

Chapter 24 - STREETS, SIDEWALKS AND PUBLIC PLACES

***Cross reference**—Buildings and building regulations, Ch. 6; civil defense, Ch. 7; fire prevention and protection, Ch. 9; franchise entity regulation of video service providers, Ch. 10; motor vehicles and traffic, Ch. 14; sound amplifying equipment on trucks, § 16-281 et seq.; parks and recreation, Ch. 17; planning, Ch. 20; public works and improvements, Ch. 22; signs, Ch. 23; subdivision regulations, Ch. 25; utilities, Ch. 27; vehicles for hire, Ch. 28; zoning regulations, Ch. 29.

ARTICLE I. - IN GENERAL

Sec. 24-1. - Demonstrations, exhibitions, etc.

Any person, other than one holding a parade permit under article VI of this chapter, who shall conduct on any street, alley or sidewalk any exhibition or demonstration of any article or thing or process or so use any street, alley or sidewalk for private purposes as to block or obstruct the same or impede or interfere with travel and traffic thereon shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.030)

Sec. 24-2. - Obstructing streets and sidewalks.

Any person who shall deposit, place, paint, write, erect or maintain any structure, material, article, substance, decoration or thing on, in or above any street, curb, gutter, park, parkway, sidewalk or public place of the city, except as specifically authorized by the city council by resolution, or as otherwise provided for by ordinance or this Code, shall be deemed guilty of a misdemeanor; provided, however:

(a)

That a person owning or operating a restaurant, coffee shop or other business may provide tables, chairs, plants or seating accommodations for its customers on the sidewalks adjacent to the business subject to the condition that a straight, unobstructed pathway at least sixty (60) inches wide be maintained on the sidewalk along the entire length of the sidewalk used by the business; and

(b)

That nothing in this section shall be construed to prevent any merchant or tradesman from placing any packages of merchandise, which the merchant or tradesman may be receiving or sending away, upon any sidewalk if the packages do not occupy more than one-fourth ($\frac{1}{4}$) of the width of the sidewalk, or remain on the sidewalk for more than two (2) hours.

(c)

That a building permit for the construction of a balcony extending over the public right-of-way in zoning district C-2 shall be issued only if the city council has granted a right of use permit for the balcony and the proposed construction complies with section 29-26(c) of this code and with the "encroachments into the public right-of-way" provisions of the Building Code of Columbia, Missouri, adopted in chapter 6 of this code.

(Code 1964, § 14.010; Ord. No. 18063, § 1, 4-19-04; Ord. No. 20284, § 2, 6-1-09)

Sec. 24-3. - Disposition of articles placed in any street or sidewalk.

Any article placed in or upon any street, sidewalk, alley, thoroughfare or other public place within the city contrary to ordinance, or any such article lost or abandoned in such place, shall be taken up and delivered into the custody of the chief of police, who shall notify the owner thereof, if known, that the same may be redeemed within five (5) days of such notice by paying to the chief of police the actual charges incurred in the storage of such articles, but not less than fifty cents (\$0.50) for each day of such storage. If the owner fails to redeem such article within the time specified, or if such owner is unknown or cannot be found, then, and in that event, the chief of police shall post notices in five (5) places in the city describing the article as accurately and briefly as possible, and notifying the public that on a certain day and hour named therein, which shall be at least ten (10) days subsequent to such notice, that he will sell the articles described at public auction to the highest bidder for cash at a public place. In case no bidders appear at such sale, the chief of police may sell such articles at private sale, securing the best possible price. From the proceeds of any such sale held hereunder, the chief of police shall first deduct his expenses and pay the balance into the city treasury; and such sum shall become a part of the general revenue fund. If, within six (6) months after the sale of such article, as above provided, the owner of any such article so sold shall exhibit to the city council satisfactory proof of his ownership, the proceeds coming into the city treasury from such sale shall be refunded to him.

(Code 1964, § 14.020)

Sec. 24-4. - Conducting business in streets, sidewalks, etc.

