

BUSINESS INFORMATION			
Business name:			
Address:			
Mailing address (if different):			
City/State/Zip:			
Phone:		E-mail:	
Property owner:			
PERMIT APPLICATION TYPE		LOCATION	
☐ Portable Sign			
☐ Additional Off-site Portable Sign <i>Attach written permission (required)</i>			
☐ Obstruction (specify): _____			
☐ Tourist-oriented sign (TOS)			
TYPE OF USE			
☐ Long-term	☐ Temporary (45 days or less)	☐ Home Occupation	☐ Industrial / Commercial Property
APPLICANT INFORMATION			
☐ Business Owner		☐ Employee	
☐ Other: _____			
Name:			
Phone:		E-mail:	
I hereby submit the Public Way Use permit application for approval, and if approved, hereby certify that the usage of this permit will be conducted in strict compliance with Code Section 90.01 through 90.08 (see reverse).			
Applicant signature: _____			
Printed name:		Date:	
FOR OFFICIAL USE ONLY			
APPLICATION INTAKE			
Received by:		Date:	
DIRECTOR'S APPROVAL			
☐ Approved ☐ Rejected		Signature:	Date:
PERMIT ISSUANCE			
Permits issued:			
Issued by:		Date:	☐ In person ☐ Mailed

§ 90.01 PERMITTED USES OF THE PUBLIC WAY. The purpose of this subchapter is to reduce congestion and unsightly clutter, to keep public rights-of-way clear for safe and convenient travel by pedestrians, and to protect the city from claims of liability based upon the placement of obstructions within the public way. Notwithstanding the applicable provisions of this subchapter pertaining to signs not adjacent to a premises, obstructions permitted by a city, county, regional, state, or federal agency are exempt from the provisions of this subchapter. (Prior Code, § 3.900)

§ 90.02 DEFINITIONS. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BENCH. A privately-owned bench placed on a sidewalk, including any structure on which patrons of businesses and members of the public can sit. **LONG-TERM.** A period in excess of 45 consecutive days. **MOVEABLE.** Not affixed to the pavement. **OBSTRUCTION.** Vending machine, table, bench, or other seating object; bike rack, flower box, trash receptacle, display of stock in trade, sign, or any other object placed by a person in the public way. **PERSON.** A natural person, corporation, partnership, or other entity regardless of form. **PUBLIC WAY.** Includes any public street, road, sidewalk, or public easement. **SALE.** The exchange of any object of merchandise or food for any form of consideration, whether at retail or wholesale, regardless of whether a profit is made. **SIDEWALK.** Any public improved path for pedestrians within a public way. **STRUCTURE.** Anything constructed or erected adjacent to, on, or above a public way. **TEMPORARY.** A period of less than 45 consecutive days. **TOURIST-ORIENTED BUSINESS.** A facility that offer a cultural, historical, recreational, educational, entertaining or food service activity, or a unique and unusual commercial activity whose major income or visitors is derived from motorists not residing in the immediate area of the business. Bed and breakfast establishments conforming to the requirements of §§ 10.7.025 through 10.7.035 of the Development Code shall be included as **TOURIST-ORIENTED.** **VENDING MACHINE.** Any self-service box, container, storage unit, or other dispenser used for the display and/or sale of any item, such as, but not limited to, beverages, newspapers, periodicals, magazines, books, pictures, photographs, advertising circulars, and records. (Prior Code, § 3.905) (Ord. 2011-08, passed 7-11-2011)

