

CHAPTER 8 USE OF PUBLIC SIDEWALKS

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8-8-1: **PURPOSE:** The purposes of this Chapter are:

(A) To promote the general health, welfare and safety of all persons traveling over or upon and otherwise using the public sidewalks within the City, especially those who benefit from the provisions of the Americans With Disabilities Act, as amended.

(B) To ensure free and unrestricted access of every member of the public to the public sidewalks and thoroughfares, residences and buildings abutting the same.

(C) To prevent personal injury and risk of bodily harm by objects being placed or maintained upon the public sidewalk in a manner which is dangerous or unsafe.

(D) To facilitate the installation, repair and maintenance of public sidewalks and thoroughfares and all public utilities, fixtures, signs, signals and other public structures, fixtures or receptacles placed thereupon.

(E) To promote the safe movement of vehicular traffic and provide for unobstructed view of the streets and public sidewalks for such vehicular traffic.

(F) To promote a clean, attractive and neat appearance of the public sidewalks and thoroughfares and to prevent unreasonable accumulation of refuse and litter thereupon.
(Ord. 3003, 4-23-15; Ord. 3144, 11-21-2017)

8-8-2: **DEFINITIONS:** For the purposes of this Chapter, the following terms shall have the meaning set forth below:

BUS STOP BENCH: Any bench designed and intended for use by persons who use any bus service that provides transportation for the general public or any bus service operated by any governmental agency or any contractor of a governmental agency.

DOWNTOWN AREA: the area within the City located east of and including Memorial Drive; south of and including “G” Street; west of Yellowstone Highway; and north of and including Broadway Avenue.

DWELLING: A building or portion thereof, containing one (1) or more dwelling units. The term dwelling does not include hotel, motel, boarding or rooming house, rest home, or recreational vehicle as defined herein.

FAMILY: One (1) or more individuals occupying a dwelling unit and living as a single household unit.

LOCATION: Any site upon a public sidewalk which is within fifteen feet (15') of a designated public bus stop or designated bus stop of buses operated by a governmental agency or contractor of a governmental agency.

MAILBOX: A box or receptacle into which mail is delivered, especially one that is mounted on a post at or near the entrance to a mail recipient’s property or place of business.

MAIN BUS ROUTE STREETS: Means “arterial or collector streets” as defined in the Zoning Code, and shall also include the following streets within the City: Sunnyside Road from Rollandet Avenue east to Hitt Road, Elm Street from Yellowstone Avenue southeast to South Boulevard, 1st Street from Northgate Mile east to Woodruff Avenue, Grandview Drive from Washburn east to North Skyline Drive, North Skyline Drive from Pancheri Drive north to Broadway, and South Boulevard from Sunnyside Road north to 1st Street.

NEWS RACK: Any structure, stand, platform, stall, box, rack, booth or other structure or device used for the distribution of newspapers, magazines, or other printed news media, and includes news vending machines and newsstands.

RESIDENTIAL AREA: All real property within the City zoned RP, RP-A, R-1, R-2, R-2A, R-3, and R-3A.

SIDEWALK: The portion of a street or highway between the curb lines or the lateral lines of a roadway, and the adjacent property lines or a public access easement parallel to the street or highway and intended for use by pedestrians or non-motor vehicles (whether or not the surface is paved or otherwise improved). (Ord. 3003, 4-23-15; Ord. 3144, 11-21-2017)

8-8-3: UNLAWFUL TO OBSTRUCT SIDEWALKS: It shall be unlawful for any person to obstruct or allow to be obstructed temporarily or permanently any public sidewalk within the City (including by storage, installation, maintenance, or operation of any material, motor vehicle, vehicle, structure, trash or recycling container, fixture, or business), except as permitted by this Chapter, this Code, or Idaho Code. (Ord. 3003, 4-23-15; Ord. 3144, 11-21-2017)

8-8-4: MAILBOXES: Mailboxes may be installed, constructed, and maintained upon a public sidewalk, subject to the following restrictions and standards:

(A) The mailbox shall be permanently affixed on the top of a vertical metal pipe or bar with the bottom of the mailbox thirty-eight inches (38") above the top of the curb. The pipe or bar shall not exceed two inches (2") in diameter or two inches (2") on a side if rectangular.