(a)

Whoever shall, upon any street, public place or sidewalk, expose or offer any merchandise or other property for show or sale, by auction or otherwise, except newspapers and pamphlets other than magazines, or conduct any business whatsoever, shall be guilty of a misdemeanor unless those persons are conducting business in public sidewalks in the central business district and have complied with the business licensing and health ordinances and regulations, where applicable.

(b)

"Central business district" shall mean that area set out in section 23-1 of this Code.

(c)

These provisions shall not be construed to affect or abrogate section 24-2, prohibiting the erection of structures in city rights-of-way.

(Code 1964, § 14.060)

Sec. 24-5. - Suspending merchandise over sidewalks.

Whoever shall suspend merchandise or other articles in front of any store or other building which shall extend over the sidewalk, at any height above the sidewalk, shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.070)

Sec. 24-6. - Overhanging branches, limbs, etc.

It shall be unlawful for any person occupying, in charge or control of or owning any real estate in the city to permit the trees on such property to hang over the sidewalks, streets and alleys so that the lower limbs thereof shall be closer than fourteen (14) feet to the vehicular traveled portion of any street or alley. The owner, occupant, tenant or person in control of any real estate shall keep the trees thereon so trimmed that the limbs thereof shall not hang closer to any sidewalk, street or alley than is herein prescribed.

(Code 1964, § 14.040)

Sec. 24-7. - Water from downspouts, gutters, drains.

Any person owning or occupying any building in the city who shall cause the downspout, gutter or drain conducting water from such building to be so constructed as to spread water over the adjacent sidewalks or streets or permit them to remain in a condition so as to spread water over the adjacent sidewalks or streets shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.050)

Sec. 24-8. - Obstructing gutters, etc.

Any person who shall destroy, tear up or otherwise damage any gutter, trench or channel, dug, made or used for the purpose of carrying off water or draining any street, thoroughfare or other public place within the city, or who shall fill up or otherwise obstruct the free passage of water through any such gutter, trench or channel, shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.190)

Sec. 24-9. - Depositing dirt, debris, etc., on city thoroughfares.

(a)

It shall be unlawful for any person to place, deposit or dump or to cause or allow the placing, depositing or dumping, washing or eroding of any earth, dirt, rock, clay, sand, shale, building material, debris or rubbish from property or vehicles owned or controlled by them, onto any street, sidewalk or thoroughfare within the city or upon the property of any other person without that person's permission.

(b)

If the placing, depositing, dumping, washing or eroding of earth, dirt, rock, clay, sand, shale or any other material upon streets, sidewalks or thoroughfares within the city creates conditions that, in the opinion of the director of public works, are unsafe or pose a hazard to the public, the city shall immediately notify the person responsible for such condition or who owns or controls the land from which such materials came to abate the unsafe or hazardous conditions. If the placing, depositing, dumping, washing or eroding of earth, dirt, rock, clay, sand, shale, or any other material upon streets, sidewalks or thoroughfares within the city is the result of earth moving, construction of buildings or other activities being performed under permits issued by the city, the director may issue stop work orders and suspend any permits until the unsafe or hazardous conditions are abated and adequate provisions are in place to prevent reoccurrence.

(c)

If the city is unable to immediately locate or notify any responsible person pursuant to subsection (b) above, or if upon notification such person is unable or unwilling to abate the hazardous or unsafe conditions, or if such person agrees to abate the conditions but fails to do so, the city may proceed to abate such conditions.

(d)

The city shall keep a record of the cost of each unsafe or hazardous condition abated under this section. The city may recover the cost of such abatement by issuing tax bills against the property from which the materials constituting the unsafe or hazardous condition came. Before such tax bills are issued, the director of public works shall give notice to the property owner of any property from which the materials came that the director intends to recommend that the city council taxbill the property for the cost of abatement. The notice shall state that the property owner may, within seven (7) days of receipt of the notice, request a hearing before the director of public works to contest the appropriateness of taxbilling the cost of abatement.

(e)

Any hearing requested under this section shall be held as soon as possible after the request for a hearing has been made but not later than fifteen (15) days after the request. All interested parties may appear at such hearing either in person or by attorney and present evidence concerning the matters at issue. If after hearing the director finds that the landowner or one acting for his benefit is responsible for the conditions abated, he shall recommend to the city council that the costs of the abatement be taxbilled to the land contributing to the conditions abated. The council, after reviewing the record of the hearing, may taxbill the cost of abatement.