§ 90.03 OBSTRUCTIONS TO PUBLIC PASSAGE. (A) No person shall place an obstruction within the public way unless otherwise permitted under this or any other city ordinance. (B) All obstructions shall comply with the following restrictions and conditions. (1) No obstruction shall be placed: (a) Within three feet of any marked pedestrian crosswalk as measured from the point of intersection between a crosswalk and the sidewalk curbing closest to the intended location of said object; (b) Within five feet of any intersecting driveway, alley, or street; (c) In a manner reducing the clear, continuous sidewalk width to less than five feet; (d) In a manner interfering with ingress or egress from private property or public facilities; or (e) Such that the placement causes a hazard for pedestrian or vehicular traffic or obstructs the view of such traffic from the public way. (2) No object or obstruction shall be attached in any way to a fire hydrant or other emergency equipment, traffic signal controller, traffic sign, light pole, utility pole, or street tree. (3) Temporary obstructions shall be removed by the expiration date on the permit. (4) Other than signs, no commercial advertising shall be permitted on long-term obstructions. (5) All objects shall be maintained by the owner of the object at all times in a clean, neat, and attractive condition and in good repair. The area around said object shall be kept free of debris and litter at all times. (6) No sign, awning, or architectural features shall be located less than eight feet in height as measured from the sidewalk surface. (7) A tourist-oriented business may have an offsite portable sign as provided by division (B)(8)(a) below or a city sign as provided by division (B)(10) below. (8) Temporary and portable signs within the public right-of-way shall be subject to the following provisions. (a) Each commercially or industrially-zoned property shall be permitted one portable sign, either on the premises or in the right-of-way located directly adjacent to the property to which the sign pertains. An additional portable sign may be placed within the right-of-way in front of any other property, provided that the owner of the property where the sign is placed gives written permission for the placement of the sign. In no case shall there be more than one portable sign placed in the right-of-way in front of any property. Signs shall be professionally prepared, shall not be larger than six square feet, shall contain no moving parts, and shall not be lighted. Signs shall be removed at the close of business each day. Obstructions other than signs can be placed anywhere in the public way subject to the provisions of this code. Portable signs are typically signs known as sandwich board signs. (b) During the time of a garage sale, one temporary sign shall be permitted per frontage in the right-of-way located directly adjacent to the property to which the sign pertains and up to two temporary signs may be placed anywhere within the public right-of-way consistent with the requirements of this subchapter. Said signs shall not exceed four square feet in area, which are allowed from 6:00 a.m. on Friday to Sunday at 6:00 p.m. and must be removed promptly thereafter. Such signs are typically used for garage sales. No permit shall be required for such signs. (c) Up to two temporary signs during the time of sale, lease, or rental of a lot or structure. The signs can be located anywhere in a residential, commercial, or industrial zone district within the public right-of-way with each sign not exceeding six square feet in size and 30 inches in height. Said signs are allowed from 6:00 a.m. on Friday to Sunday at 6:00 p.m. and must be removed promptly thereafter. No permit shall be required for such signs. (9) Obstructions other than vending machines shall be located directly adjacent to the property to which the obstruction pertains. (10) Signs allowed for tourist-oriented businesses on streets under city jurisdiction shall be subject to the following: (a) Not more than one sign is allowed per business; (b) Only one sign shall be allowed on a street sign pole and more than one sign can be allowed on other poles; and (c) Said signs shall be approved, located, and erected by the Public Works Director. (C) In addition to the provisions of divisions (A) and (B) above, non-movable obstructions shall: (1) Be located at least ten feet as measured along the curb from any fire hydrant or other emergency equipment facility; (2) Be located at least three feet from any traffic signal controller, traffic sign, light pole, or utility pole; and (3) Shall not be located over a utility vault, meter cover, manhole, or access cover. (Prior Code, § 3.910) (Ord. 2011-08, passed 7-11-2011) Penalty, see § 90.99

§ 90.04 LOCATION PERMIT. The Public Works Director is hereby authorized to review application(s) and issue/deny permit(s) for placement of obstruction(s) in the public way upon a clear showing by an applicant of conformity with the provisions of § 90.03. Permits for permanent obstructions shall be valid for one year from the date of approval. Permits for temporary obstructions shall be valid for no more than 45 days from the date of approval. No more than two temporary permits shall be issued per property per calendar year. (Prior Code, § 3.915)

§ 90.05 OBJECTS TO BE REMOVED UPON NOTICE. Any object placed within a public way shall be removable. Such object shall be removed immediately upon written notice from the Public Works Director or designee to the owner requiring the object's removal for safety reasons, for purposes of construction or maintenance activities by the city or other public agency, or because the object does not comply with the provisions set forth in §90.03. (Prior Code, § 3.920)

§ 90.06 ENFORCEMENT. The Public Works Director or designee shall have the authority to order or effect the removal of any object deemed to be an obstruction under this subchapter. The Public Works Director or designee shall also have the authority to order removal of any object, if its owner fails to comply with written notice of removal provided by the city or an order to enforce the provisions of this subchapter. (Prior Code, § 3.925)

§ 90.07 RESPONSIBILITY. Notwithstanding the provisions of §§ 151.003 and 151.004, any person locating, placing, or installing any object within the public way shall be solely responsible for any damage or injury to persons or property caused thereby. (Prior Code, § 3.930)

§ 90.08 PERMIT FEE AND SIGN COSTS. (A) The fee for a public way use permit described above shall be set by City Council resolution. (B) The annual fee for a tourist-oriented street sign described above shall be set by City Council resolution. (Prior Code, § 3.940) (Ord. 2011-08, passed 7-11-2011)