

CHAPTER 909
Sidewalks, Curbs and Driveways

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CROSS REFERENCES

- Sidewalks - see Ohio R.C. 729.01 et seq.
 Barricades and warning lights - see GEN. OFF. 521.03; S.U.& P.S. 905.11
 Sidewalk obstructions, damage, merchandise displays - see GEN. OFF. 521.04
 Littering - see GEN. OFF. 521.08

909.01 DEFINITIONS.

As used in this chapter:

- (a) "City" means the City of Oregon, Lucas County, Ohio.
 (b) "Construction" means the construction of new work where no work has previously been done.

- (c) "Contractor" means any person, persons or company licensed by the City to construct or reconstruct walks, driveways and other work permitted under this chapter, acting directly or through a duly authorized representative.
- (d) "Council" means Council of the City.
- (e) "Curb opening" means that part of a curb which has been or is to be cut, dropped or replaced, or the space between the property line and the improved portion of any street or public way used or to be used for access to or egress from such property.
- (f) "Director" means the Director of Public Service or his authorized representative.
- (g) "Driveway" means any driveway, approach or runway between the curb line and private property line.
- (h) "Mayor" means the Mayor of the City or any person acting as such pursuant to law or the City Charter.
- (i) "Owner" means the owner, owners, lessee or agent for such owner or lessee of any private property adjoining any street in the City. If the owner is not a resident of the City, "owner" shall include any person charged with the collection of rents or payment of taxes on such property or having general control thereof in any way.
- (j) "Person" means any person, persons, partnership or corporation.
- (k) "Reconstruction" means the relaying, rebuilding or repair of old work in part or as a whole.
- (l) "Right of way" means any public property dedicated for public use as a street, avenue, boulevard, lane, alley or public thoroughfare.
- (m) "Solicitor" means the Solicitor of the City.
- (n) "Street" means any public thoroughfare dedicated for public use.
- (o) "Walk" means any main or approach sidewalk, between the curb line and private property lines. (Ord. 110-1959. Passed 11-9-59.)

909.02 DUTY TO MAINTAIN SIDEWALKS.

Every owner of any lot or parcel of land situated within the corporate limits of the City shall keep and maintain sidewalks now or hereafter constructed along all streets adjoining such land in good order and repair and free from nuisance. Furthermore, each such owner shall construct good and sufficient sidewalks abutting the property owned by him as provided in this chapter and the laws of the State. (Ord. 110-1959. Passed 11-9-59.)

909.03 COMPLIANCE WITH CHAPTER.

All sidewalks, driveways, approaches, runways or curb openings hereafter constructed, reconstructed or made on any public street, avenue, boulevard or public way within the corporate limits of the City shall be constructed, reconstructed or made and, together with existing sidewalks, driveways, approaches, runways or curb openings shall be used and maintained in accordance with the provisions of this chapter. (Ord. 110-1959. Passed 11-9-59.)

909.04 LICENSE REQUIRED; HOMEOWNER'S EXCEPTION.

No person, except the owner of premises occupied by him, who is personally doing such work on the public right of way adjoining such premises, shall construct or reconstruct any walk or driveway, or cut, drop or remove any curb on a right of way, without first obtaining a license to engage in such work in compliance with the provisions of this chapter. However, any such owner doing any such work at such premises must first notify the Director of Public Service prior to commencement thereof and fully abide by and conform to all of the provisions of this chapter and any rules and regulations adopted pursuant to the provisions hereof, except the requirement of posting bond and procuring a license.
(Ord. 110-1959. Passed 11-9-59.)

909.05 LICENSE APPLICATION; BOND; INSURANCE.

A person desiring to engage in the construction, reconstruction or making of walks, driveways or curb openings in the City, shall apply to the Director of Public Service for a license to engage in such activity, upon forms furnished therefor. Such application shall set forth:

Individual: name in full and address.

Partnership: name in full, evidence of legal organization of the partnership in accordance with the laws of Ohio, business address, names in full and address of such person in the partnership.

Corporation: name of the corporation, state of incorporation, name, title and signature of the official or officials authorized to sign the application and such further information as may be required by the Director.

