

Sec. 74-32. - Building upon public right-of-way prohibited; exceptions.

- (a) No person may erect or maintain any building in a location or position that the building shall stand, in whole or in part, upon any public street, road, alley or sidewalk in the city.
- (b) No building may be constructed so that any part of the building shall project into or over any street, road, alley or sidewalk, except jut windows, cornices and other projections from a building above the first story may extend over an adjoining street, road, alley or sidewalk a distance not exceeding 18 inches.
- (c) No person, without written authorization from the city council as provided in this section, may construct any improvement, including any step, deck, landing or other entrance to any building extending over or upon the sidewalk, nor shall any person erect in or upon any public street, alley or road any flight of stairs or steps leading to any floor of any building.
- (d) Any building or improvement erected or maintained in violation of this section shall be deemed a public nuisance and may be abated.
- (e) Any person seeking authorization to construct a step, deck, landing or other entrance to any building located within the B-1 central business district which will extend over or upon the sidewalk shall first file an application with the city engineer.
- (f) The city engineer, upon receipt of an application for authorization which conforms to the criteria, standards and specifications established by resolution of the city council, shall issue a recommendation concerning a request to construct an improvement to extend upon or over the sidewalk within the B-1 central business district in the city; provided, however, that the erection of such constructed improvement shall not occur unless approved by the city council, and if approved, shall be in conformity with the criteria, standards and specifications approved by the city council and on file in the office of the city engineer.
- (g) The city council, upon receiving the city engineer's recommendation, may issue a written authorization and easement to construct an improvement upon the public sidewalk within the B-1 central business district upon such terms and conditions as the city council determines appropriate in the circumstances.

(Code 1996, § 33-34; Ord. No. 24-04, § I, 11-23-2004)