

**CODIFIED ORDINANCE OS BOLIVAR**  
**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE**

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**ARTICLE 905**

**Streets and Sidewalks Generally**

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| <p><b>905.01</b> Acceptance of streets.</p> <p><b>905.02</b> Establishing street line for building purposes; encroaching on street.</p> <p><b>905.03</b> Numbering buildings.</p> <p><b>905.04</b> Displaying goods, wares or merchandise on sidewalks or pavements.</p> <p><b>905.05</b> Cellar doors.</p> <p><b>905.06</b> License required to sell goods from stands.</p> <p><b>905.07</b> Obstructing sidewalks.</p> <p><b>905.08</b> Removal of snow from sidewalks.</p> <p><b>905.09</b> Occupant to keep sidewalks clean and free from weeds.</p> | <p><b>905.10</b> Hanging banners across streets.</p> <p><b>905.11</b> Dumping stone on streets or alleys.</p> <p><b>905.12</b> Erecting platforms or bridges.</p> <p><b>905.13</b> Throwing or placing coal, wood, ashes, filth, incumbrances etc., on streets, etc.</p> <p><b>905.14</b> Laying gas, water or other pipes.</p> <p><b>905.99</b> Penalty.</p> |
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**CROSS REFERENCES**

- General power to regulate - see W. Va. Code 8-12-5(1)  
 Special charges for street cleaning etc. - see W. Va. Code 8-13-13  
 Connection to State road system - see W. Va. Code 17-4-26 et seq.  
 Action for damages occasioned by defective streets, etc. - see  
     W. Va. Code 17-10-17  
 Street obstructions - see TRAF. 311.01
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**905.01 ACCEPTANCE OF STREETS.**

No street shall be accepted by the Town unless the same is graded, ditched and 3 inches of stone placed without expense to the Town under the direction of, and as prescribed and approved by the Town Engineer.  
 (1969 Code 21-1.)

**905.02 ESTABLISHING STREET LINE FOR BUILDING PURPOSES;  
ENCROACHING ON STREET.**

Any person desiring to build any house or fence, or renew any building or fence, along the line of any street shall first apply to the Committee on Streets, Alleys and Sidewalks to establish the line of such street; and the owner or occupier of any lot who builds any such house or fence without having made application to establish such line or having made such application shall encroach upon the limits of any street, shall, after due notice thereof to remove the same and failure to comply therewith be subject to the penalty provided in Section 101.99.  
(1969 Code 21-2.)

**905.03 NUMBERING BUILDINGS.**

(a) All buildings fronting on the streets of the Town shall be plainly and distinctly numbered by the owner, or by the agent having the same in charge, by figures not less than two inches high, placed or painted on the door, transom or transom rail, on top of the door frame or interim ways thereof.  
(1969 Code 21-3.)

(b) Numbers shall be obtained from the Municipal Building or Town Engineer.  
(1969 Code 21-4.)

**905.04 DISPLAYING GOODS, WARES OR MERCHANDISE ON  
SIDEWALKS OR PAVEMENTS.**

It shall be unlawful for any wholesale or retail merchant, their agents or employees, or any other person, to place, or cause to be placed, on any sidewalk or pavement, any boxes, barrels, tables, baskets, cans or other containers for the purpose of displaying goods, wares, vegetables, foodstuffs or other merchandise for sale. It shall likewise be unlawful for any such person to place or cause to be placed any such goods, wares, vegetables, foodstuffs or merchandise itself on any sidewalk or pavement for the purpose of storing same or displaying same to the buying public.  
(1969 Code 21-5.)

**905.05 CELLAR DOORS.**

(a) No person using or occupying any cellar, the door to which opens on any street, alley, walk or public square, shall allow such door to remain open at any time unless the same is properly guarded by railing and lighted by night.  
(1969 Code 21-6.)