Before issuing the license provided for herein, the applicant shall furnish the Director with satisfactory evidence of his ability to do and perform all of the work required in the construction, reconstruction or making of such walks, driveways or curb openings and except as provided in Section 909.04 shall file with the Director of Public Service:

- (a) A bond in the sum of two thousand dollars (\$2,000), the surety thereon to be approved by the Director as to sufficiency which bond shall be subject to approval by the Solicitor as to form. Such surety to the City shall be conditioned upon the faithful observance of the provisions of this chapter and other applicable ordinances, and the specifications, rules or regulations pertaining to the construction and reconstruction of walks, driveways or curb openings, shall provide that the principal will construct, reconstruct or make all walks, driveways or curb openings in strict compliance with all applicable existing ordinances, specifications, rules and regulations of the City, or the Director, and shall further provide for payment to the City or to persons entitled thereto, of the cost and expense of reconstructing any walk, driveway or curb opening when required by the Director, should any defects due to construction, material or workmanship develop in such work at any time within a period of one year from January 1 next following the completion of the work, which defect is in the judgment of the Director caused by the contractor's failure to conform to the specifications and regulations, relating to the construction or reconstruction of walks, driveways or curb openings which are established under this chapter and regulations issued pursuant hereto; and

- (b) Satisfactory evidence that he has in full force and effect a policy or policies of liability insurance in responsible companies authorized to do business in the State with limits of not less than twenty-five thousand dollars/fifty thousand dollars (\$25,000/\$50,000) for injury to person or persons and ten thousand dollars (\$10,000) for damage to property, insuring the applicant and the City against any and all claims for damages or injures to persons or property due to failure of the licensee, his agents or servants to maintain the right of way where such construction or reconstruction is being done in a condition which is safe and fit for public travel and in compliance with the provisions of this chapter or any ordinance, rule or regulation relating to public safety now in effect or which may hereinafter be enacted or promulgated and providing that such policies will not be cancelled or the coverage thereby provided reduced without giving written notice to the City at least ten days prior to such proposed cancellation or reduction. (Ord. 110-1959. Passed 11-9-59.)

909.06 LICENSE ISSUANCE; FEE.

Upon compliance with the requirements of Section 909.05, the Director of Public Service shall issue a license to the applicant upon payment to the City an annual license fee of one hundred dollars (\$100.00) for the first license issued to any applicant and forty dollars (\$40.00) for each annual renewal thereof. The fee to renew an expired license shall be the same as the cost of a new license. All licenses expire on December 31 of the year in which the license was issued.

Licenses shall be issued for a fiscal year terminating on December 31st, of each year. All such license fees shall be credited to the General Fund of the City. (Ord. 182-2006. Passed 12-11-06.)

909.07 SUSPENSION OR REVOCATION OF LICENSE.

The Director of Public Service may suspend or revoke any license or permit issued pursuant to this chapter for incompetency of, or failure, refusal or neglect on the part of the holder hereof or on the part of any agent or servant of the holder thereof to strictly comply with any provision of this chapter, or any effective rule, regulation or specification issued pursuant hereto relating to the use, construction, reconstruction or making of walks, driveways, curbs, curb openings, or the terms or requirements of any such license or permit.

The holder of any such permit or license may appeal from such suspension or revocation to the Mayor and the findings of the Mayor in all such appeals shall be final and conclusive. (Ord. 110-1959. Passed 11-9-59.)

909.08 CONSTRUCTION PERMITS.

No walk, curb or driveway shall be constructed, reconstructed or cut open on any public right of way within the City until a permit has been obtained from the Director of Public Service by the owner or the duly authorized agent of the owner of the property contiguous thereto.

A licensed contractor must ascertain that a permit has been procured before making, constructing, reconstructing or cutting open any sidewalk, driveway, curb or curb opening. The permit must be kept on the site of the work being done until completion thereof.

