City of Minden
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The Christmas City
Minden NEBRASKA

ORDINANCE NO. 1275

AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE III, OF THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTION 70-52, AS THE SAME RELATES TO SIDEWALK OBSTRUCTIONS WITHIN THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Section 70-52 be amended in the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Section 70-52. Permanent; temporary; penalty.

(a) *Permanent*. It shall be unlawful for any person within the city to erect or maintain any building or structure, including plants or planters of any kind, in such manner as to be unsafe, injurious or annoying to the public, or to allow any obstructions which are hanging or overlapping the sidewalk which cause pedestrians to alter their forward progress, or to allow any sidewalk, curbstone, gutter, awning or awning posts to be placed or remain in a dangerous condition or to place or allow to remain on any sidewalk or street any obstruction injurious to the public use of the streets and sidewalks. Any such obstruction shall be positioned so that there remains a minimum unified unobstructed space of 60 percent of the total sidewalk space between the obstruction and the face of the building and further provided that there remains unobstructed a minimum of three feet between the curb and the obstruction, and further, if any obstacle is placed against the face of a building the obstacle may not extend more than two feet from the face of the building while meeting the requirements of this section. Any sidewalk beautification project not complying with these guidelines shall be submitted to the city council for approval.

(b) *Temporary obstructions in sidewalk space*. It shall be unlawful for any person within the city to erect, maintain or allow to remain on any public sidewalk, or on any portion of the area between the lot line and curbline of any street, any stand, vehicle, merchandise, machinery or any other obstruction injurious to, inconvenient to or inconsistent with the public use of that area; provided that a reasonable time be allowed to remove goods, wares and merchandise being received and shipped; and further provided that any merchant may occupy sidewalk space for the purpose of conducting sales from the sidewalk area and displaying goods thereon; and may occupy sidewalk space for customer seating, subject to the following:

(1) The merchant may place tables, racks, wares and displays of merchandise, extending outward from his business premises onto the public sidewalk, so long as at least the outer four feet in width of the sidewalk remains unobstructed at all times, to allow normal pedestrian use.

(2) For outdoor seating areas, the merchant must complete a Right-of-Way Use Agreement with the City of Minden to be approved by the City Council of the City of Minden following all requirements set forth in the agreement.

(3) The merchant may not delegate, assign, rent, lease or sell this privilege to others.

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(c) *Penalty*. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be fined in any sum not to exceed $100.00 for each and every offense, pay costs of prosecution and shall stand committed until such fine and costs are paid.

(d) *Exceptions*. The city council may grant exceptions to the prohibitions of this article on a case-by-case basis.

Source: C.O. Ord No. 1275, 2/06/2023.

Section 2. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 3. This ordinance shall be known as Ordinance No. 1275 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 6th day of February, 2023.

/s/ Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)