

## CHAPTER 11

### USE OF STREETS

Section 101. **Definitions.** The words "street" or "street" as used in this ordinance shall be understood as including highways, avenues, courts, lanes, alleys, parks, squares, places, sidewalks, and bridges. The definitions of words and phrases contained in the Traffic Code Ordinance of the City are hereby made applicable to this and to every other ordinance of this City.

Section 102. **Assemblage.** No person or persons shall hold or address any public meeting or assemblage of people in any street without a permit to do so granted by the City Clerk and approved by the City Manager.

Section 103. **Awnings.** No owner or leasee of a building to which an awning is hereafter attached shall allow any part of said awning to be nearer than seven feet of the surface of the sidewalk or street, and the fixtures thereof shall be securely fastened and supported in such a manner as not to interfere with pedestrians.

\*Section 104. **Begging.** No person shall beg in any street or public place in the City of Ellsworth.

Section 105. **Business.** No person shall in any part of a street expose any goods for sale, unless the same is especially allowed by law or ordinance, without first obtaining a written permit from the City Clerk to do so.

Section 106. **Cleaning Sidewalks.** No person in removing dust, dirt, debris, snow, ice or muck from any sidewalk or crosswalk of the City, shall project or cause to be deposited any such material upon the person or apparel of any person nearby or passing, but in all cases material shall be removed in a careful manner, and the person so engaged in removing the same shall if necessary discontinue such operation until the person passing or nearby shall have reached a safe distance.

Section 107. **Conduct.** No person shall engage in any indecent, insulting, immoral or obscene conduct; nor create a disturbance; nor make any indecent figure or write any indecent or obscene words upon any fence, sidewalk, building, or other public place in the City.

Section 108. **Encroachment.** Whenever the City Council shall ascertain that any structure encroaches upon the limits of any street, it shall forthwith issue a notice to the offending part that such structure be removed within a reasonable time as said Council shall therein specify, and in case the offending party shall not comply with said order, the City Council shall cause such structure to be removed, at the charge and expense of the persons maintaining the same, in addition to the penalty prescribed for violation of this section.

\*Amended 4/26/76

Section 109. **Encumbrance.** No person shall occupy any street for the purpose of placing wood, lumber, bricks or any other material intended to be used in erecting or repairing any building on any land abutting on any of the streets or public places within the City, except in accordance with the terms of a building permit previously obtained, and any authorization thereunder by the Building Inspector. Such permit or authorization thereunder shall allot such part of the street or other public place as the Building Inspector may deem necessary and sufficient for the purpose, and so as to leave convenient room for pedestrian and vehicles to pass therein; and the part so allotted may be used for placing all materials for any such building or other purposes, and for receiving the rubbish arising therefrom; and all the rubbish arising therefrom or thereby shall be fully and entirely removed and carried away at the expense of the person so building or repairing and so occupying said street or other public place, in such time as shall be limited and expressed in such building permit or authorization thereunder. Such building permit or authorization thereunder may contain such reasonable conditions and limitations with regard to the erection and maintenance of barricades, warning signs and lights, and such other precautions as the Building Inspector may deem necessary.

\*Section 110. **Encumbrance by Sales Display.** No person engaged in the sale of goods, wares, or merchandise shall deposit, pile, place or display for purposes of sale, or cause or permit to be deposited, piled, placed or displayed for the purpose of sale, any such goods, wares or merchandise upon or overhanging any sidewalk or street in front of or adjacent to his business or premises without consent of the City Council, and a written permit from the City Clerk as per Section 105 of this ordinance. \*\*Except that the City Council may grant temporary permits to persons engaged in the sale of goods, wares, or merchandise, for sale on any sidewalk or street, in front of or adjacent to his business or premises, upon the following conditions:

- a) Said permit not to be issued for longer than 40 days, and may only be granted for those sales held during the months of July and August;
- b) City Council having found that said sale would not unduly interrupt pedestrians or motor vehicular traffic; and
- c) Provided that said sale would not cause a risk of harm to persons using said streets or sidewalks.

Section 111. **Excavations.** No person shall break or dig up the ground in or near any street or public place in this City, without a permit from the City Clerk.

Section 112. **Games.** No person shall, within the limits of any street in the City, play at any game of ball, amusement or exercise, interfering with the convenient

and free use of such street by persons or vehicles traveling thereon, except such street as may be designated as a "play street" by the City Manager, and then only for the period definitely so designated.

\*Amended 4/26/76

\*\*Added 5/17/76

Section 113. **Loitering**. No person shall loiter in any street or public place, or in the doorway of any store, after being ordered to move on by a police officer.

Section 114. **Missiles**. No person shall throw any missiles in or across any street or public place.

Section 115. **Noise**. No person shall without a permit from the City Clerk, approved by the City Manager, use any device to amplify sound for commercial profit advertising purposes, either stationary or by means of conveyance, upon any street or public place in the City.

Section 116. **Notices**. No person shall deface or tear down any public notice, ordinance or advertisement posted in a street or public place by any public official in the performance of his duties.

Section 117. **Paint on Sidewalks**. No person shall paint or cause to be painted any sign, advertising, or any other matter upon the public sidewalks, or apply paint thereto for any purpose in any manner, except such paint as may be applied under the direction of a public official or employee for public purposes.

Section 118. **Projections**. No person shall make or maintain any door-step, platform, portico or porch, or any entrance to any passage way to any cellar or basement, or any other structure projecting into or upon any street or sidewalk.

\*Section 119. **Signs**. No person shall injure, damage, deface, break, take down, or remove or in any manner interfere with any street sign placed in a street under authority of the City Council or City Manager except a public official or employee for repair or replacement purposes.

Section 120. **Signs of Warning**. No person shall damage, interfere or meddle with, throw down, destroy or carry away from any street or public place, any lamp, lantern flare or other light, barricade or danger signal, erected and placed therein for the purpose of guarding or enclosing unsafe or dangerous places, or giving warning or notice thereof.

\*Section 121. **Obstructions on Traveled Roadway**. No person shall place, deposit or cause to be deposited any rocks, stones, snow, ice or other obstructions

upon any street or roadway in any manner so as to obstruct traffic or use of said street or roadway.

Section 122. **Sidewalks**. No owner of any building, lot or premises shall allow rain water or drain water to drain from such buildings, lot or premises onto a sidewalk, or to allow ditches, leaders, ducts, or drainpipes to empty on a sidewalk.

\*Amended 4/26/76

\*\*Section 123. **Emergency Rule by Police Officer**. Whenever a police officer shall deem it advisable, during a fire or at the time of any accident, special emergency or for public safety and convenience may temporarily close any way or part thereof to vehicular traffic, or to vehicles of a certain description, or to divert the traffic thereof, or to divert or break a course of pedestrian traffic.

\*\*Section 124. **Emergency Rule by City Manager or Highway Foreman**. Whenever the City Manager or Highway Foreman shall deem it advisable, during a fire, at the time of any roadway construction, special emergency or for public safety and convenience may temporarily close any way or part thereof to vehicular traffic, or to vehicles of a certain description, or to divert the traffic thereof, or to divert or break a course of pedestrian traffic.

Section 125. **Penalty**. Any person who shall be guilty of a violation of any provision of this ordinance shall be subject to a penalty of not less than \$10 nor more than \$100 for each and every offense. The imposition of a penalty for violation of this ordinance shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, or within such time limit as may be specified in any notice given to the owner or occupant of the premises by the City Manager, and each day such violation continues to exist following the expiration of the time limit specified in any such notice shall constitute a separate offense.

\*\*Added 4/26/76

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