Application for a permit to construct or reconstruct a walk, driveway or curb or make a curb opening shall be on forms furnished by the Director and shall show the name and address of the applicant, the name and address of the owner and the street address and legal description of the property adjoining the right of way where the proposed work is to be done; number of square feet of proposed walk or driveway to be constructed or reconstructed and number of lineal feet of curbing to be constructed, cut, dropped or removed; width of the present walk, driveway or curb opening, material in the present walk, driveway or curb; material to be used in the walk proposed and such other information as may be required by the Director. (Ord. 110-1959. Passed 11-9-59.)

909.09 PERMIT FEES.

Applicants for permits prescribed by Section 909.08 shall pay at the office of the Building and Zoning Commissioner, prior to issuance of such permit, fees as follows:

For sidewalks or driveways involving up to 100 square feet of construction or reconstruction:	\$25.00
For sidewalks or driveways involving more than 100 square feet and less than 500 square feet of construction or reconstruction work:	30.00
For sidewalks involving more than 500 square feet of construction or reconstruction:	50.00
Plus \$0.05 per square foot over 500 square feet.	
For cutting or dropping of curbs or curbing for the first 12 lineal feet of opening:	10.00
Each additional lineal foot of opening:	2.00

(Ord. 155-2005. Passed 11-28-05.)

909.10 NOTICE TO CONSTRUCT OR RECONSTRUCT; COST ASSESSMENT.

Notice to construct or reconstruct sidewalks or driveways or make curb openings shall be as provided by law. Council may, by resolution, order sidewalks or driveways to be repaired or reconstructed and the costs thereof may be assessed and collected as provided by law. If the owner neglects to construct or reconstruct a sidewalk or driveway within the time specified in the notice required to be given, it shall be the duty of the Director of Public Service to construct or reconstruct such sidewalk or driveway or cause the same to be done and in such case, all of the cost and expense of constructing or reconstructing such sidewalk or driveway shall, as directed by ordinance of Council, be assessed as provided by law against the adjoining or abutting property, lots or lands. (Ord. 110-1959. Passed 11-9-59.)

909.11 ABANDONMENT OF DRIVEWAYS.

When and if any driveway is no longer used for driveway purposes, it shall be considered abandoned and the City reserves and shall have the right to forthwith take the necessary steps to close such driveway, replace the curb and restore the pavement and/or surface of the right of way to its original condition. The owner of the property served by such driveway shall be notified by personal service or registered mail, of the City's intention to close the driveway. After fifteen days from date of the notice, if the owner has failed to make the replacement or to make arrangements therefor satisfactory to the Director of Public Service, the Director shall proceed with the work of restoring the curb and pavement and/or surface of the right of way to its original condition. The cost of such work shall be charged against the abutting property and if not paid, shall be certified to the proper taxing authority for collection in such manner as provided by law.

(Ord. 110-1959. Passed 11-9-59.)

909.12 CURB CUTS; WIDTH OF OPENING.

All concrete or stone curb shall be cut by an experienced and competent curb cutter and the dropping or removal of any curb shall be done by an experienced curb setter. The replacing of a curb shall be done by the owner or by the City by contract or force account as the Director of Public Service may deem best and the cost and expense for such work shall be charged against the private property contiguous to the right of way where such curb was replaced. No curb opening or driveway approach shall be less than twelve lineal feet in width and shall not be of a greater width than forty lineal feet unless approved by Council.
(Ord. 110-1959. Passed 11-9-59.)

909.13 PLANS TO BE APPROVED BEFORE BUILDING PERMIT IS ISSUED.

No building permit shall be issued by the Commissioner of Building and Zoning Inspection until plans for any sidewalks, driveway, curbing or curb opening to be constructed, reconstructed or made in connection with the work covered by such building permit has been approved by the Director of Public Service.
(Ord. 110-1959. Passed 11-9-59.)

909.14 SIDEWALK OR DRIVEWAY CONSTRUCTION; INSPECTION.

No sidewalks, curbs or driveways shall be constructed or reconstructed until an inspection has been made, and line and levels are authorized and fixed by the Director of Public Service. All sidewalks and curbs hereinafter constructed or reconstructed shall meet the requirements of the Americans with Disabilities Act of 1991 as they pertain to handicap accessibility. No driveway shall be constructed or reconstructed if the nearest edge of such driveway is less than sixty-five feet from the intersecting curb line on the stopside of any main thoroughfare unless approved by Council. Notice shall be given to the Director not less than twenty-four hours prior to starting the work on any driveway, sidewalk or curb opening.
(Ord. 165-1994. Passed 10-10-94.)

