

PART 14

STREETS, SIDEWALKS AND PUBLIC WORKS

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Section 14-111	Penalty.

SECTION 14-101 TREES AND SHRUBBERY TO BE TRIMMED.

A. The owner of any premises abutting on any street of this city shall trim all trees and shrubbery growing in the parking, between the sidewalks and the roadway, of any such street, and all trees and shrubbery growing on any part of the premises adjacent to the sidewalks or any street or alley, in such manner that the boughs or limbs thereof shall not obstruct free and convenient passage and travel along the streets, sidewalks, and alleys. When such premises are occupied by some person other than the owner, such occupant shall trim the trees and shrubbery in the same manner as hereinafter required of the owner. Such trees and shrubbery shall be trimmed so that the lowest branches or foliage shall not be lower than ten (10) feet above the roadway of a street or alley, nor lower than eight (8) feet above the sidewalk.

B. Any owner or occupant who shall fail, refuse or neglect to trim trees and shrubbery as provided in this section, after receiving five (5) days' notice from the head of the department in charge of streets to do so, shall be guilty of an offense against the city. Every day that the the owner or occupant shall fail, refuse or neglect to trim the trees or shrubbery, after the expiration of the five (5) days' notice, shall be a separate offense. (Prior Code, Secs. P1, P2)

SECTION 14-102 UNLAWFUL TO INJURE TREES AND SHRUBBERY.

It is unlawful for any person to injure any tree or shrubbery on a street or alley in the city. This section shall not prohibit the lawful and proper care and removal of such trees and shrubbery. (Prior Code, Sec. P3)

SECTION 14-103 UNLAWFUL TO DEPOSIT TRASH UPON STREETS OR SIDEWALKS.

It is unlawful for any person, firm or corporation to deposit, throw or sweep into or upon the streets, alleys, parking or sidewalks of the city any paper, rubbish, grass, weeds, tree trimmings, dirt, trash, crates, boxes or other refuse of any kind. (Prior Code, Sec. P6)

SECTION 14-104 UNLAWFUL TO PLAY ON SIDEWALKS AND IN STREETS.

It is unlawful for any person to play on the sidewalks, alleys, or upon the main-traveled portion of the streets and alleys of the city, except as may be authorized by ordinance. (Prior Code, Sec. P8)

SECTION 14-105 VEHICLES NOT TO BE WASHED ON STREET.

The washing of an automobile or other vehicle in any street of the city is hereby prohibited. (Prior Code, Sec. P9)

SECTION 14-106 WATER, MUD FROM VEHICLE NOT TO DRAIN INTO STREET.

No automobile or other vehicle shall be washed at any place within the city where the water, dirt, mud or other substances removed therefrom by or during the washing thereof, shall drain into or upon any street or sidewalk of the city. (Prior Code, Sec. P10)

SECTION 14-107 WATER FROM FILLING STATIONS AND OTHER BUSINESSES.

It is unlawful for any owner or operator of a filling station or other place of business, or any agent or employee thereof, to cause or allow water, grease or other fluid to flow or drain into, upon, over or across any sidewalk, parking, street, alley or other public way. (Prior Code, Sec. P11)

SECTION 14-108 OWNER OR OCCUPANT NOT TO PERMIT SIDEWALK OR SIDEWALK AREA TO BECOME A HAZARD.

It is unlawful for the owner or occupant of property abutting upon a sidewalk area to permit the sidewalk or sidewalk area adjacent to the property to become a hazard to persons using the sidewalk, or sidewalk area. (Prior Code, Sec. P12)

SECTION 14-109 STREET NOT TO BE OBSTRUCTED SO AS TO INTERFERE WITH DRAINAGE.

It is unlawful for any person, firm, or corporation to obstruct any street, sidewalk, or alley, by placing any approach driveway or other obstruction or substance whatever that will obstruct or prevent the natural flow of water, into the storm sewers or drains, or dam the same so as to back any water upon the streets, alleys, sidewalks, or gutter. (Prior Code, Sec. P7)

SECTION 14-110 DUTY TO KEEP SIDEWALK AND GUTTER CLEAN, GOOD REPAIR.

It is the duty of the occupant of any lot or piece of ground abutting upon any street where there is a sidewalk or gutter on the street to keep such sidewalk or gutter clean and to remove therefrom all hay, straw, papers, stone, snow or ice, dirt, filth, weeds, refuse, rubbish or hazards of any kind and to keep the sidewalk and gutter in good repair. If there is no such occupant of any such lot other than the owner, it is the duty of the owner to do the same.