(b) Every person owning, using or occupying any cellar having a stairway therefrom, or any area opening into a street, alley or public square, shall properly secure such stairway by a door or grating covering the whole opening into such street, alley or public square.  
(1969 Code 21-7.)

**905.06 LICENSE REQUIRED TO SELL GOODS FROM STANDS.**

No person shall sell or offer for sale any goods, wares or merchandise from any stand, pavilion or platform, or from a vehicle placed, erected or stationed on any street or sidewalk, without first obtaining a license to do so from the Mayor or Council; provided that this section shall not apply to merchants operating stands adjoining and in connection with their stores.  
(1969 Code 21-8.)

**905.07 OBSTRUCTING SIDEWALKS.**

It shall be unlawful for merchants and other persons to leave upon the sidewalk adjoining their premises any store boxes, crates, or other things obstructing such sidewalk more than two feet.

(1969 Code 21-10.)

**905.08 REMOVAL OF SNOW FROM SIDEWALKS.**

All owners or occupants of property shall be required to remove, or to cause to be removed, the snow from their sidewalks within four hours after the snow has ceased to fall; provided, however, that should the snow fall during the night or on Sunday, it shall be removed within four hours after sunrise on the following day. A penalty as prescribed in Section 101.99 shall be imposed for each and every time the snow is allowed to remain beyond the time prescribed by this section, and the Committee on Streets, Alleys and Sidewalks shall cause such snow to be removed at the expense of the Town, which expense shall be charged against the owner or occupant of the property in addition to the fine hereby imposed.

(1969 Code 21-11.)

**905.09 OCCUPANT TO KEEP SIDEWALKS CLEAN AND FREE FROM WEEDS.**

Every person shall keep clean and free from weeds, dirt and rubbish the sidewalk or walks immediately adjacent to the premises occupied by the person from the property line to the curb line. Every day of failure to remove weeds, dirt or rubbish after notice to the head of the family to do so by an officer of the town shall constitute a separate offense by such head of the family.

(1969 Code 21-12.)

**905.10 HANGING BANNERS ACROSS STREETS.**

It shall be unlawful for any banner or other display to be hung across any street without first obtaining a permit from the Mayor or a majority of Council.

(1969 Code 21-13.)

**905.11 DUMPING STONE ON STREETS OR ALLEYS.**

No road supervisor, contractor or other person shall dump broken or unbroken stone upon any of the streets or alleys and permit any such stone to remain there for the space of twenty-four hours; provided, that, any person engaged in building or construction work may use the side of any street or alley for dumping building material as long as such construction work continues if the person places and maintains a sufficient number of torches or bright lights on such obstruction at night and gives sufficient warning to traffic during the day.

(1969 Code 21-16.)

**905.12 ERECTING PLATFORMS OR BRIDGES.**

It shall be unlawful for any person to erect any platform or bridge in front of or along any sidewalk or pavement unless a permit for same be first obtained from Council. No such platform shall exceed five feet square. Such platforms or bridges shall be kept free from obstructions both on top and underneath, and always in good sanitary condition.

(1969 Code 21-17.)

**905.13 THROWING OR PLACING COAL, WOOD, ASHES, FILTH, INCUMBRANCES, ETC. ON STREETS, ETC.**

It shall be unlawful for any person to throw or place, or cause to be thrown or placed, any water, coal, wood, ashes, dirt, or filth of any kind, or any incumbrance of any kind, into or upon any street, alley or public square, and allow the same to remain there for the space of twelve hours thereafter; provided, that this section shall not include timber, stone, brick or other materials used for building purposes, unless the same shall remain an unreasonable time in the street, alley or public square.

(1969 Code 21-19.)

**905.14 LAYING GAS, WATER OR OTHER PIPES.**

No gas, water or other pipe shall be laid along, across or in any street, or alley by any person unless it be a public service corporation having a franchise from Council and a permit from the Mayor. Such corporation desiring to lay such pipe shall fill in the excavation made therefor in a careful and substantial manner, ramming the earth and stone and making it as solid and firm as before the excavation was made, and shall make such excavation after being filled even and level with the rest of the street or alley, replacing the macadam or pavement as it was before, within twenty-four hours of the completion of such work.

