

## CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

### Sec. 23-8. Dangerous construction practices.

(a) It is unlawful to maintain or allow any signs, billboards, awnings, and other similar structures over or near rights of ways, easements, streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety. It shall be presumed that any signs located within the vision triangle at any intersection or driveway as defined in accordance with Section 14-34-8.A.29 of the Zoning Ordinance of the City of Peoria, Arizona endangers the public safety, unless authorized by this Code or the City Zoning Ordinance.

(b) It is unlawful for any person to engage in any construction project on an arterial roadway in the City lasting longer than a period of One Week without posting signage in a form approved by the City Engineer or his designee indicating the dates of such construction and a telephone number where the person responsible for the construction project on behalf of the person or contractor may be contacted. The permit, plan approval or authorization by the City shall indicate the authorized time for the construction and shall govern the requirements of this subsection. Notwithstanding the foregoing, in the case of construction projects on arterial roadways as defined in the adopted General Plan of the City, the City Engineer or his designee may require additional notification to the public, including but not limited to advance public meetings, additional postings and written notice left at each residence and business within the area deemed impacted by the City Engineer or his designee.

(c) It is unlawful for any person, firm or corporation laying or replacing pavement on a street, sidewalk or other public place or making an excavation in the same, to fail to maintain suitable barricades in accordance with the adopted barricading standards and pursuant to an individual permit, traffic control plan or approved construction plans issued by the City to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by a light at nighttime.

(d) It is unlawful for any person, entity or firm to drop, place or leave any barricade or traffic control device used for temporary traffic or pedestrian control on any sidewalk or street of the City for a period of more than two (2) working days following the completion of construction, or to remove such barricades or traffic control devices from the street and store them in such a manner as to block the sidewalk. The City Engineer or his designee is authorized to summarily remove such barricades and impose a storage fee of \$5.00 per day per item. No barricades or traffic control devices shall be returned without payment of the fee. Upon summary removal, the City Engineer or his designee shall notify the barricading company and the general contractor by telephone, facsimile or in writing of the 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 City Engineer or his designee shall notify the general contractor and barricading company that the property has been

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abandoned to the City and may be sold as excess property or transferred to City Use. Notice of this section shall be included in each construction permit and barricading plan approved by the City.

(e) For purposes of this ordinance, completion of construction shall be deemed to be the approval and acceptance of the work by the City Engineer or his designee upon inspection.

(f) Notwithstanding action taken pursuant to subsection (d) of this section, violation of this section shall be a class (1) misdemeanor. Upon conviction of a violation under this Section, the Court shall impose a fine of not less than One Thousand Dollars (\$1,000.00) upon an individual and not less than Two Thousand Five Hundred Dollars (\$2,500.00) upon an enterprise, together with restitution for any costs incurred by the City under this section.

(Code 1977, § 5-1-1)

(Ord. No. 97-38, 7/15/97, Renumbered from Sec. 13-43 and amended)

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