

## ORDINACE No. 06-2007

### **AN ORDINANCE SETTING OUT THE REGULATION OF THE STREETS, ALLEYS, AND SIDEWALKS OF THE CITY OF AUSTIN.**

**WHEREAS**, the regulation of the streets, alleys, and sidewalks is part of Austin's governmental power to protect public health, safety, and welfare; and

**WHEREAS**, Arkansas statues give cities the power to regulate the traffic and use of it streets, roads, and sidewalks; and

**WHEREAS**, the City council desires to state unequivocally the proper use of its streets, alleys, and sidewalks;

**NOW, THEREFORE**, be it enacted an ordained by the City Council of the City of Austin, in regular session, that Ordinance 06-2007 shall be as follows:

#### **SECTION A: STREETS, ALLEYS, AND SIDEWALKS TO BE KEPT CLEAR; VIOLATIONS; PENALTY.**

The streets, alleys, and sidewalks in the city shall be kept free and clear of all obstructions, encumbrances, and encroachments and shall not be used or occupied in any other way than as provided in this code. Any person, firm, or corporation who shall violate any of the provisions of this section shall be deemed guilty of a violation and upon conviction thereof shall be fined in a sum of not less than fifty dollars and not exceeding \$500.00, recoverable with costs.

#### **SECTION B: PERMITS FOR PRIVATE USE OF STREETS OR SIDEWALKS FOR OTHER THAN PRIVATE CONSTRUCTION PURPOSES; RESIDENTIAL DISTRICT.**

Permits for the private use of a street or sidewalk in a district which is zoned for residential purposes may be issued by the Austin City Police Department for not to exceed six hours when from a consideration of any application made and from such other information as may otherwise be obtained, it is determined that:

- (a) The use will not substantially interfere with the safe and orderly movement of vehicular and pedestrian traffic;
- (b) The use will not interfere with proper fire and police protection to the area adjacent thereto;
- (c) An application therefore is filed with the Police Department setting forth the following information;
  - (1) The name, address, and telephone number of the applicant;
  - (2) If the use is requested for, on behalf of, or by an organization, the name, address, telephone number of the headquarters of the organization, and of

the authorized and responsible heads of such organization who will be responsible for the use requested;

- (3) The date and hours requested, and location requested;
- (4) The application may be made in person or by phone.

(d) All permits issued under this section shall be subject to such additional requirements and conditions as the city deems necessary for protection of health, safety, and public welfare;

**SECTION C: SEVERABILITY.**

Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions.

**SECTION D: EFFECT ON OTHER ORDINANCES.**

Where the definitions contained in this Ordinance are in conflict with relevant portions of other City of Austin, Arkansas, ordinances the definitions contained within those portions of other ordinances will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.


**SECTION E: EFFECTIVE DATE.**

This Ordinance shall take effect upon final passage.

PASSED by the City Council and APPROVED by this Mayor this 25<sup>th</sup> day of February, 2008.

  
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Mayor

ATTEST:

  
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City Secretary