(B) No part of the mailbox or structure shall protrude towards the street beyond the back edge of the curb or curb line nor extend towards the residence more than fifteen inches (15") from the back edge of the curb line.

(C) The foot of the pipe shall be grouted or otherwise securely embedded in a hole through the sidewalk not exceeding six inches (6") in diameter, the center of which shall be no more than eight inches (8") nor less than six inches (6") from the back of the curb edge or curb line.

(D) Spikes, decorations, metal works or other items shall not protrude from the structure in a manner which creates an unreasonable risk of bodily injury or harm to pedestrians.

(E) Barrels, cans, receptacles, stones, masonry, or other non-metallic materials supporting the structure are prohibited.

(F) Non-Conforming Mailboxes. All mailboxes installed prior to and in conformity with City Ordinance No. 1748, (February 23, 1984) shall be deemed to be in conformity with this Section; provided, however, if such mailbox is removed, any replacement thereof shall conform to the standards set forth in this Section. (Ord. 3003, 4-23-15; Ord. 3144, 11-21-2017)

8-8-5: SIDEWALK SALES:

(A) Goods, merchandise, food, and beverages may be sold or displayed from carts or other structures upon public sidewalks, subject to the restrictions and standards in this Chapter.

(B) Sidewalk Sales in Downtown Area. Any licensed merchant or other person conducting a lawful business may place tables, racks, stands, carts, or other similar structures upon a public sidewalk located within the Downtown Area for the purpose of selling or displaying goods, wares, merchandise, food, or beverages.

(C) Sidewalk Sales in Areas Other Than The Downtown Area. The Council may, by Resolution duly passed and adopted, declare a day or days during which licensed merchants or other persons conducting a lawful business may place tables, racks, stands, carts, or other similar structures upon a public sidewalk located outside the downtown area for the purpose of selling or displaying goods, wares, merchandise, food, or beverages.

(D) Standards. Any table, rack, stand, cart, or other similar structure placed upon any public sidewalk, as permitted by this Section, shall also comply with the following regulations and restrictions:

(1) All structures shall be placed parallel to the edge of the sidewalk furthest from the public street and at a distance no greater than four feet (4') from the back edge of the sidewalk.

(2) No such structure shall project on or over or be located in any part of any public street or alley; nor shall any such structure rest upon the public sidewalk in any area where a public alley or private driveway exits into a public street.

(3) No such structure shall be placed within fifteen feet (15') of any fire hydrant.

(4) No such structure shall be placed within three feet (3') of any marked crosswalk, street light pole, utility pole, traffic sign pole, fire call box, police call box or other emergency facility, designated bus stop or designated loading or unloading zone.

(5) No such structure shall have any spikes, decorations, or protrusions which create unreasonable risk of bodily injury or harm to pedestrian; nor shall any cords, ropes, wires or other materials or devices of any kind or nature be placed across the public sidewalk or in a manner which would cause or create an unsafe or dangerous condition.

(6) All goods, wares, merchandise, food, or beverages shall be placed upon a table, rack, stand, cart, or other permitted structure and shall not be placed directly upon the public sidewalk.

(E) Sidewalk dining may be allowed on portions of a sidewalk contiguous to the restaurant providing the food. The tables and chairs must be placed as far away from the public street as possible. The tables and chairs must leave at least four feet (4') of walk way between the table and/or chairs and the edge of the sidewalk or other obstruction, such as a utility pole, fire hydrant, bus bench, planter, or newspaper rack. The tables and chairs must be portable. (Ord. 3003, 4-23-15; Ord. 3144, 11-21-2017)

8-8-6: NEWS RACKS, NEWS VENDING MACHINE AND NEWSSTANDS:

(A) News racks may be installed, used, or maintained upon public sidewalks, subject to the restrictions and standards in this Chapter.

