ORDINANCE NO. 676

AN ORDINANCE TO PROMOTE THE GENERAL HEALTH AND SAFETY OF ALL PERSONS TRAVELING OVER OR UPON OR OTHERWISE USING THE PUBLIC SIDEWALKS WITHIN THE CITY OF REXBURG, IDAHO; TO INSURE FREE AND UNRESTRICTED ACCESS OF THE PUBLIC TO THE PUBLIC SIDEWALKS AND THOROUGHFARES, RESIDENCES AND BUILDINGS ABUTTING THE SAME; PROVIDING FOR EXCEPTIONS AND THE INDEMNIFICATION OF THE CITY FROM ALL LIABILITY BY REASON OF THE USE OF SUCH EXCEPTIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I. It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the City of Rexburg.

SECTION II. It shall be unlawful for any person to store, install, maintain or operate any material, vehicle, structure, fixture or business upon any public sidewalk within the City, except as permitted by Section IV below.

SECTION III. It shall be unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure or vehicle situated upon any public sidewalk within the City, except as permitted by Section IV below.

SECTION IV. Notwithstanding Sections I, II and III hereinabove, the City Council may by resolution duly passed and adopted declare a day or days in the commercial areas of the City of Rexburg during which licensed merchants may display and sell goods, wares and merchandise in front of their place of business. The merchandise so displayed shall be confined within an area extending not more than four feet from the store front and the display shall not cover more than one-half of the store front and shall not extend within a distance of five feet from each side of the store front. There shall be no signs or advertising on the curbs, no outside food services and no tables and chairs for that purpose shall be permitted. The

passageway for pedestrians shall not be reduced to less than six feet from the inside of the curb and such pedestrian passageway shall not be obstructed in any manner.

SECTION V. Any licensed merchant or other person conducting a lawful business in the commercial area, for the purpose of displaying goods, wares and merchandise who shall place such goods, wares and merchandise, racks, stands or other objects on the sidewalk, as provided in Section IV hereinabove, shall first be required to indemnify the City of Rexburg from any and all liability by reason thereof to the extent of $1,000,000.00 for any one accident and to file proof with the City of such liability insurance indemnifying the City.

SECTION VI. At any location in the commercial area where the sidewalk is less than six feet in width, then the clear space for pedestrian passage shall not be reduced to less than four feet.

SECTION VII. Any person, firm or corporation violating any provision of this Chapter shall, upon conviction thereof, be punishable by a fine not to exceed Three Hundred Dollars ($300.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment for any single violation.

SECTION VIII. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX: This ordinance shall be in full force and effect from and after its passage, approval and due publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 10th day of June, 1987.

John C. Porter

John C. Porter, Mayor

ATTEST:

Rose Bagley

Rose Bagley, City Clerk

(SEAL)

STATE OF IDAHO)
: ss.
County of Madison)

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE TO PROMOTE THE GENERAL HEALTH AND SAFETY OF ALL PERSONS TRAVELING OVER OR UPON OR OTHERWISE USING THE PUBLIC SIDEWALKS WITHIN THE CITY OF REXBURG, IDAHO; TO INSURE FREE AND UNRESTRICTED ACCESS OF THE PUBLIC TO THE PUBLIC SIDEWALKS AND THOROUGHFARES, RESIDENCES AND BUILDINGS ABUTTING THE SAME; PROVIDING FOR EXCEPTIONS AND THE INDEMNIFICATION OF THE CITY FROM ALL LIABILITY BY REASON OF THE USE OF SUCH EXCEPTIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

Passed by the City Council and approved by the Mayor this 10th day of June, 1987.

Rose Bagley
City Clerk

(SEAL)