

## CHAPTER 1

**STREETS, SIDEWALKS AND PUBLIC WAYS**

## SECTION:

- 7-1-1: Obstructions; Selling Merchandise
- 7-1-2: City Authority To Improve Or Vacate Streets
- 7-1-3: Sidewalk Construction

**7-1-1: OBSTRUCTIONS; SELLING MERCHANDISE:**

- A. Obstructions Prohibited Generally: It is unlawful for any person to obstruct any street, alley or public sidewalk within the city. (1985 Code § 12.14.010)
- B. Snow, Rubbish, Debris Obstructions: It is unlawful for any person, firm or corporation owning or occupying premises within the corporate limits of the city to suffer or permit snow or other rubbish or debris to be or remain on the sidewalks adjacent to their respective premises for more than twenty four (24) hours after the same falls, is placed, or in any manner comes to be upon their respective sidewalks. (1985 Code § 12.14.020)
- C. Business Operation On Sidewalks:
  - 1. It is unlawful for any person to store, install, maintain or operate any material stored, vehicle, structure, fixture or business upon any public sidewalk within the city, except as permitted by subsection D of this section. (1985 Code § 12.14.030)
  - 2. It is unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure or vehicle situated upon any public sidewalk within the city, except as permitted by subsection D of this section, or as allowed in title 8, chapter 2 of this code, or upon fulfilling the requirements set forth by the city with respect to such placement. (1985 Code § 12.14.040)

D. City Declared Sidewalk Sales:

1. Notwithstanding subsections A, B and C of this section, the city council may, by resolution duly passed and adopted, declare a day or days in the commercial areas of the city during which licensed merchants may display and sell goods, wares and merchandise in front of their respective places of business.

2. The merchandise so displayed shall be confined within an area extending from the storefront toward the street line no more than one-half ( $\frac{1}{2}$ ) the total width, and under no circumstance shall the display area extend any closer than five feet (5') from the street line, and shall not cover any more than a total of one-half ( $\frac{1}{2}$ ) of the total area of sidewalk in front of the business.

3. Nothing contained in this section shall allow for placement of merchandise in such a manner as to require or encourage pedestrians to walk upon the street. (1985 Code § 12.14.050)

E. Regular Use Of Sidewalks By Businesses; Indemnification Required: Any licensed merchant or other person conducting a lawful business in the commercial area may, for the purpose of displaying goods, wares and merchandise, petition the city for permission to engage in such conduct on a regular basis; provided, that such merchant shall first be required to indemnify the city from any and all liability by reason thereof to the extent of five hundred thousand dollars (\$500,000.00) for any one accident and to file proof with the city of such liability insurance indemnifying the city, and the same restrictions as set forth in subsection D of this section shall apply as to placement; provided further, that any such display of merchandise shall be removed at the end of each business day or during any period when the adjacent business is not open for business. (1985 Code § 12.14.060)

F. Sidewalk Clearance: At any location in the commercial area where the sidewalk is less than six feet (6') in width, the clear space for pedestrian passage shall not be reduced to less than four feet (4'). (1985 Code § 12.14.070)

G. Violation; Penalties: Any person, firm or corporation violating any provision of this section shall, upon conviction thereof, be guilty of a misdemeanor and be punishable as provided in subsection 1-4A-1A of this code. In addition, the city shall have the right to remove the obstruction at its discretion, and the cost of so doing shall be added to the monthly billing sent out by the city to the appropriate property

owner or account holder with the city. (1985 Code § 12.14.080; amd. 2010 Code)

**7-1-2: CITY AUTHORITY TO IMPROVE OR VACATE STREETS:**

- A. The city shall have power to enact by ordinance to open, widen or improve, vacate or annul and close any street, avenue, alley or lane within the city limits; also to create, open and improve any new street, avenue, alley or lane therein.
- B. All damages sustained by the citizens of the city or other persons or by the owners of the property therein shall be ascertained in such manner as is required in this section.
- C. Whenever any street, alley or lane shall be closed and vacated, it shall revert to the owner of the adjacent real estate, one-half ( $\frac{1}{2}$ ) of each side thereof or as the city council deems in the best interests of the adjoining properties, but the right of way, easements and franchise rights of any lot, owner or public utility shall not be impaired thereby. (1985 Code § 12.04.010)

**7-1-3: SIDEWALK CONSTRUCTION:**

- A. Sidewalk Space Designated:
  - 1. The twelve feet (12') on Main Street and ten feet (10') on all other streets next to the lot or building line of all the streets in the city shall be the sidewalk space. (1985 Code § 12.08.010)
  - 2. The inside line of the curbing or ditches shall be the outer line of the sidewalk space. (1985 Code § 12.08.020)
- B. Location Of Utility Poles In Sidewalk Space: All telephone or telegraph poles shall be set three feet (3') from the outer line of the sidewalk space. (1985 Code § 12.08.040)
- C. Grade Of Sidewalk: The grade of the sidewalk shall be even with the grade of the street with a slope of one-fourth inch ( $\frac{1}{4}$ " ) to the foot from the inner to the outer line of the sidewalk. (1985 Code § 12.08.050)
- D. Awarding Contracts: All contracts involving the sum of twenty five thousand dollars (\$25,000.00) or more shall be let to the lowest and

most responsible bidder. All contracts shall be advertised either by posting notices or by publication in the official newspaper for at least two (2) weeks by the city clerk, and all bids shall be opened at the time specified in such advertisement by the city clerk, in the presence of the mayor and filed in the office of the city clerk. (1985 Code § 12.08.060; amd. 2010 Code)

- E. **Supervision Of Construction:** All improvements, construction and grading of streets and sidewalks shall be made and performed under the supervision of the mayor, city council and public works, by whom all such contract work shall be approved before being accepted and paid for as hereinafter provided. (1985 Code § 12.08.070; amd. 2010 Code)
- F. **Payment Of Accounts:**
1. Immediately after the completion of all contracts provided in this section, it shall be the duty of the city clerk to make out a bill or account, in the name of the city, against the owner of the property, with the improvement, construction or grading so made and performed, and present it to the owner, his agent or attorney, for payment; said account shall include the cost of advertising as well as the improvement made, done or constructed.
  2. If not paid on demand or within ten (10) days thereafter, it shall be filed with the county assessor, who shall enter it as a tax charge against the name of the owner of the property on the assessment roll upon whose property the improvement, construction or grading has been made, and shall be a lien against such property into whomever's hands it may pass.
  3. The penalty for nonpayment shall be ten percent (10%) on the account so filed, and legal interest shall be paid thereon when collected, and such sum shall be collected as other taxes are collected. (1985 Code § 12.08.080)
- G. **Payment Of Bills Not Paid On Presentation:** All bills of accounts as specified in this section, if not paid on presentation, shall be presented, audited and paid as other accounts against the city are paid. (1985 Code § 12.08.090)