

CHAPTER 8

USE OF PUBLIC SIDEWALKS

SECTION:

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8-8-1: PURPOSE: The purposes of this Chapter are:

- (A) To promote the general health, welfare and safety of all persons traveling over or upon and otherwise using the public sidewalks within the City.
- (B) To ensure free and unrestricted access of the public to the public sidewalks and thoroughfares, residences and buildings abutting the same.
- (C) To prevent personal injury and risk of bodily harm by objects being placed or maintained upon the public sidewalk in a manner which is dangerous or unsafe.
- (D) To facilitate the installation, repair and maintenance of public sidewalks and thoroughfares and all public utilities, fixtures, signs, signals and other public structures, fixtures or receptacles placed thereupon.
- (E) To promote the safe movement of vehicular traffic and provide for unobstructed view of the streets and public sidewalks for such vehicular traffic.
- (F) To promote a clean, attractive and neat appearance of the public sidewalks and thoroughfares and to prevent unreasonable accumulation of refuse and litter thereupon.

8-8-2: UNLAWFUL TO OBSTRUCT SIDEWALKS: It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the City.

8-8-3: UNLAWFUL TO INSTALL STRUCTURE OR FIXTURE: It shall be unlawful for any person to store, install, maintain or operate any material, vehicle, structure, fixture or business upon any public sidewalk within the City, except as permitted by Sections 8-8-5 through 8-8-9 of this chapter.

8-8-4: SALE OF MERCHANDISE: It shall be unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure situated upon any public sidewalk within the City, except as permitted by Sections 8-8-5 through 8-8-9 of the City Code.

8-8-5: PUBLIC FIXTURES: Notwithstanding Sections 8-8-2 and through and including 8-8-4 of this Chapter, the City or the State of Idaho may install, place and maintain utility poles and equipment, fire hydrants, traffic signs and signals, benches, receptacles for decorative trees and plants, and any other publicly-owned fixtures or structures upon public sidewalks within the City.

8-8-6: INSTALLATION OF MAILBOXES: Notwithstanding Sections 8-8-2 through and including 8-8-4 of this Chapter, mailboxes may be installed, constructed and maintained upon the public sidewalks subject to the following restrictions and standards:

- (A) The mailbox shall be permanently affixed in any manner that complies with the rules and regulations of the United States Postal Service, including but not limited to the height of the mailbox and the width or diameter of the structure to which the mailbox is attached.
- (B) No part of the mailbox or mounting structure shall protrude towards the street beyond the back edge of the curb or curb line nor extend towards the residence if the protrusion towards the residence would result in reducing the passable area of the sidewalk to the greater of a minimum of thirty-six inches (36") or the minimum passable width required by the Americans With Disabilities Act.
- (C) The foot of the mailbox mounting structure shall be secured by bolts or other commonly accepted fasteners embedded in the sidewalk, or grouted or otherwise securely embedded in a hole through the sidewalk not exceeding six inches (6") in diameter, the center of which shall be no more than eight inches (8") nor less than six inches (6") from the back of the curb edge or curb line.
- (D) Spikes, decorations, metal works or other items shall not protrude from the structure in a manner which creates an unreasonable risk of bodily injury or harm to pedestrians.

8-8-7: NON-CONFORMING MAILBOXES: All mailboxes installed prior to the effective date of this Code shall be deemed to be in conformity with this section; provided, however, if such mailbox is removed, any replacement thereof shall conform to the standards set forth in this chapter.

8-8-8: NOTICE OF VIOLATION: Prior to the issuance of any citation for a violation of Section 8-8-3 of this Code, the Public Works Division of the City shall give notice in writing to all persons owning or controlling land abutting or adjoining a section of sidewalk where a mailbox exists in violation of this chapter. The notice shall be personally served upon an adult residing upon said land and shall notify the person owning or controlling the land to remove the mailbox or bring it into conformity with the standards of this Chapter within thirty (30) days after receipt of the notice.

8-8-9: SIDEWALK SALES:

- (A) Notwithstanding Sections 8-8-2 through and including and 8-8-4 of this Chapter Code, goods, merchandise, food and beverages may be sold or displayed from carts or other structures upon public sidewalks subject to the following restrictions and standards set forth in this section.
- (B) Definition: For the purpose of this section, the term "downtown area" shall have the same meaning ascribed in Section 9-5-2, City Code.
- (C) Sales in Downtown Area: Any licensed merchant or other person conducting a lawful business may place tables, racks, stands, carts or other structures upon a public sidewalk located within the downtown area for the purpose of selling or displaying goods, wares, merchandise, food or beverages, subject to the restrictions set forth in Section 8-8-9(E) of this section.
- (D) Sales in Other Areas: The City Council may, by resolution duly passed and adopted, declare a day or days during which licensed merchants or other persons conducting a lawful business may place tables, racks, stands, carts or other structures upon a public sidewalk located outside the downtown area for the purpose of selling or displaying goods, wares, merchandise, food or beverages, subject to the restrictions set forth in Section 8-8-9(E) of this section.
- (E) Standards: Any table, rack, stand, cart or other structure placed upon any public sidewalk as permitted by this section shall comply with the following regulations and restrictions:
 - (1) All structures shall be placed parallel to the edge of the sidewalk furthest from the public street and at a distance no greater than four feet (4') from the back edge of the sidewalk.

