

AN ORDINANCE

AMENDING Chapter 5-4-110 , Obstructions in Streets and Sidewalks

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA THAT:

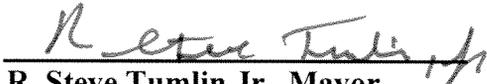
Section 1. Section 5-4-110, Obstructions in Streets and Sidewalks of the City of Marietta, Georgia Code of Ordinances is hereby amended so that it shall read as follows:

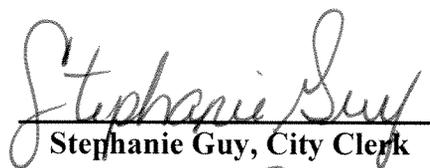
- (A.) No person shall be allowed or permitted to obstruct any sidewalk or street in the city by putting any box, table, steps, merchandise or any other similar thing thereon or to use the streets and sidewalks for the display of goods, wares or merchandise of any kind unless otherwise provided in the Code or as provided in subparagraph (D) of this Code Section.
- (B.) No person shall put any lumber, wood, boxes, bricks or other substances in any street, alley, or sidewalk without a permit from the public works director and the permit shall be issued only if the obstruction is reasonably unavoidable and interference with the use of the street, alley, or sidewalk is as limited as is reasonably possible.
- (C.) Any person who shall cause any obstruction to be placed in any street, alley or sidewalk of the city as permitted in subsection B of this section, shall display at the obstruction, every night the obstruction may so remain, a sufficient danger signal to warn the traveling public of the obstruction and to enable them to avoid injury from the same.
- (D.) The City Manager may from time to time by the promulgation of rules, procedures and regulations, as approved by Council, allow for the temporary City Sanctioned use of public sidewalks for the promotion of the arts, special events, and festivities.
 - (i) Existing sidewalk usages; for events, and art promotions including, but not limited to, "Art Walk" and "Third Tuesday" are hereby declared valid and made a part of this Code section unless revoked by City Council or creating a nuisance or obstruction.
 - (ii) This subparagraph D. expressly is limited to City sidewalks and does not include City Parks, other publicly owned property, and private property.
- (E.) Provisions of federal and state law such as, but not limited to, Americans with Disabilities Act, shall be adhered to and incorporated by reference and any obstruction causing a violation of the ADA shall be immediately removed and not allowed.

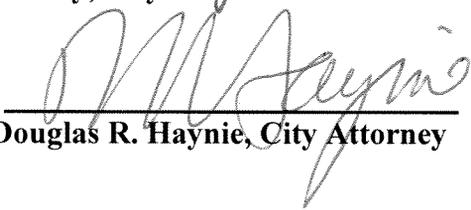
Section 2. It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 3. All Ordinance or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4. This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

DATE: September 9, 2015 APPROVED: 
R. Steve Tumlin Jr., Mayor

ATTEST: 
Stephanie Guy, City Clerk

Approved as to form: 
Douglas R. Haynie, City Attorney