

Chapter 14.02

PUBLIC RIGHTS-OF-WAY

Sections:

- 14.02.010 Encroachments Prohibited
- 14.02.020 Permitted Uses
- 14.02.030 Violations; Penalty

14.02.010 Encroachment Prohibited. Except as otherwise provided, it shall be Unlawful for any person to:

(a) Erect, place, or leave any private sign, eaves, marquee, or similar other structure, fixture, or device, or cause or allow the same to remain or encroach upon any public right-of-way.

14.02.020 Permitted Uses. This chapter does not and shall not be construed to prohibit the following:

(a) Private advertising signs, eaves, marquees and similar devices overhanging the right-of-way provided:

1. The overhanging device is one which is permitted by building or safety codes or regulations in force or hereafter adopted or established, and

2. Such device is in compliance with such codes or regulations and subject to the control of and authorized by the building inspector or other proper municipal authority.

(b) On the right-of-way for any state highway where applicable municipal codes or regulations permit a lateral clearance of less than five feet (5') from the outermost portion of an overhanging device to the face of the curb, or, where there is no curb, to the shoulder of the road, or a vertical clearance of less than ten feet (10') from the lowest portion of such a device to the top of the curb, sidewalk, or highway shoulder elevation, any device allowing less than the specified clearance provided:

1. The device allows at least two feet (2') of lateral clearance and seven and one-half feet {7½') of vertical clearance, and

2. Installation is authorized by the state highway division maintenance supervisor as being one which in his judgment will not hinder or incommode vehicles or pedestrians using the public right-of-way of such state highway.

(c) Private noncommercial use and maintenance of the area to sidewalks and curbs by abutting property owners for of trees, shrubs and grasses and similar uses provided such use:

1. Is not otherwise prohibited or restricted by law, ordinance, or municipal building or safety codes or regulations, and
2. Is not commercial or carried on or conducted for profit and does not incommode or interfere with the use of the public right-of-way.

(d) Occupancy of rights-of-way by utilities as authorized by law, ordinance, or other local procedures.

(e) Occupancy or activities expressly authorized by ordinance, regulations, licenses, or permits.

14.02.030 Violations; Penalty. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in Section 1.08.010 of this code.

(Ord 77)