

SEC. 56.08. SIDE WALKS – STREETS – OBSTRUCTIONS.

TRANS #5

(e) (Amended by Ord. No. 128,577, Eff. 11/14/64.)

1. No person having charge or control of any lot or premises, either as owner, lessee, tenant, builder, contractor, housemover, or otherwise, shall construct, deposit or maintain any structure, building, rock, brick, broken concrete, stepping stones, sprinkler heads or any obstacle of any nature whatsoever in or upon any street, sidewalk or parkway abutting on or adjacent to such lot or premises or which will interfere with the free passage of pedestrians or vehicles along such street, sidewalk or parkway.

2. The provisions of this section shall not apply to sprinkler heads or bricks in tree wells which are properly maintained on grade with the surface of the sidewalk or parkway in which they are located.

3. The Board of Public Works may grant deviations or modifications of this subsection, upon written application therefor, so as to permit the installation and maintenance of bricks, stepping stones and similar walking surfaces in parkways, on grade with the surface thereof, whenever it is determined that the following conditions exist:

a. That the deviation or modification requested arises from unusual or extraordinary physical conditions, and is necessary to permit the proper and lawful development and use of the applicant's property;

b. That the granting of the deviation or modification requested will not be contrary to the public safety, convenience, and general welfare;

c. That the granting of the deviation or modification will not adversely affect the rights of adjacent property owners or tenants.

An Ordinance prohibiting obstruction of streets or sidewalks is valid.

In re Bodkin (1948), 86 CA (2) 208.

The public is entitled to free and unobstructed use of entire streets and sidewalks for purposes of travel subject only to reasonable and proper control of the municipality.

People v. Admur (1954) 123 CA (2) 951.

TRANSMITTAL #5