

of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

Section 4. City Permission Requirement. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

Section 5. Obstructions Prohibited. No person shall obstruct, cause to be obstructed, assist in obstructing or interfere with a public right-of-way by depositing or storing personal property or other material on the right-of-way or by any other manner obstructing or interfering with the right-of-way without first obtaining city permission. This section shall not apply to the delivery of merchandise, equipment, or services provided the delivery is accomplished with a reasonable time.

Section 6. Deposit of Materials Prohibited. No person shall deposit garbage, earth, debris, or rubbish of any kind on a public right-of-way without first obtaining city permission.

Section 7. Obligations of the City. The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Section 8. Penalty. Violation of this ordinance constitutes a class 2 civil infraction and may be dealt with according to the procedures established by Ordinance 1998.

Section 9. Non-Exclusive Remedy. The penalty described in this ordinance shall not be the exclusive remedy of the city for the violation of the ordinance. The procedures and remedies contained in this ordinance shall not be read to prohibit in any way any alternative remedies set out in ordinances or state statutes intended to alleviate ordinance violations.

Section 10. Repeal. Ordinance No. 2185 is hereby repealed.

Section 11. Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or part of sections.

Section 12. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect immediately upon passage by the Council and approval by the Mayor.

Approved as to form:



City Attorney

8-10-98

Date