Chapter 9-8

PRIVATE USE OF PUBLIC PROPERTY

Sections:

9-8-1 **USE OF PUBLIC PROPERTY FOR PRIVATE PURPOSES**
9-8-2 **OBSTRUCTION OF RIGHTS OF WAY**
9-8-3 **PERMITS**
9-8-4 **STREET EVENTS**

9-8-1: USE OF PUBLIC PROPERTY FOR PRIVATE PURPOSES

It shall be unlawful for any person to use public property or rights of way including, but not limited to, that portion of any street right of way outside of the road surface, for private purposes except as permitted by ordinance, regulation, franchise, public right, lease, permit, or otherwise in accordance with law. (Ord. 1772, 05-04-2000)

9-8-2: OBSTRUCTION OF RIGHTS OF WAY

(A) It shall be unlawful for any person to construct any fence or other improvement, to place anything upon, or to plant any hedge, shrubs, trees or other vegetation upon any public property, including any part of a street right of way outside the road surface, that would impede or obstruct normal pedestrian or vehicular traffic or would create a traffic hazard by sight barrier to or from motor vehicles, bicyclists and pedestrians, or would create any other safety hazard. (Ord. 1772, 05-04-2000)

(B) If the limitations of Subsection (A) above are met along with any other applicable requirements of City ordinances and regulations, the party in lawful possession of property abutting those street rights of way which are not being used for vehicular or pedestrian traffic, or other public use, may construct fencing improvements and/or landscaping upon such portions of the street rights of way. All fencing and landscaping improvements shall be in accordance with City specifications and regulations, and maintained accordingly. Areas between sidewalks and road surface shall not be fenced. (Ord. 1772, 05-04-2000)

(C) Any and all other improvements, or temporary use of street rights of way for construction purposes, shall require issuance of an encroachment permit by the City, which permit shall be revocable in nature.
(Ord. 1772, 05-04-2000)

(D) No person using public street right of way or other property for any purpose allowed under this Section shall acquire any vested right or interest in any part of such public property by virtue of any such use or the installation and maintenance of improvements or landscaping upon it, and shall, upon the demand of the City, remove any improvements, landscaping, fencing, or other property from the public property affected, at his or her own cost. (Ord. 1772, 05-04-2000)

(E) Any person using or maintaining public property as allowed by this Section shall do so in a careful and prudent manner and shall be responsible for any damages caused by their negligent acts or failure to act.
(Ord. 1772, 5-4-2000)

(F) No person shall remove or substantially alter any tree, shrub, lawn or ground cover on City owned property, streets or rights of way unless approved by the City by advance written notice. (Ord. 1772, 05-04-2000)

(G) Newspaper and periodical stands shall be allowable on street rights of way as long as they meet the safety provisions of Subsection (A) above, are not located within ten feet of fire hydrants and intersection corners, are fastened or chained in place, and are kept in good and orderly condition. The City may remove any newspaper and periodical stands that do not comply with these provisions. (Ord. 1772, 05-04-2000)

(H) The provisions of this Section may be supplemented as necessary by additional provisions as set forth in Chapter 3-5 of the City Regulations. (Ord. 1772, 05-04-2000)

9-8-3: PERMITS

(A) The City Clerk shall have the authority to grant a special permit, subject to review and approval by the City Manager, for the temporary use or occupation of a street, alley or other public property for civic events, parades, special sales, or other events of a public or quasi-public nature. Any such permit shall be revocable in nature. (Ord. 1772, 05-04-2000)

(B) If the limitations of Subsection (A) above are met along with other applicable requirements of City ordinances and regulations, parties in lawful possession of property in "B-1" Central Business District may utilize that portion of sidewalk right of way closest to and adjoining their property for display of merchandise or outside dining facilities as long as such usage only occurs during business hours and does not impede with or obstruct pedestrian traffic. (Ord. 1772, 05-04-2000)

9-8-4: STREET EVENTS

(A) The City Clerk shall have authority to close parts of streets or State highways within the City, subject to review and approval by the City Manager, for purposes of parades, athletic events or special events pursuant to the requirements of this Section and other applicable City regulations. (Ord. 1772, 05-04-2000)

(B) An application for a permit to hold a parade, athletic event or special event on a City street or State highway shall be submitted on a form provided by the City which may require all information necessary or convenient for the administration of this Section, and supplementing provisions as set forth in Chapter 3-5 of the City Regulations. (Ord. 1772, 05-04-2000)

(C) The City Clerk shall not approve any street closure if the City does not have sufficient resources to properly manage the event in a manner consistent with the preservation of the public peace, health and safety and to provide for adequate traffic control, or if an adequate alternate route is not available if applicable. (Ord. 1772, 05-04-2000)

(D) Any person aggrieved by the denial of a permit by the City Clerk pursuant to this Section, or seeking variance from any of the applicable provisions herein or in supplementing regulations, may appeal to the City Council by filing a written request within five (5) days of denial with the City. (Ord. 1772, 05-04-2000)