

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

### Sec. 23-5. Obstruction of streets.

(a) It is unlawful to obstruct or to permit another to obstruct any public street or alley, sidewalk or park or other public property within the City by committing any of the following:

- (1) Interfering or blocking the legal access and egress to any business lawfully conducted by anyone, in or upon, or facing or fronting on any of such streets, alleys, sidewalks, parks, or other public grounds in the city.
- (2) Depositing, throwing or placing any glass, tacks, nails, refuse, rocks or dirt on any street, alley or sidewalk open to the public or any public property within the City.
- (3) Depositing, throwing or placing any grass, rubbish, or solid waste on any street, alley or sidewalk open to the public or on any public property within the City, except in a container designated for collection of such items by the City.
- (4) Blocking or closing any street, alley or sidewalk open to the public for purpose of a public assemblage without obtaining a permit from the City. The Police Department and City Engineer or their designee are authorized to remove any such blockages or closures without notice.
- (5) Sleeping on any street, alley or sidewalk open to the public or on any public property within the City, except in designated shelters and facilities

(b) It is unlawful to obstruct or to permit another to obstruct any traffic lane or any part of any public street or sidewalk on any city street by leaving or moving any traffic control device, barricade or any other item interfering with vehicular or pedestrian in place in violation of any individual permit or approved construction plans and approved Traffic Control Plans issued by the City Engineer or his designee.

- (1) It is unlawful for any person or entity to install on any street or sidewalk on any city street a traffic control device, barricade or any other item interfering with the movement of vehicular or pedestrian traffic without having first obtained an individual permit or approved construction plans from the City Engineer or his designee. The City Engineer or his designee may remove summarily without notice from any city street or sidewalk any traffic control device, barricade or any other item interfering with the movement of vehicular or pedestrian traffic that has been placed in such location without an individual permit or approved construction plans. Any item summarily removed may be removed first and notice provided to the Owner by first class mail or telephone to the address on the item or the last known address on file with the City or the address within the Phoenix Metro Area Telephone Directory. The owner of such traffic control device, barricade or other item interfering with the movement of vehicular or pedestrian traffic shall be charged a storage fee of \$5.00 per day per item. In the

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event of a conviction for violation of this section, the Court shall impose all current due and pending storage charges as restitution to the City. The lack of an individual permit or approved plans in the Office of the City Engineer or his designee shall be conclusive evidence that such traffic control device, barricade or any other item interfering with the movement of vehicular or pedestrian traffic has been placed in such location without an individual permit or approved construction plans.

(c) It is unlawful to interfere with the free movement of traffic resulting in obstructing any public street, alley, sidewalk or publicly owned parking area by engaging in the sale of merchandise or requesting gifts or donations on the public street, alley, sidewalk or public parking lot.

(d) Violations of Subsection (b) shall be subject to a minimum fine of \$250.00 for an individual and \$1,000 for an enterprise. The Court may order the revocation of any right of way, construction or barricade permit, traffic control plan or direct that the approval of the construction plans be revoked.

(e) Upon summary removal, if the barricading company or general contractor has not paid all accrued storage fees within thirty (30) days following notice, the property shall be presumed to be abandoned to the City. At the conclusion of the thirty (30) day period, the Public Works Director shall notify the general contractor and barricading company that the property has been abandoned to the City and will be sold as excess property or transferred to the City in exchange for all accrued storage fees owed to the City. Notice of this section shall be included in each construction permit, traffic control plan and barricading plan approved by the City.

State law reference(s) -- Obstructing a highway or public thoroughfare, A.R.S. §13-2906.

(Code 1977, §5-1-13)

(Ord. No. 91-45, 11/12/91, enacted as section 2-104, public services)

(Ord. No. 94-65, 8/30/94, enacted as section 2-107, engineering)

(Ord. No. 96-17, 4/2/96, enacted and recodified from 2-104)

(Ord. No. 97-38, 7/15/97, Repealed and former Sec. 23-1 enacted)

(Ord. No. 01-181, 12/11/01, Amended) SUPP 2001-4