(1969 Code 21-20.)

**905.99 PENALTY.**

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)

**ARTICLE 911**  
**Street and Sidewalk Construction and Repair**

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| <p><b>911.01 Authority of Committee on Streets, Alleys and Sidewalks; right of appeal.</b></p> <p><b>911.02 Directing grade or pitch; making contracts; superintending work.</b></p> | <p><b>911.03 Cost of repairs.</b></p> <p><b>911.04 Notice to repair sidewalks.</b></p> <p><b>911.05 Duty of owner to construct sidewalk upon order of Council.</b></p> |
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**CROSS REFERENCES**

Powers generally - see W. Va. Code 8-12-5(1) et seq.  
Low cost improvements - see W. Va. Code Art. 8-17  
Street assessment - see W. Va. Code Art. 8-18

**911.01 AUTHORITY OF COMMITTEE ON STREETS, ALLEYS AND SIDEWALKS; RIGHT OF APPEAL.**

The Committee on Streets, Alleys and Sidewalks shall have the superintendence of grades and the setting of curbstones and paving; but an appeal shall lie to Council by any person who feels aggrieved by the action of such Committee; provided that an appeal is taken at the next regular meeting of Council after the cause of complaint has originated.  
(1969 Code 21-21.)

**911.02 DIRECTING GRADE OR PITCH; MAKING CONTRACTS; SUPERINTENDING WORK.**

When it is determined by ordinance to pave or grade any street, alley or public square, build any bridge or make any common sewer, the Committee on Streets, Alleys and Sidewalks shall direct the proper grade or pitch for the same and in conjunction with the Mayor make contracts for necessary materials and work therefor, and superintend the execution of the work.  
(1969 Code 21-22.)

**911.03 COST OF REPAIRS.**

The Committee on Streets, Alleys and Sidewalks shall, with the approval of the Mayor, cause the streets, alleys, public squares, gutters, bridges and common sewers to be repaired when they deem it necessary and draw upon the Treasurer for the cost of same, except in cases where the cost exceeds ten dollars (\$10.00) in amount, in which case such order must be certified by such Committee and passed by Council.  
(1969 Code 21-23.)

**911.04 NOTICE TO REPAIR SIDEWALKS.**

When any sidewalk needs repair Council shall cause to be notified the owner or occupier of the lot in front of which such repairs are necessary, to have the same made within a reasonable time to be named by Council. If such repairs are not made within such time, then the Committee on Streets, Alleys and Sidewalks shall have the same made at the expense of the Town, which expense shall become a lien on such property, and be collected and enforced as other levies. (1969 Code 21-24.)

**911.05 DUTY OF OWNER TO CONSTRUCT SIDEWALK UPON ORDER OF COUNCIL.**

Whenever a pavement or sidewalk is ordered by Council to be laid, the Committee on Streets, Alleys and Sidewalks shall grade for the pavement or sidewalk, and the owner of the property on the street, alley or public square where such pavement or sidewalk is ordered to be laid, shall curb for and have the same paved or made in front of his property within the time as such order shall prescribe, notice of which order shall be served on the owner by the Town.

All curbing shall be of concrete or stone laid perpendicularly. No flagging shall be allowed. All of such curbing shall be subject to the approval of the Committee on Streets, Alleys and Sidewalks. If any such owner shall fail to curb or have his sidewalk so paved within the time specified, Council shall cause the same to be made at the expense of the Town and such expense shall be a lien on the property and shall be collected and enforced by the Town in the same manner as other levies are collected and enforced. (1969 Code 21-25.)