909.15 GAS AND WATER CURB BOXES, GAS DRIPS, MANHOLE COVERS AND SIDEWALK GRATING.

Any person installing, placing or causing to be installed or placed or maintaining any curb box for gas or water or gas drips, manhole covers or sidewalk gratings, shall so install and maintain the same that they shall be on an exact level with the surface of the sidewalk or driveway. When sidewalks are reconstructed, all of the above appurtenances shall be set flush with the new sidewalk or driveway grade.
(Ord. 110-1959. Passed 11-9-59.)

909.16 PROTECTION OF FIRE HYDRANTS, TREES AND LAWNS; BARRICADES REQUIRED.

Any person constructing, reconstructing, removing or causing the construction, reconstruction or removal of sidewalks, driveways or curb openings shall at all times while performing such work:

- (a) Maintain free access to fire hydrants;
- (b) Stack, pile or place no material or dirt within fifteen feet of any fire hydrant;
- (c) Protect all trees, lawns, shrubbery or other improvement from damage;
- (d) Keep gutters, ditches, drains or drainage structures thereon or adjacent thereto free of dirt or debris.

If in connection with such work it is necessary to place any material, debris or dirt on public property, such material, debris or dirt shall be removed on the completion of the work and the surface restored to its previous condition. The Director of Public Service, if in his opinion it is necessary, shall require the person doing or causing such work to be done to seed or resod any such part or parts of any lawn as he may deem necessary.

Any person performing any such work shall maintain such proper barricades, fences, signal lights or other protection as shall conform to applicable ordinances or safety regulations and shall maintain access to private entrance walks and safe accommodations for pedestrian traffic, and shall as far as possible, maintain access to private driveways. (Ord. 110-1959. Passed 11-9-59.)

909.17 GRADES.

(a) All grades for sidewalks shall conform to street grades established by law or ordinance.

(b) All sidewalks and driveways shall be constructed or reconstructed to conform to the grade on the right of way where the grade has been established.

(c) The surface of all sidewalks shall have a transverse slope of one-fourth inch per foot with the low side nearest to the curb line.

(d) Whenever permission is requested and granted to construct or reconstruct a sidewalk where the surface of such sidewalk has a transverse slope of a rate of more than one-fourth inch to the foot, the permit shall be granted only on the condition that Council may at any time thereafter order such sidewalks to be reconstructed to the established grade of the right of way, entirely at the expense of the abutting property owner.

(e) In all cases where sidewalks cross driveways or runways, the full width of the sidewalk shall conform to the established grade of the sidewalks adjoining both sides of such driveways or runways, unless permission has been first obtained from the Director of Public Service. However, in all cases no less than three feet width of sidewalk shall conform to the grade of the sidewalks adjoining both sides of such driveways or runways.

(f) Upon a right of way where the grade has been established by Council, but where the street has not been improved by paving or grading to such grade, sidewalks shall be

constructed in conformity with the established grade or as specified in the legislation providing for the construction or reconstruction of such sidewalks, driveways and curb openings. However, when sidewalks are ordered by Council or are going to be constructed or reconstructed without such order by the owner of property abutting on a right of way where no grade is established, such sidewalks may be constructed or reconstructed at such levels and inclinations as may be prescribed by the Director. Such permission to construct or reconstruct a walk on the right of way, shall be granted and the sidewalk shall be constructed or reconstructed only on condition that when a grade is established such sidewalk shall be removed and reconstructed to the grade which may thereafter be established by Council for such street, entirely at the expense of the owner of the property abutting on the street.

(g) Whenever a sidewalk is reconstructed to a grade that does not meet the grade of adjacent existing sidewalks, the person constructing the new sidewalk shall construct a ramp to eliminate any grade inequality. The materials, workmanship and character of the ramp shall be as determined by the Director.

(Ord. 110-1959. Passed 11-9-59.)

