

#### 12.36.120 - Revocation of encroachment permit.

- A. Violation of any provision of this chapter, or any federal, state, county or local health regulations shall be grounds for revocation of the encroachment permit. In addition, any conduct of any permittee which is a threat to public health and safety shall be grounds for immediate revocation of the encroachment permit. Violation shall also be grounds for denial of any subsequent application by the permittee.
- B. Notice of revocation hearing before the city manager shall be given to the permittee by mail at least five (5) days before the date of the hearing. At the hearing, the permittee may show cause why such permit should not be revoked or should not have been revoked. The city manager shall mail his determination of the revocation to the permittee within five (5) days after the hearing.

(Ord. 1941 § 1 (part), 1996).

#### Chapter 12.42 - TEMPORARY STREET CLOSURES

##### Sections:

#### 12.42.010 - Permit required.

- A. It is unlawful for any person to construct, erect, place, keep or maintain any sign, showcase, rack, frame, or other device for the storage, display or sale of any food or merchandise of any kind, or to construct any structure or obstruction of any type along, under, over or above any public street or alley or otherwise close any such street or alley without first obtaining an encroachment permit from the city manager or his designee. Notwithstanding Section 12.08.020, encroachment permits shall be issued if all the requirements of this chapter are met and the city manager or his designee finds that the granting of such encroachment permit will not unduly interfere with the rights of the public or significantly contribute to any traffic or other safety hazards.
- B. No encroachment permit shall be issued for more than forty-eight (48) hours, or for any location within eight hundred (800) feet of a location covered by an encroachment period within the previous sixty (60) days.
- C. Encroachment permits do not constitute the granting of an easement by the city and are only transferable or assignable with the permission of the city manager or his designee.

(Ord. 1941 § 2 (part), 1996).

#### 12.42.020 - Application for encroachment permit.

Applications for encroachment permits pursuant to this chapter shall be submitted to the city manager. Every application shall contain the following information:

- A. The name, address, social security number and driver's license number of the applicant.
- B. A description of the proposed use of the encroachment area and the equipment, obstructions, etc., intended to be placed in the encroachment area.
- C. Such additional information as may be required by the city manager or his designee.

(Ord. 1941 § 2 (part), 1996).

#### 12.42.030 - Insurance.

Every permittee shall be required to furnish the city with a certificate of insurance with coverage of at least \$500,000 for property damage and \$500,000 for personal injury or a minimum combined single limit coverage of \$500,000 naming the city, its officers, agents and employees as additional insureds. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the city.

(Ord. 1941 § 2 (part), 1996).

#### 12.42.040 - Hold harmless agreement.

Every permittee shall sign an agreement to indemnify and hold harmless the city, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property which may arise out of or in any way be connected with the use of the encroachment permit.

(Ord. 1941 § 2 (part), 1996).

#### 12.42.050 - Public property use fee for non-residential uses.

For the privilege of using public property for a private business purpose, a permit fee shall be paid by a non-residential permittee in advance in the sum of fifty dollars (\$50) for each encroachment permit.

(Ord. 1941 § 2 (part), 1996).

#### 12.42.060 - Designated location.

- A. A permittee shall only use such street or alley as is designated and approved by the city manager or his designee.
- B. Public safety shall be the principal factor considered when determining allowable locations. In addition, a designated area shall not:
  - 1. Be located on a major arterial street.
  - 2. Extend for more than four hundred (400) feet along a street or alley.
  - 3. Include any sidewalk along the designated area.

(Ord. 1941 § 2 (part), 1996).

12.42.070 - Additional requirements.

- A. Permittee shall erect no permanent structure within the encroachment area.
- B. All equipment, trash and debris shall be removed from the encroachment area prior to the expiration of the encroachment permit.
- C. Permittee shall place and remove traffic barricades and post parking restrictions as required by the city manager or his designee.
- D. Permittee shall contact all businesses and residences within one-half mile of the encroachment area at least seventy-two (72) hours prior to the encroachment period advising them of the encroachment period and the intended use of the encroachment area. Permittee shall secure signatures granting permission from businesses which have frontage on the encroachment area, and present such with the completed application.
- E. Security shall be provided by the permittee as required by the police department.
- F. Permittee shall pay for any city service required for security or for any clean-up not performed by the permittee.

(Ord. 1941 § 2 (part), 1996).

12.42.080 - Sale of alcoholic beverages.

Notwithstanding Section 9.12.020, the sale and consumption of alcoholic beverages shall be permitted within the encroachment area if permittee complies with all other laws relating to the sale of alcoholic beverages.

(Ord. 1941 § 2 (part), 1996).

12.42.090 - Revocation of encroachment permit.

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- B. Notice of revocation hearing before the city manager shall be given to the permittee by mail at least five (5) days before the date of the hearing. At the hearing, the permittee may show cause why such permit should not be revoked or should not have been revoked. The city manager shall mail his determination to the permittee within five (5) days after the hearing.

(Ord. 1941 § 2 (part), 1996).

#### 12.42.100 - Appeal.

Any decision of the city manager to issue, revoke, or deny an encroachment permit may be appealed to the city council by filing a written appeal with the city manager within ten (10) days of mailing of the city manager's decision. The city council shall hear the appeal at the next regularly scheduled meeting provided that the appeal is received at least seven (7) days before the meeting date. The city council's decision shall be final.

(Ord. 1941 § 2 (part), 1996).