**ARTICLE 917**  
**Sidewalk Construction Specifications**

**917.01 Specifications for one course.**

**917.02 Specifications for two course.**

**CROSS REFERENCES**

General powers relative to sidewalks - see W. Va. Code 8-12-5(1) et seq.  
 Low cost improvements - see W. Va. Code Art. 8-17  
 Sidewalk assessments - see W. Va. Code Art. 8-18

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**917.01 SPECIFICATIONS FOR ONE COURSE.**

(a) Generally. The specifications for the construction of concrete sidewalks, one course, shall be as provided in this section.

(b) Portland Cement. Portland cement shall meet the requirements of the latest standard specifications of the American Society for Testing Materials.

(c) Fine Aggregate. Fine aggregate shall consist of natural sand or manufactured sand made from hard tough crushed rock. It must be clean and well graded. All fine aggregate shall pass one-quarter inch screen and ninety-five percent shall be retained on a one hundred mesh screen.

(d) Coarse Aggregate. Coarse aggregate may be pebbles, broken stone or blast furnace slag. It must be clean, hard, durable and uncoated. All coarse aggregate shall pass a one inch screen and ninety-five percent shall be retained on a one-quarter inch screen.

(e) Water. Water shall be clean enough to drink.

(f) Forms. Forms shall be of lumber two inches thick or of steel of equal strength. Flexible strips may be used on curbs. They shall be rigidly held to line and grade by stakes and braces.



(g) Subgrade. Subgrade shall be well drained and compacted to a firm surface with uniform bearing power.

(h) Drains. Drains, where necessary, shall be four-inch tile drains and shall be laid to protect the walk from damage by frost action.

(i) Subbase. On poorly drained soil, where drains are impracticable, a five-inch subbase of cinders, gravel or other porous material shall be constructed. It shall be thoroughly tamped and drained into the street gutter.

(j) Thickness and Proportions. The sidewalk shall never be less than four inches thick. Concrete shall be mixed in the approximate proportions of one part cement, two parts fine aggregate and three parts coarse aggregate, with a maximum of six gallons of water per sack of cement including the moisture in the aggregates.

(k) Mixing of Concrete. Concrete shall be mixed until each particle of fine aggregate is coated with cement and each particle of coarse aggregate is coated with mortar, and not less than one minute.

(l) Placing and Finishing. Concrete shall be placed immediately after mixing. It shall be tamped and struck off with a template and shall be floated with a wood float until the surface is a true contour. Care shall be taken not to bring to the surface an excess of water and fine sand by overfinishing.

(m) Jointing. The sidewalk shall be cut into separate slabs not greater than eight feet on any one side. The surface edges of each slab shall be rounded to a one-quarter inch radius. Markings shall be exactly at outs between slabs.

(n) Expansion Joints. Expansion joints shall extend from the surface to the subgrade and shall be at right angles to the sidewalk surface and completely filled with compressible material. A one-half inch expansion joint shall be made across the walk at approximately fifty foot intervals. All places where the walk intersects a curb line or another walk, one inch expansion joints shall be made.

(o) Curing. Finished concrete shall be kept wet for a minimum of seventy-two hours. (1969 Code 21-26 to 21-40.)

#### **917.02 SPECIFICATIONS FOR TWO COURSE.**

(a) Generally. Specifications for concrete sidewalks, two course, shall be the same as for one course, except as otherwise provided in this section.

(b) Thickness and Proportions. Two course sidewalks shall never be less than four inches thick. They shall consist of a base three-inches thick composed of concrete in the approximate proportions of one part cement, two and one-half parts fine aggregate, four parts coarse aggregate and a maximum of six gallons of water per sack of cement, and a top coat one inch thick composed of mortar in the proportions of one part cement and two parts fine aggregate.

(c) Placing and Finishing. The base shall be thoroughly compacted by tamping and shall be struck off with a template which shall leave it one inch below the finished surface. The top course shall be placed within forty-five minutes after the base course is laid. It shall be struck off and finished with a wood float until the surface has a true contour.