(Code 1964, § 14.080; Ord. No. 13022, § 1, 7-1-91; Ord. No. 17649, § 1, 4-21-03)

Sec. 24-10. - Damaging bridges, sidewalks, culverts, etc.

Any person who shall remove, tear up or otherwise destroy or damage any bridge, culvert, sidewalk, pavement, crosswalk or stepping stones in or upon any street, thoroughfare or alley of the city, without having lawful authority to do so, shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.090)

Sec. 24-11. - Stealing, damaging, etc., street signs.

Every person within the city who shall steal, take and carry away or deface or damage any signboard or signpost or any part thereof bearing the name of any street within the city, or who shall place on such signboard or signpost any advertising matter of any nature or description whatsoever, except for banners allowed under section 23-8.5 of this Code, shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.150; Ord. No. 11448, § 1, 5-4-87)

Sec. 24-12. - Cleaning sidewalks.

All persons are hereby required to keep the sidewalks in front of, or adjacent to, the property or premises owned or occupied by them or under their control, within the city, clear and free from rubbish, filth, refuse, dirt, snow, ice and from any and all obstructions and dangerous agencies of every kind and description whatsoever; and any person failing to observe the provisions of this section shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.260)

Sec. 24-13. - Traveling on streets closed to travel; removing barricades.

It shall be unlawful for any person to use, travel or drive upon, with vehicles or horse, any street within the city in the course of construction or improvement, while the same is closed to public travel. It shall be notice to all that a street is closed to public travel when the same has rope barriers or railings constructed, erected or placed at the end of such street, and it shall be unlawful for any person to cut any rope or to remove any railing, barrier or construction of any kind when placed across any street, when the same is placed there for the purpose of showing that the street is closed. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.170)

Sec. 24-14. - Obstructing street lamps and electric lights.

Whoever shall erect or maintain any awning, signboard or other obstruction on any sidewalk or street in such a manner as to obstruct or obscure the light of any street lamp or electric light within the city shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.180)

Sec. 24-15. - Changing names of streets; procedure.

(a)

The city council may change a street name by ordinance without a public hearing if the owners of record of all property abutting the street have signed a petition requesting that the street be renamed. Street name change petitions shall be filed with the director of planning and development.

(b)

Except as provided in subsection (a) of this section, the following street name change procedures shall be followed:

(1)

All property owners of record, abutting the street to be renamed shall be notified by certified mail of the city's intent to change the street name, and the date of a public hearing before the planning and zoning commission.

(2)

The planning and zoning commission shall hold a public hearing regarding the street name change and make a recommendation to the city council after the hearing. A notice of public hearing shall be published in a newspaper of general circulation in the city, at least fifteen (15) days prior to the public hearing.

(3)

The council, after receiving a recommendation from the planning and zoning commission, shall hold a public hearing

to consider the name change. Notice of the public hearing shall be published once in a local newspaper of general circulation at least seven (7) days prior to the hearing. Following the public hearing, the council may, by ordinance, change the name of the street.

(c)

The city clerk shall have a certified copy of each ordinance changing a street name recorded in the office of the recorder of deeds.

(Code 1964, § 14.200; Ord. No. 10006, § 1, 11-21-83; Ord. No. 16395, § 1, 4-3-00)

Sec. 24-16. - Numbering of houses, buildings, mobile homes.

(a)

The director of public works shall establish the street numbers of all houses and buildings in the city. It is hereby made the duty of the owner of each house or building fronting on a public street to keep and maintain the number so established on such house or building in numerals at least two (2) inches high at a place where it shall be clearly visible from such street. In addition, it is hereby made the duty of the owner of each house or building in the central business district, as defined in section 14-1 of this Code, which abuts an alley to keep and maintain the number so established on such house or building in numerals at least two (2) inches high at a place where it shall be clearly visible from such alley.

