

A BILL FOR AN ORDINANCE DEFINING)
OFFENSES AND NUISANCES RELATING TO)
STREETS, SIDEWALKS, AND TREES, PRO-)
VIDING FOR THEIR ABATEMENT, AND PRE-)
SCRIBING PENALTIES AND DECLARING AN)
EMERGENCY.

ORDINANCE BILL NO. 62
for 1967

ORDINANCE NO. 1292

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Definitions. Unless the context requires otherwise, the following mean:

- (1) City. The city of Lebanon.
- (2) Council. The governing body of the city.
- (3) Person. A natural person, firm, partnership, association, corporation, whether he or it is acting for himself or itself or as the clerk, servant, employe, or agent of another.
- (4) Person in charge of property. An agent occupant, lessee, contract purchaser, or person other than the owner, having possession or control of the property.

Section 2. Snow and Ice Removal. No owner or person in charge of property abutting on a public sidewalk shall permit:

- (1) Snow to remain on the sidewalk for a period longer than 24 hours after the snow has fallen.
- (2) Ice to cover or remain on the sidewalk for a period longer than 24 hours after the ice has formed without removing the ice or covering it with sand, ashes, or other suitable material to assure safe travel.

Section 3. Surface Waters, Drainage.

- (1) No owner or person in charge of any building or structure shall suffer or permit rainwater, ice, or snow to fall from such building or structure on to a street or public sidewalk or to flow across such sidewalk.
- (2) The owner or person in charge of the property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk.

Section 4. Trees.

- (1) No owner or person in charge of property that abuts upon any street or public sidewalk shall permit trees or bushes on his property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of property that abuts upon a street or public sidewalk to keep all trees and bushes on his premises, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than 10 feet above the roadway.
- (2) No owner or person in charge of property shall allow to stand and dead or decaying tree that is a hazard to the public or to persons or property on or near the property.

Section 5. Persons on Sidewalks.

- (1) No person or group of person shall gather or stand on a public sidewalk or public pathway in such a manner as to prevent, impede or obstruct the free passage of pedestrian traffic.
- (2) No person or group of persons obstructing the free passage of pedestrian traffic shall fail or refuse to move on or disperse when lawfully ordered to do so by a police officer.

Section 6. Obstruction on Streets and Sidewalks.

- (1) No person, except as otherwise permitted by ordinance, shall obstruct, cause to be obstructed, or assist in obstructing vehicular or pedestrian traffic on any street or public sidewalk.
- (2) No person, except as otherwise permitted by ordinance, shall use any street or public sidewalk for selling, storing, or displaying merchandise or equipment, unless a permit is granted to such person or group of persons by the Council.

(3) The provisions of this section shall not apply to the delivery of merchandise or equipment, provided the owner or person in charge of the merchandise or equipment or the property abutting on the street or public sidewalk upon which the merchandise or equipment within a reasonable time.

(4) No owner or person in charge of property shall permit a cellar door or grate located in or upon a public sidewalk to remain open except when such entrance is being used, and, when, being used there are adequate safeguards for pedestrians using the sidewalk.

Section 7. Injurious or Offensive Substances on Streets or Sidewalks. No person shall deposit upon any street or public sidewalk any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance create a stench, create a fire hazard, detract from the cleanliness or safety of such street or sidewalk, or would be likely to injure a person, animal or vehicle traveling upon such street or sidewalk.

Section 8. Abatement. Any act or condition prohibited by this ordinance is declared to be a public nuisance and may be abated by any of the procedures including summary abatement procedures, set forth in other ordinances relating to nuisances.

Section 9. Penalty.

(1) Violation of this ordinance shall constitute a misdemeanor.

(2) Each day's violation of this ordinance shall constitute a separate offense.

(3) The abatement of a nuisance is not a penalty for violating this ordinance but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate a nuisance.

Section 10. Severability. The section and subsections of this ordinances are severable. The invalidity of one section or subsections shall not affect the validity of the remaining sections or subsections

Section 11. Emergency Clause. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 19th day of December, 1967.


Mayor

ATTEST:


City Recorder