(h) All sidewalks and curbs hereinafter constructed or reconstructed shall meet the requirements of the Americans with Disabilities Act of 1991 as they pertain to handicap accessibility. (Ord. 165-1994. Passed 10-10-94.)

909.18 DRAINAGE.

Drainage for sidewalks, driveways or curb openings shall be provided by grading between the sidewalk and the curb, ditch or other drainage structure and, if deemed necessary by the Director of Public Service, by providing catch basins or other drainage structures at such places as may be specified by the Director and the cost thereof shall be borne by the owner of the property abutting the right of way.

(Ord. 110-1959. Passed 11-9-59.)

909.19 GRADE LEVEL AND INCLINATION OF SIDEWALKS TO BE UNIFORM.

All sidewalks hereafter constructed or reconstructed on any right of way in the City shall be so constructed or reconstructed on such plane inclination and level so that the wearing surface thereof shall be uniform and even throughout the right of way; and all sidewalks in the City shall be maintained in such repair by the owner of property abutting on the right of way that the surface of the sidewalk in front of all abutting property on any right of way shall be uniform and even throughout its length and width with the adjoining and connecting sidewalk. All new lateral sidewalks from the main sidewalk to the property line hereafter constructed shall have a uniform slope from the main sidewalk to the property line of one-quarter inch per foot, the low end of the aforesaid new lateral sidewalk being adjacent to the main sidewalk and the aforesaid lateral sidewalk shall meet the grade of the main sidewalk, the intent of this section being the exclusion of steps or other abrupt changes in grade on the right of way.

(Ord. 110-1959. Passed 11-9-59.)

909.20 ENGINEER'S STAKES.

The Director of Public Service shall furnish such line and gradestakes as may be necessary for the proper control of work covered by this chapter. The owner or contractor shall not be relieved thereby of the responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Director.

The owner or contractor shall preserve the points furnished by the Director and such stakes for line or grades which are disturbed or destroyed shall be replaced by the Director only upon payment of a charge of one dollar (\$1.00) per stake, payable at the office of the Clerk-Auditor. (Ord. 110-1959. Passed 11-9-59.)

909.21 SUSPENSION OF WORK DURING COLD WEATHER.

The owner or contractor shall suspend all work covered by this chapter when notified by the Director of Public Service that the weather is unsuitable for carrying on such work. If such work is allowed during cold or freezing weather, the owner or contractor shall take such additional precaution as the Director requires or as set forth in the specifications. No such work shall be done between November 15 and the following April 15, without special permission from the Director. (Ord. 110-1959. Passed 11-9-59.)

909.22 SUPERVISION.

(a) The Director of Public Service or his duly authorized inspector shall at all times have access to the work covered by this chapter and the contractor shall provide or cause to be provided the proper facilities for inspection of all work.

(b) The owner or contractor shall have a responsible representative in charge of such work on the site at all times and he shall have the necessary qualifications and authority to execute, adhere to and carry out all the requirements of this chapter, and regulations issued pursuant hereto and of the specifications for the construction or reconstruction of sidewalks, driveways or curb openings on file in the office of the Director.

(c) Orders or instructions from the Director or such inspector given to the aforesaid representative shall be as binding as though given to the owner or contractor. Should any person employed on such work refuse or neglect to comply with the directions of the Director or his inspector, in the interpretation of the specifications and direction of such work or, in the opinion of the Director or inspector, be incompetent, disorderly or unfaithful, such person shall be immediately removed and not again employed on any part of the work.

(d) The Director may assign inspectors to such work or such part thereof as may be necessary. However, the presence of the inspector will not in any way relieve the owner or contractor from any responsibility in complying with the specifications relating to the construction or reconstruction of sidewalks, driveways or curb openings. Any work done or performed contrary to this chapter or the applicable rules, regulations or specifications shall, upon direction of the Director, be properly reconstructed or removed as directed. (Ord. 110-1959. Passed 11-9-59.)

