in or upon any street, lane, alley, or sidewalk in the City, without permission in writing from the Director of Public Works. No person shall suffer the platform or grate of the entrance passageway to his cellar or basement in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk, and every such entrance or passageway shall be kept at all times covered by suitable and substantial platform or grate, or in case it shall be kept open, it shall be guarded and protected by a sufficient railing on both sides thereof, at least two and one-half (2 1/2) feet high, and well lighted at night. No person shall permit or suffer his drain in any street, lane, alley or sidewalk in the City to be or remain open or uncovered unless it shall be enclosed by a strong and safe curb, guard or fence.

#### **5-1-10 Uncovered Cellars, Drains, and Other Cavities Shall Be Fenced In.**

If any person shall dig or sink, or cause to be dug or sunk, or have uncovered, or cause to be left uncovered, any cellar, drain, or other cavity in the ground near to or adjoining any street, lane, alley or sidewalk in the City, he shall at all times erect and maintain, so long as it may be necessary for the purpose, a railing or fence on or near the line of such street, lane, alley, or sidewalk, sufficient to guard and protect travelers and passengers from falling into such cellar, drain, or other cavity in the ground, or being injured thereby.

#### **5-1-11 Rubbish Shall Not Be Thrown on Streets or Sidewalks.**

No person shall put, or place, or cause to be put or placed, in or on any street, lane, alley, sidewalk, or other public place in the City, any house dirt, ashes, garbage, shreds, shavings, filth, suds, offal, oyster shells, or other rubbish, except in such place and in such manner as the General Services Director may prescribe. The penalty for violation of this section shall be listed in Schedule II of Chapter 1.

(Ord. No. 2578, § II, 11-15-04)

#### **5-1-12 Fuel Shall Not Remain Unnecessarily on Streets or Sidewalks.**

No person shall suffer any firewood, coal, or other fuel, in any quantity, to remain unnecessarily on any sidewalk, or in any street, lane, or alley in the City; and if the same must of necessity remain after twilight, or through the night, the owner thereof shall place and keep a sufficient light over and near the same, as long as the same shall so remain after twilight, or during the night, for the protection of travelers and passengers.

#### **5-1-13 Obstructing Pedestrians.**

No person shall be or remain upon any sidewalk or upon any doorstep, portico, or other projection from any house or other building, to the annoyance or disturbance of any person, by any noise, gestures, or other means, designedly frighten or wantonly drive any horse in any street or other public place in the City. No person or persons shall sit, stand, or lounge in or about the doors, windows, or passageways to any store, shop, office, block, or other building, except the owners thereof, after having been requested by the owner or Chief of Police, Deputy Chief, or any police officer to depart therefrom.

#### **5-1-14 License Required to Move Buildings Through Streets.**

No person shall move, or assist in moving, any house, shop, or other building through any street, lane, or alley, or over any bridge in the City, without first obtaining a written license therefor, as provided in Section 5-1-5.

#### **5-1-15 Snow Obstruction on Streets.**

No person shall put or place or cause to be put or placed any snow or ice upon the surface of the traveled portion of any street, nor shall such snow or ice be put or placed on a street so as to block sidewalks and hydrants. Where snow or ice is pushed across the traveled surface of a street for the purpose of snow removal from land adjoining said street it must be pushed from the traveled way so as not to block the street, and any remaining on the surface of the traveled portion of the street shall be cleaned up. Notwithstanding the foregoing, snow may be spread across the traveled way of a street to a depth of not more than three (3) inches for sledding in connection with farm operations.

#### **5-1-16 Obstructions Shall Not Be Placed on Sidewalks.**

No person shall unnecessarily place any obstruction on any flagging stones or foot pavements laid in or across any street, lane, or alley in the City.

##### **5-1-16.1 Horses on Sidewalks.**

No person shall ride or lead a horse upon any sidewalk.

#### **5-1-17 Reserved.**

**Editor's note:** Section 1 of Ord. No. 1874, adopted Aug. 13, 1990, repealed in its entirety § 5-1-17. Formerly, § 5-1-17 pertained to awnings and derived from Ord. No. 1661, adopted March 10, 1986, which adopted this Code.

#### **5-1-18 Reserved.**

**Editor's note:** Section I of Ord. No. 2342, adopted June 19, 2000, deleted § 5-1-18 which pertained to approval needed to put up signs over streets and sidewalks, and derived from the original codification. Similar provisions are now codified as § 28-13-3.1.

#### **5-1-19 Selling Merchandise on Sidewalks Prohibited.**

No person shall encumber the street or sidewalk with any boxes, shelves, stands, merchandise, or

NO person shall encumber the street or sidewalk with any boxes, shelves, stands, merchandise, or other things nor use the sidewalk for the sale of merchandise, without obtaining a permit from the City Council for each day of such use. No gasoline pump shall be installed or maintained in any part of any highway, street, or sidewalk, or other public way within the corporate limits of the City.

#### **5-1-20 Vehicles Selling Merchandise.**

No cart, wagon, or other vehicle, loaded with any article to be exposed for sale, shall be permitted to stand for a market on any City street or sidewalk except at such places as may be designated by the City Council.

#### **5-1-21 Sharp Instruments Liable to Damage Tires Shall Not Be Placed in Streets.**

No person shall put or place, or cause to be put or placed, in or upon any street, lane, alley or other public place in the City, any ashes, glass, crockery, scrap iron, nails, tacks or any other article which would be liable to injure or damage the tires or wheels of automobiles, bicycles, or any other vehicles which have wheels with rubber or pneumatic tires.