

## CHAPTER 2

### OBSTRUCTION OF STREETS

#### SECTION:

- 9-2-1: OBSTRUCTING PROHIBITED**
- 9-2-2: EXCEPTIONS**
- 9-2-3: ENCROACHMENTS**
- 9-2-4: EXCEPTIONS TO ENCROACHMENTS**

#### **9-2-1: OBSTRUCTING PROHIBITED:**

It shall be unlawful for any person to cause or permit any street, alley, or right-of-way within the City to become obstructed or encumbered by placing or leaving thereon any personal property of any kind or character or any trash or rubbish. (575)

#### **9-2-2: EXCEPTIONS:**

The provisions of Section 9-2-1 shall not prohibit the use of such streets, alleys, and rights-of-way for pedestrian or vehicular traffic or for necessary moving or conveying of personal property or trash or rubbish on, over, and across such streets, alleys, and rights-of-way or the encumbering or obstructing of same after having obtained a permit for the construction, alteration, or repair of any portion of such public street, alley, or right-of-way from the Development Services Manager. (575,4570)

#### **9-2-3: ENCROACHMENTS:**

- (A) Prohibited Except Under Permit. It shall be unlawful for any person, firm or corporation to cause or to maintain any encumbrance or obstruction of public right-of-way by encroachment therein with any foundation, wall, fence, post, or other structure or any cohesive ground-surfacing material without having first obtained a written Right-of-Way Encroachment Permit to do so from the City Engineer. Such permit may be issued upon a finding by the City Engineer that the encroachment requested and specified by the applicant will not impair necessary public use or impair access to public facilities located therein and that such encroachment is not otherwise prohibited by the Mesa City Code. (1900)
- (B) Terms of Permit. Encroachments into the public right-of-way for which a permit has been issued shall not exceed the terms, conditions, period of time, or extent specified by the permit, and the permit may be revoked at any time by the City Engineer. The City Engineer shall not issue such permit until the applicant shall have executed and delivered to the City an undertaking to hold the City harmless of and from any liability of any nature resulting from any such encumbrance or obstruction being located within the right-of-way and releasing the City from any liability for any obligation to maintain the encroachment or for any damage thereto. The applicant for a permit shall also agree in writing to remove same and restore the premises to the original condition without compensation and upon request by the City Engineer. (1900)

**9-2-4: EXCEPTIONS TO ENCROACHMENTS:**

The following encroachments are exempt from the terms of Section 9-2-3: (1900)

- (A) Authorized traffic-control structures and signs. (1900)
- (B) Vehicle driveway surfacing properly aligned with curb openings provided for the purpose. (1900)
- (C) Pedestrian walkway surfacing less than five feet (5') wide perpendicular to public right-of-way. (1900)

**9-2-5: PENALTIES: (4570)**

Any person, firm, or corporation violating any provision of this chapter and any amendment to it shall be guilty of a Class 1 Misdemeanor, punishable by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment in the City jail for a period not to exceed six (6) months, or by both such fine and imprisonment; and each day of violation continued shall be a separate offense, punishable as described. (4570)

**CHAPTER 3****REPEALED BY MEMO 6-11-1986**