

CHAPTER 909
Obstructing Tree Lawns, Streets and Sidewalks

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CROSS REFERENCES

Injurious material or obstructions placed in street - see TRAF. 311.01
 Vehicle loads, dropping, sifting, leaking; removal - see TRAF. 339.08
 Barricades and warning lights - see GEN. OFF. 521.03
 Sidewalk obstructions; damage or injury - see GEN. OFF. 521.04
 Conditions conducive to harboring rats - see GEN. OFF. 521.10

909.01 OBSTRUCTION PERMIT REQUIRED.

No owner, occupant, lessee, contractor, subcontractor, material company or any person in charge of any tenement, building, lot or land fronting upon any avenue, street, alley or public highway in the City shall obstruct the tree lawn, highway or any other portion of the highway, with any earth, sand, brick, stone, tile, lumber, rubbish or any other material, which, from any cause whatever, shall have accumulated or may accumulate thereon, without first having obtained an obstruction permit from the Building Division of the City.
 (Ord. 286. Passed 7-7-36.)

909.02 TREE LAWN OBSTRUCTIONS; WARNING RESTRICTIONS.

Every owner, occupant, lessee, contractor, subcontractor, material company or any other person who has obtained a permit to obstruct the tree lawn, shall place and maintain conspicuously about the obstruction from sunset to sunrise so as to be visible to all, whether in the roadway or upon the sidewalk, a sufficient number of red lights during the occupancy of such portion of tree lawn. No building material shall be placed upon any tree lawn to exceed five (5) feet in height.
 (Ord. 286. Passed 7-7-36.)

909.03 STREET OR SIDEWALK OBSTRUCTIONS; RESTRICTIONS.

If a permit is obtained to obstruct the sidewalk or pavement, the permittee shall enclose such portion of the sidewalk or pavement so occupied by a tight board fence six (6) feet in height, and shall place a plank walk three (3) feet or more in width around the same for the accommodation of foot passengers. The permittee shall maintain conspicuously about the obstruction from sunset to sunrise, so as to be visible to all passers-by whether in the roadway, or upon the sidewalk, a sufficient number of red lights during the occupancy of such portion of the sidewalk or roadway. The permittee shall bridge the gutters and always keep them unobstructed. In no case shall the street be used in such a manner as to obstruct the free use of any catch basin, mail box or fire hydrant. If a fence is erected, no advertising is to appear thereon. No building materials shall be placed upon any pavement to exceed six (6) feet in height. (Ord. 286. Passed 7-7-36.)

909.04 CLEARING OBSTRUCTION; PAYMENT OF COST; LIABILITY.

All fences shall be removed and the sidewalk and street restored to proper condition when the exterior walls and roof of the building are in position. The permittee shall clean the tree lawn, sidewalk or pavement occupied, remove all obstructions therefrom and restore the same to a condition satisfactory to the Director of Public Safety-Service. In case of failure of such permittee to so clean and remove all obstructions from such tree lawn, sidewalk or pavement, the Director of Public Safety-Service, without further notice, may clean, remove all obstruction from and restore such tree lawn, sidewalk or pavement to a proper condition. The Director shall charge and deduct from the deposit the cost and expense thereof. Such permittee shall hold the City harmless for any claim for damages to persons or property caused by occupancy of the premises above mentioned or in any manner arising out of the permission given. (Ord. 286. Passed 7-7-36.)

909.05 PERMIT APPROVAL AND REVOCATION.

The Director of Public Safety-Service shall approve the issuing of all obstruction permits, and the same shall be revocable at his pleasure. (Ord. 286. Passed 7-7-36.)

909.06 PERMIT FEE AND DEPOSIT; REFUND.

The fee and deposit for the issuance of an obstruction permit shall be as set forth in Section 1321.05 of the Codified Ordinances. The deposit shall be used to cover the cost of any City work necessary in the removal of obstructions. The balance of the deposit not used for such purposes shall be refunded when all conditions are restored to the satisfaction of the Director of Public Safety-Service. (Ord. 38-76. Passed 6-14-76.)

909.07 STANDARD CRITERIA FOR TREE LAWNS.

Standard criteria for tree lawns shall be as follows:

(a) Tree lawns shall consist of planted grass only. Flowers, bushes and ground cover other than grass shall not be permitted in tree lawns. However, with prior written approval from the Mayor or Director of Public Safety-Service, exception to the grass requirement may be made. Such approval would be based upon a written request describing a hardship on a tree lawn. A hardship is defined as excessive, irreparable damage or substandard tree lawn width that prevents the growth of grass.

(b) Exception to grass only is limited to the installation of standard paving bricks (3" x 4") or cement with a minimum six (6) inch depth. Said materials may be sealed (with clear material) but not painted. Decorative pavers of a different size or shape shall not be acceptable. All costs and maintenance for installation of either brick or concrete will be the responsibility of the resident property owner.

(c) A permit shall be secured from the City of Rocky River Building Department for the installation of paving bricks or cement. Utility shut-offs cannot be covered by brick or concrete. Therefore, a site inspection shall be performed by the Building Department prior to the installation of cement or decorative pavers to confirm that all utility controls, shut-offs, valves, etc. are not covered and are easily accessible. In addition, the installation shall be inspected by the Building Department so as to meet all standards and specifications.

(d) For safety reasons, no person shall permanently place chains, wires, ropes, rocks, stakes or other obstructions as a fence or guard across any driveway or on the tree lawn between the property line and curb on any street.

(e) Temporary barriers such as safety barrels, horses or cones and caution tape can be used when replacing concrete aprons, driveways or sidewalks for a period of seventy-two (72) hours.

(f) Any approved, permitted tree(s) may be planted in a tree lawn in accordance with Section 945.02 of the Codified Ordinances of the City of Rocky River.

(Ord. No. 205-03. Passed 11/24/03.)

909.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses.

(Ord. 7-82. Passed 2-8-82.)