SECTION 14-111 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of an offense, and upon conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

OBSTRUCTIONS AND ENCROACHMENTS IN PUBLIC WAYS

Section 14-201	Definitions.
Section 14-202	Obstructions, encroachments prohibited, exception.
Section 14-203	Summary removal of obstructions, encroachments.
Section 14-204	Presumptions.
Section 14-205	Unlawful to obstruct unduly sidewalks and streets.
Section 14-206	Penalty.

SECTION 14-201 DEFINITIONS

1. "Public way" means any street, highway, road, alley, easement, or other way of public travel, measuring from the property line of one adjacent property owner, across the way to the property line of the property owner opposite thereto, and including all of the area platted or otherwise designated. The term also includes public sidewalks wherever the same may be located:

2. "Public property" means all property owned by the state, county, or city, the title of which may be held in fee simple, or by any conveyance, dedication, grant or easement, or held by the municipality in trust for public use;

3. "Encroachment" means any property of any private and non-governmental person, which shall trespass upon the public way or public property, whether permanently or temporarily. The term does not include buildings or portions thereof; and:

4. "Obstruction" means property belonging to a private and non-governmental person placed upon the public way or public property which interrupts, impedes, or interferes with public travel, or public pedestrian or vehicular traffic, or creates a hazard with relation to such travel or traffic, or tends so to do. (Ord. No. 82-1302, 10/82). Excepted as otherwise provided, no person shall block, encumber, or otherwise obstruct the free, convenient and normal use of any public sidewalk, street, highway, bridge, alley, road or other passageway. Or an entrance, corridor for passageway of any public building or any public facility open to the public for commercial purposes.

- a. Leaving, placing or depositing, or causing to be left; placed or deposited any article, structure or thing therein or thereupon;
- b. Personally impeding, hindering, retarding or restraining traffic or passage thereon or therein, after having been requested by a police officer to move.

Person exempt from the above subsection are those who have obtained an express permit to temporarily do so under the provision of the City Code. (Ordinance 2002-1422)

SECTION 14-202 OBSTRUCTIONS, ENCROACHMENTS PROHIBITED EXCEPTION.

It is unlawful for any person, firm or corporation to place upon or permit to be placed upon the public ways and public property any encroachment or obstruction, or create any encroachment or obstruction hereon. It is unlawful to use the public way or public property as a place to carry on any trade or business. Specific semi-public affairs or functions may be officially sanctioned or permitted as provided by the council. (Ord. No. 82-1302, 10/82)

SECTION 14-203 SUMMARY REMOVAL OF OBSTRUCTIONS, ENCROACHMENTS.

The police department of the city, when expressly ordered by the chief of police, shall have authority to remove all obstructions or encroachments, summarily and without notice to the owners of such obstructive or encroaching property. When removed, the same shall be impounded by the police department and held pending disposition as the same may be ordered by the chief of police. Any expenses of hauling, drayage, loading or unloading, or storage, occasioned by the removal and impoundment shall be charged to the owner or owners of such property so removed and impounded.

The return of such property so removed and impounded shall be withheld from the owner or owners until such charges may be paid. (Ord. No. 82-1302, 10/82)

SECTION 14-204 PRESUMPTIONS.

Evidence of ownership shall be prima facie evidence of the violation of this chapter by encroachment or obstruction. Where the encroaching or obstructing property is the result of accident, but is immediately removed therefrom by the private owners, no violation shall result. (Ord. No. 82-1302, 10/82)

SECTION 14-205 UNLAWFUL TO OBSTRUCT UNDULY SIDEWALKS AND STREETS.

It is unlawful for any person, firm or corporation to:

1. Use or obstruct the sidewalks or streets of the city in any manner so as to interfere unduly with pedestrian traffic thereon;
2. Use or obstruct the streets and alleys of the city in any manner so as to interfere unduly with lawful traffic and parking thereon; or
3. Place upon or permit placement upon the streets, sidewalks or rights-of-way any goods, wares, articles of merchandise or other obstruction, or to use the same as to place to carry on a business or trade. (Prior Code, Secs. P4 P5)

SECTION 14-206 PENALTY

The penalty for violation of this chapter, or any portion hereof, shall be as provided in Section 1-108 of this code. (Ord. No. 82-1302, 10/82)