(1969 Code 21-41 to 21-43.)

**ARTICLE 931  
Trees and Shrubs**

<p><b>931.01</b> Permit for planting in public place.</p> <p><b>931.02</b> Trimming generally.</p> <p><b>931.03</b> Regulations for planting in public places.</p>	<p><b>931.04</b> Power of Engineer to trim or remove.</p> <p><b>931.05</b> Injuring shade trees.</p> <p><b>931.99</b> Penalty.</p>
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**CROSS REFERENCES**

Power to regulate - see W. Va. Code 8-12-5(29)

**931.01 PERMIT FOR PLANTING IN PUBLIC PLACE.**

It shall be unlawful for any person to plant or set out any tree, shrub or vine, or cause, authorize or procure any person to plant or set out any tree, shrub or vine in or upon any part of any public street or public place, without first obtaining from the Town Engineer a written permit so to do and without complying in all respects with such conditions as are set forth in such written permit.

All applications for the permits required by the provisions of this section shall be made on blanks furnished by the Town and shall describe the work to be done and shall state the variety, size and exact location of each tree, shrub or vine. After the receipt of such an application, the Engineer shall investigate the locality where the tree, shrub or vine is to be placed and shall take into consideration in considering the application, the normal growth and development of such tree, shrub or vine. Each permit issued by the Engineer shall specify the location, variety and size of each tree, shrub or vine and method of planting, and shall be good only for the period stated therein. There shall be no charge for such permit, but before any permit shall be issued for planting more than ten trees, shrubs or vines, the Engineer may request from the applicant a detailed declaration of intentions, either in the form of a planting plan or a written statement containing such information as the Engineer may require. (1969 Code 22-1.)

**931.02 TRIMMING GENERALLY.**

Trees, vines, bushes, shrubbery or flowers standing in or upon any public street or public place, or on any lot or land adjacent to any public street or public place, and having branches, limbs, trunks or other parts projecting into the public street or place shall, under the supervision of the City Engineer be kept trimmed by the owner or occupant of the adjoining property so as not to interfere with the free and safe passage along such public way by pedestrians and vehicular traffic. (1969 Code 22-2.)

**931.03 REGULATIONS FOR PLANTING IN PUBLIC PLACES.**

The following regulations are hereby established for the planting of trees, shrubs or vines in or upon the public streets and public places of the Town.

- (a) No tree shall hereafter be planted at the intersection of two or more streets or within twenty feet of such intersection.
- (b) No tree, shrub or vine shall be planted where the clear space between the curb and the sidewalk is less than three feet. No tree, shrub or vine shall be planted nearer than one foot from the curb line or outer line of the sidewalk.  
(1969 Code 22-3.)

**931.04 POWER OF ENGINEER TO TRIM OR REMOVE.**

The Town Engineer shall have the right to trim or remove such trees and shrubs within the lines of all streets, alleys, lands and public grounds as may be necessary to insure safety to pedestrians and vehicular traffic and the Engineer, under the power herein given, may remove, cause or order to be removed any tree, shrub or part thereof, which is in an unsafe condition or which, by reason of its location, may be hazardous to pedestrians or vehicular traffic. The Engineer shall have the power to enter upon any private grounds for the purpose of trimming or removing trees and shrubbery in order to prevent danger therefrom to person or property, in the event the owner or occupant of such premises does not comply with the Engineer's orders relative to the trimming or removal of trees or shrubbery which, in the Engineer's opinion, are hazardous to pedestrians or vehicular traffic.  
(1969 Code 22-4.)

**931.05 INJURING SHADE TREES.**

It shall be unlawful for any person to cut, saw, tear or break down any ornamental or shade trees, along the sidewalk or in any other public place in the Town, or injure the same in any manner.  
(1969 Code 22-5.)

**931.99 PENALTY.**

(EDITOR'S NOTE: See Section 101.99 for general Codified Ordinances penalty.)