(B) Encroachment on Public Streets Prohibited. No person shall install, use, or maintain any news rack which projects onto, into, or over any part of the roadway of any public street or alley, or which rests wholly or in part, upon, along, or over any portion of such roadway.

(C) Interference with Public Uses Prohibited. No person shall install, use, or maintain any news rack which, in whole or in part rests upon, in or over any public sidewalk when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other government use, or when such news rack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic (including uses that provide access, ingress, and egress required to be available by the American With Disabilities Act, as amended), the ingress into or egress from any crosswalk, residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs, or signals, hydrants, mailboxes, or other public structures or objects installed at said location.

(D) Standards: Any news rack which in whole or in part rests upon, in or over any sidewalk, shall comply with the following standards:

(1) No news rack may exceed fifty inches (50") in height, thirty inches (30") in width or two feet (2') in depth.

(2) News racks may be placed only near a curb or adjacent to and parallel with the wall of a building adjoining the sidewalk or the edge of the sidewalk furthest from a public street. News racks placed near the curb shall be placed not less than twelve inches (12") and not more than eighteen inches (18") from the back edge of the curb; however, in locations not adjacent to a parking stall, news racks may be placed not less than three inches (3") from the back edge of the curb. News racks placed adjacent to the wall of a building or back edge of the sidewalk shall be placed not more than six inches (6") from such wall or edge of the sidewalk. No news rack may be placed or maintained on a sidewalk in a location immediately opposite from another news rack.

(3) No news rack may be chained, bolted or otherwise attached to any fire hydrant, pole, bench, receptacle, or other public fixture.

(4) News racks may be chained or otherwise attached to each other side to side; however, no more than three (3) news racks may be joined together in this manner, and a space of not more than six inches (6") shall separate each news rack and a space of not less than eighteen inches (18") shall separate each group of three (3) news racks so attached.

(5) No news rack or group of attached news racks, in the aggregate, shall weigh, in excess of one hundred twenty-five (125) pounds when empty.

(6) No news rack shall be placed, installed, used or maintained:

(a) within three feet (3') of any marked crosswalk.

(b) within fifteen feet (15') of the curb return of any unmarked crosswalk.

(c) within three feet (3') of any street light pole, utility pole, fire hydrant, fire call box, police call box, or other emergency facility.

(d) within three feet (3') of any driveway.

(e) within three feet (3') ahead of, and fifteen feet (15') to the rear of any sign marking a designated bus stop.

(f) within three feet (3') of any designated loading or unloading zone.

(g) within three feet (3') of any publicly-owned bench.

(h) at any location whereby the clear space for the passage of pedestrians is reduced to less than five feet (5'); however, in the event the sidewalk is less than six feet (6') in width, then the clear space shall not be reduced to less than four feet (4').

(i) within three feet (3') of any display window abutting the sidewalk in a manner which impedes or interferes with the reasonable use of such window for display purposes.

(F) Advertising Limitations. No news rack shall be used as advertising signs for publicity purposes other than as allowed by the Sign Code.

(G) Maintenance. Each news rack shall be maintained in a clean, neat, and attractive condition and in good repair at all times.

(H) Identification. Every person who places, maintains, or operates a news rack upon the public sidewalk shall have their name, address, and telephone number affixed thereto in a conspicuous place. (Ord. 3144, 11-21-2017)

8-8-7: PUBLIC FIXTURES ALLOWED ON SIDEWALKS: The City and the State of Idaho may install, place, and maintain utility poles and equipment, fire hydrants, traffic signs and signals, benches, receptacles for decorative trees and plants, bicycle racks, and any other publicly-owned fixtures or structures upon public sidewalks within the City, as permitted by law.

(Ord. 3003, 4-23-15; Ord. 3144, 11-21-2017; Ord. 3329, 27-8-20)