909.23 RULES AND REGULATIONS AUTHORIZED.

The Director of Public Service is hereby authorized to adopt, promulgate, amend and enforce such administrative rules and regulations as may be necessary to execute and enforce the provisions of this chapter and is further specifically authorized and empowered to fix and establish by such rules and regulations the thickness, width, materials and specifications of sidewalks, driveways and curbing to be installed, altered

or repaired within the limits of any public street and the manner of performing any work relating to the matters or things referred to in this chapter. Such rules and regulations shall be kept on file and open to public inspection in the office of the Director and shall be effective upon approval by Council.

(Ord. 110-1959. Passed 11-9-59.)

909.24 LITTERING OR OBSTRUCTION OF SIDEWALKS.

No person shall pile, deposit, place, throw, scatter or drop or cause or permit to be piled, deposited, placed, thrown, scattered or dropped any rubbish, wood, coal, ashes, merchandise, papers, dodgers, advertising cards or handbills or obstructions of any kind upon or over any sidewalk or so occupy any sidewalk so as to obstruct or interfere with the convenient use of the same by pedestrians.

(Ord. 110-1959. Passed 11-9-59.)

909.25 SIDEWALKS TO BE KEPT CLEAR.

The occupants of each single residential, commercial or industrial property and the owner of any multiple residential, commercial or industrial property or of any unoccupied or unimproved property abutting upon public sidewalks or driveways shall keep and maintain such sidewalks or driveways free and clear of snow, ice, dirt, stones or any debris. Deposits of such material due to storms or other casualty shall be removed within twenty-four hours of such deposit.

(Ord. 110-59. Passed 11-9-59.)

909.26 USE OF RIGHT OF WAY OR SIDEWALKS FOR MERCHANDISE PROHIBITED.

No person shall place or set out for exhibition any goods, wares or merchandise on the right of way or sidewalk in front of any place of business, store or building and no goods, wares or merchandise shall be allowed to remain on the right of way or sidewalk between the curb line and the abutting property line, except while receiving or delivering such goods, wares or merchandise and then all such goods, wares or merchandise shall be confined to the sidewalk directly contiguous to such a place of business, store or building at which or from which they are being delivered or received and such goods, wares or merchandise may remain on such right of way or sidewalk only during the actual delivery or receipt thereof, but such delivery or receipt shall not obstruct or interfere with the convenient use of the right of way or sidewalk by pedestrians.

(Ord. 110-1959. Passed 11-9-59.)

909.27 BLOCKING OF SIDEWALKS OR ROADWAY WITH VEHICLES PROHIBITED.

No person shall park or place a truck or other vehicle in any existing driveway or runway so that the sidewalk is obstructed or so that the truck or other vehicle extends into the street beyond the curb. No permits for curb cuts will be issued if the Director of Public Service has determined that insufficient space has been provided on private property to park or place an automobile, truck, tractor-trailer combination or similar type vehicle. Curb openings for use by coal trucks serving a premises may be constructed providing there is twenty feet clearance between the sidewalk and the nearest obstruction for the full width of the driveway, so that the coal truck will clear the sidewalk during the unloading of coal into the premises.

(Ord. 110-1959. Passed 11-9-59.)

909.28 USE OF OPENINGS TO SUB-SPACES IN SIDEWALKS, ALLEYS AND STREETS.

The Director of Public Service shall have authority to regulate the use of openings to sub-spaces in sidewalks, alleys and public ways to promote and preserve public safety and if necessary for such purposes, limit the use of such openings to specified hours. (Ord. 110-1959. Passed 11-9-59.)

909.29 REGULATION OF AWNINGS.

Awnings now erected or maintained or which shall hereafter be erected or maintained and which project over any part of the right of way shall be at an elevation not less than seven feet at the lowest part above the surface of the sidewalk and shall not project over such sidewalk more than three-quarters of the width of the sidewalk. Awnings shall be supported without posts, by metal brackets or proper hinges or pivots, with metal framework attached firmly to the buildings and the sidewalk shall be wholly unobstructed thereby. Provision must be made so that the awnings can be rolled or folded flat against the building, no part of the awning being less than seven feet above the surface of the sidewalk. No poster or means of advertising shall be attached on any awning so as to come nearer the surface of the walk than as provided in the City sign ordinance. (Ord. 110-1959. Passed 11-9-59.)

909.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). (Ord. 110-1959. Passed 11-9-59.)