

ORDINANCE NO. 2009-3

AN ORDINANCE TO PROMOTE THE GENERAL HEALTH, WELFARE AND SAFETY OF ALL PERSONS TRAVELING OVER OR UPON, OR OTHERWISE USING THE PUBLIC SIDEWALKS WITHIN THE CITY OF ST. ANTHONY, IDAHO; TO INSURE FREE AND UNRESTRICTED ACCESS OF THE PUBLIC TO THE PUBLIC SIDEWALKS AND THOROUGHFARES, RESIDENCES AND BUILDINGS ABUTTING THE SAME; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, it is the desire of the City Council to promote the general health, welfare, and safety of all persons traveling upon public sidewalks, and

WHEREAS, public sidewalks may be used from time to time for the display of merchandise or other commercial purposes, and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO:

ARTICLE I. SIDEWALK ACCESS

SECTION A: All persons, firms, or corporations owning or occupying premises within the corporate limits of the City of St. Anthony shall maintain safe and traversable sidewalks adjacent to said premises consistent with the applicable standards set forth by the City of St. Anthony.

SECTION B: It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the corporate limits of the City of St. Anthony.

SECTION C: It shall be unlawful for any person or persons, firm or corporation owning or occupying premises within the corporate limits of the City of St. Anthony, to suffer or permit rubbish or debris to be or remain on the sidewalks adjacent to their respective premises.

SECTION D: 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 of St. Anthony, except as permitted by Sections F and H below.

SECTION E: 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 or vehicle situated upon any public street, sidewalk or parking area within the City of St. Anthony, except as permitted by Section F or H below or as allowed in any subsequently approved sign ordinance, or upon fulfilling the requirements set forth by the City of St. Anthony with respect to such placement.

SECTION F: Notwithstanding Sections A, B, C, D and E above, the City Council may by resolution duly passed and adopted, declare a day or days in the commercial areas of the City of St. Anthony during which merchants and others may display and sell goods, wares and merchandise on specified streets and sidewalks within the City. Fisherman's Breakfast, Pioneer Day and Summer Fest are hereby declared to be such days. The respective organizations in charge of each such celebration shall have the right to allow the display and sale of goods, wares and merchandise on City Property as the each such organizer may see fit in conjunction with each such celebration.

SECTION G: Anytime sidewalks are used for the purposes permitted under this ordinance, the merchandise so displayed shall be confined within an area extending from the store front toward the street line no more than $\frac{1}{2}$ the total width, and under no circumstance shall the display area extend any closer than five (5) feet from the street line, and shall not cover any more than a total of one half ($\frac{1}{2}$) of the total area of sidewalk in front of the business.

SECTION H: Any resident merchant or other person conducting a lawful business in the commercial area, may for the purpose of displaying goods, wares and merchandise, petition the City of St. Anthony for permission to engage in such conduct on a regular basis provided that said merchant, shall first be required to indemnify the City of St. Anthony from any and all liability by reason thereof to the extent of \$500,000.00 for any one accident and to file proof with the City of such liability insurance indemnifying the City of St. Anthony, and the same restrictions as set forth above in Section E shall apply as to placement. Provided that any such display of merchandise shall be removed at the end of each business day or during any period when the adjacent business is not open for business. Nothing herein contained shall allow for placement of merchandise in such a manner as to require, or encourage pedestrians to walk upon the street.

SECTION I: At any location in the commercial area where the sidewalk is less than six (6) feet in width, then the clear space for pedestrian passage shall not be reduced to less than four (4) feet.

ARTICLE II. PENALTIES AND EFFECTIVE DATE

SECTION A: Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor, and be punishable by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. In addition, the City shall have the right to remove the obstruction at their discretion, and the cost of so doing shall be added to the monthly utility billing sent out by the City to the appropriate property owner or account holder.

SECTION B: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION C: This ordinance shall be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 24th day of June, 2009.

APPROVED:

(CITY SEAL)

_____/s/_____
Garth Rose
Mayor

ATTEST:

_____/s/_____
Patty Unruh Parkinson
City Clerk