- (2) No such structure shall project on or over or be located in any part of any public street or alley; nor shall any such structure rest upon the public sidewalk in any area where a public alley or private driveway exits into a public street.
- (3) No such structure shall be placed within fifteen feet (15') of any fire hydrant.
- (4) No such structure shall be placed within three feet (3') of any marked crosswalk, street light pole, utility pole, traffic sign pole, fire call box, police call box or other emergency facility, designated bus stop or designated loading or unloading zone.
- (5) No such structure shall have any spikes, decorations or protrusions which create unreasonable risk of bodily injury or harm to pedestrian; nor shall any cords, ropes, wires or other materials or devices of any kind or nature be placed across the public sidewalk or in a manner which would cause or create an unsafe or dangerous condition.
- (6) All goods, wares, merchandise, food or beverages shall be placed upon a table, rack, stand, cart, or other permitted structure and shall not be placed directly upon the public sidewalk.

8-8-10 NEWS RACKS, NEWS VENDING MACHINE AND NEWSSTANDS:

- (A) Notwithstanding Sections 8-8-2 through including 8-8-4 of this Chapter, news racks, news vending machines and newsstands may be installed, used or maintained upon public sidewalks subject to the following restrictions and standards:
- (B) Definitions: For the purposes of this section a "news rack" is any structure, stand, platform, stall, box, rack, booth or other structure or device used for the distribution of newspapers, magazines or other printed news media.
- (C) Encroachment on Public Streets Prohibited: No person shall install, use or maintain any news rack which projects onto, into or over any part of the roadway of any public street or alley, or which rests wholly or in part, upon, along or over any portion of such roadway.
- (D) Interference with Public Uses Prohibited: No person shall install, use or maintain any news rack which in whole or in part rests upon, in or over any public sidewalk when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other government use, or when such news rack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any crosswalk, residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals,

hydrants, mailboxes, or other public structures or objects installed at said location.

- (E) Standards: Any news rack which in whole or in part rests upon, in or over any sidewalk shall comply with the following standards:
- (1) No news rack may exceed fifty inches (50") in height, thirty inches (30") in width or two feet (2') in depth.
 - (2) News racks may be placed only near a curb or adjacent to and parallel with the wall of a building adjoining the sidewalk or the edge of the sidewalk furthest from the public street. News racks placed near the curb shall be placed no less than twelve inches (12") nor more than eighteen inches (18") from the back edge of the curb; however, in locations not adjacent to a parking stall, news racks may be placed not less than three inches (3") from the back edge of the curb. News racks placed adjacent to the wall of a building or back edge of the sidewalk shall be placed not more than six inches (6") from such wall or edge of the sidewalk. No news rack may be placed or maintained on a sidewalk opposite another news rack.
 - (3) No news rack may be chained, bolted or otherwise attached to any fire hydrant, pole, bench, receptacle or other public fixture.
 - (4) News racks may be chained or otherwise attached to each other; however, no more than three (3) news racks may be joined together in this manner, and a space of no more than six inches (6") shall separate each news rack and a space of no less than eighteen inches (18") shall separate each group of three (3) news racks so attached.
 - (5) No news rack, or group of attached news racks, shall weigh, in the aggregate, in excess of one hundred twenty-five (125) pounds when empty.
 - (6) No news rack shall be placed, installed, used or maintained:
 - (a) Within three feet (3') of any marked crosswalk.
 - (b) Within fifteen feet (15') of the curb return of any unmarked crosswalk.
 - (c) Within three feet (3') of any street light pole, utility pole, fire hydrant, fire call box, police call box or other emergency facility.
 - (d) Within three feet (3') of any driveway.
 - (e) Within three feet (3') ahead of, and fifteen feet (15') to the rear of any sign marking a designated bus stop.
 - (f) Within three feet (3') of any designated loading or unloading zone.
 - (g) Within three feet (3') of any publicly-owned bench.

- (h) At any location whereby the clear space for the passage of pedestrians is reduced to less than five feet (5'); however, in the event the sidewalk is less than six feet (6') in width, then the clear space shall not be reduced to less than three feet (3').
 - (i) Within three feet (3') of any display window abutting the sidewalk in a manner which impedes or interferes with the reasonable use of such window for display purposes.
- (F) Advertising Limitations: No news rack shall be used for advertising signs for publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.
- (G) Maintenance: Each news rack shall be maintained in a clean, neat and attractive condition and in good repair at all times. No news rack may be painted in a garish or gaudy color or manner.
- (H) Identification: Every person who places, maintains or operates a news rack upon the public sidewalk shall have his name, address and telephone number affixed thereto in a conspicuous place.