

Chapter 12.08

STREET AND SIDEWALK OBSTRUCTIONS

Sections:

12.08.010 Display and sale of goods on streets or sidewalks prohibited.

12.08.020 Obstructions designated.

12.08.030 Exceptions.

12.08.040 Existing permanent structures not deemed obstruction.

12.08.050 Violation—Penalty.

12.08.010 Display and sale of goods on streets or sidewalks prohibited.

It is unlawful for any farmer, huckster, vendor, storekeeper or other person to display and sell any goods, wares and merchandise to the passing public in or from or on portable stands or display surfaces upon the streets or sidewalks of the city. (Ord. 46 § 1, 1950)

12.08.020 Obstructions designated.

The following named things, but not to the exclusion of other things, shall be deemed obstructions within the meaning of Section 12.08.010 of this chapter

A. Any awning, balcony, porch, window, which being over or above any of the public ways, is less than thirteen feet above the official grade thereof;

B. Any post, pillar, pole or structure which stands or rests upon, within or in any of the public ways;

C. Any vehicle or beast so upon or in any of the public ways without necessity

therefor to impede or impair the passage of the public or any person, vehicle or beast lawfully then and there passing on or along such way;

D. Any house, barn or like structure which is standing or being moved upon or in any public way without then and there so being under, by virtue of, and in accordance with the terms of a written permit granted by the city council, wherein is specified the structure permitted to be moved, the public ways on which, and the time during which the moving or standing is permitted. (Ord. 46 § 2, 1950)

12.08.030 Exceptions.

The following things are declared not to be obstructions within the meaning of Section 12.08.010 of this chapter:

A. An obstruction authorized or permitted by the terms of any authorization, ordinance, law or special permit;

B. An obstruction caused by public officer, by public employee, in, pursuant of his duty or employment as such officer or employee;

C. Any tree together with such a post, box or structure immediately adjacent thereto which may be requisite to support or protect such tree, the same being in the lawful tree space or where lawful when planted or set out and so trimmed as required by law;

D. The use of a sidewalk by or for the occupant of an abutting tenement for the purpose of transferring merchandise and other articles between such tenement and the roadway during the time necessary for such transfer prosecuted consecutively and with reasonable diligence. (Ord. 46 § 3, 1950)

12.08.040 Existing permanent structures not deemed obstruction.

The provisions of this chapter shall not apply to any permanent structure already in existence located on the public streets or sidewalks. (Ord. 46 § 4, 1950)

12.08.050 Violation—Penalty.

A Any violation of this chapter shall constitute a misdemeanor and shall be punishable as provided in Chapter 1.08 of this code.

B. In addition to the penalty set forth in subsection A, the police department of the city or any of the members thereof may impound and retain possession of any merchandise or thing obstructing any part of the public use of any public street, highway, avenue or sidewalk until the owner thereof furnishes to the police department of the city or any member thereof proof that the obstruction or obstructions will not be repeated. (Ord. 46 § 5, 1950)