

## **SEC. 56.08. SIDEWALKS – STREETS – OBSTRUCTIONS.**

(a) No person owning, leasing, occupying, having charge or control of any lot or premises, shall allow, keep or maintain any tree, bush or vegetation growing upon any lot or premises abutting any street or sidewalk or upon any street or sidewalk so that the limbs, twigs, leaves or parts of such tree, bush or vegetation interfere with or obstruct the free passage of pedestrians or vehicles along or upon said streets or sidewalks.

(b) Trees or bushes greater than fifteen feet in height growing in or upon any premises or sidewalk shall be deemed to interfere with and obstruct the free passage of pedestrians or vehicles upon said streets and sidewalks within the meaning of this section unless the lower limbs, twigs or leaves of such trees or bushes are kept removed at all times so as to have a minimum clearance of:

1. 13 feet 6 inches over that portion of State highways and major streets improved, designed or ordinarily used for vehicular traffic;
2. 11 feet over that portion of local streets improved, designed, or ordinarily used for vehicular traffic;
3. 9 feet over the sidewalk and parkway area of all streets. **(Amended by Ord. No. 106,987, Eff. 3/24/56.)**

(c) No person having charge or control of any lot or premises shall allow any soil, rubbish, trash, garden refuse, tree trimmings, ashes, tin cans or other waste or refuse to remain upon any sidewalk, parkway, or in or upon any street abutting on or adjacent to such lot or premises, or which will interfere with or obstruct the free passage of pedestrians or vehicles along any such street, sidewalk or parkway. **(Amended by Ord. No. 123,979, Eff. 4/20/63.)**

(d) No person having charge or control of any lot, building, or premises, shall clean or sweep any dirt, rubbish or refuse from any sidewalk into the street; provided that nothing contained in this section shall prevent such person from cleaning or sweeping any dirt, rubbish, or refuse from any sidewalk and disposing of the same on or in said lot, building or premises, where such disposition does not create a nuisance and is not prohibited by any other ordinance. **(Amended by Ord. No. 148,466, Eff. 7/29/76.)**

(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.

(f) No person shall excavate on any land sufficiently close to the property line to endanger any adjoining street, sidewalk, alley, or other public property, without supporting and protecting such street, sidewalk, alley, or other public property from settling, cracking, or other damage which might result from such excavation.

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.