(b)

The owner or manager of a mobile home park shall establish a map of the layout of the mobile home park, showing the location of individual mobile home spaces by number, and shall keep or maintain the number so established on such individual mobile home space lot or on the mobile home at a place where it shall be clearly visible from the street, drive or roadway on which it fronts.

(c)

Any person violating this section who fails to abate or correct such violation within fifteen (15) days of receiving notice of such violation shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.210; Ord. No. 12789, § 1, 11-5-90)

Sec. 24-17. - Driveway improvements.

Whenever any premises or any structure on any premises is constructed, reconstructed, redeveloped, improved or altered:

(1)

Generally. All existing driveways on such premises which are not abandoned shall be improved to conform with the design standards included in the city's standard plans and specifications referred to in section 24-31 of this chapter. Exceptions: This provision shall apply to existing residential structures only when enclosed additions are attached to the main structure or when the existing driveway is enlarged in size. This provision shall not apply to any driveway that connects to a gravel road; provided that the driveway conforms with design standards included in the city's standard plans and specifications to ensure that proper drainage is maintained along the road.

(2)

Abandoned driveways. All abandoned driveways on such premises shall be eliminated and new curbs, gutters and sidewalks shall be constructed in accordance with design standards included in the city's standard plans and specifications referred to in section 24-31 of this chapter.

(Code 1964, § 14.287; Ord. No. 13075, § 1, 8-19-91; Ord. No. 20776, § 1, 10-4-10)

Sec. 24-18. - U.S. Postal Service mail drop boxes.

(a)

As used in this section "Columbia Post Office mail drop box island" refers to the raised concrete island located on the east side of Fifth Street between Walnut and Ash streets near the United States Post Office.

(b)

It shall be unlawful for any person to place any item other than a United States Postal Service mail drop box on the Columbia Post Office mail drop box island.

(c)

The director of public works is authorized to remove any item unlawfully placed on the Columbia Post Office mail drop box island.

(d)

It shall be unlawful for any person to stand on the Columbia Post Office mail drop box island for the purpose of soliciting contributions or business from an occupant of any vehicle.

(Ord. No. 14939, § 2, 8-19-96)

Editor's note—

Section 2 of Ord. No. 14939, adopted Aug. 19, 1996, added § 24-18. Section 2 also renumbered former § 24-18 as § 24-19, respectively.

Sec. 24-19. - Penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor.

(Code 1964, § 14.140; Ord. No. 14939, § 2, 8-19-96)

Note—

See editor's note following § 24-18.

Secs. 24-20—24-30. - Reserved.

ARTICLE II. - CONSTRUCTION AND REPAIR

DIVISION 1. - GENERALLY

Sec. 24-31. - Work to be done in accordance with standard plans and specifications.

Any person who shall do any work for which a permit is required hereunder shall conduct such work in accordance with standard plans and specifications on file in the office of the director of public works and the office of the city clerk, which shall be marked "Official Copy of Plans and Specifications for Improvements Under Division 2, Article II, Chapter 24 of the Code of Ordinances of Columbia, Missouri."

(Code 1964, § 14.240)

Sec. 24-32. - Operations under supervision of director of public works.

All operations for which a permit is granted pursuant to this article shall be under the direction and supervision of the director of public works.

(Code 1964, § 14.270)

Sec. 24-33. - Authority of director of public works.

Whenever the use, convenience or necessity of the public shall require it, the director of public works shall have the authority to order the owners or agents in charge of property adjacent to which curb cuts, sidewalks, curbs, or driveways are maintained upon the public streets or rights-of-way, to alter such improvement in such manner as he shall find reasonably necessary under the circumstances, if such improvement fails to conform to the aforesaid standard plans and specifications. The director shall allow a reasonable period of time for such alteration to be made. It shall be unlawful for any person to maintain such nonconforming curb cut, sidewalk, curb or driveway after the expiration of such time.

(Code 1964, § 14.280)

Sec. 24-34. - Handicapped ramps required.

Whenever a permit is issued to construct, reconstruct, repair, alter or grade any sidewalk curb, curb cut, driveway or street, handicapped ramps shall be required to be installed in accordance with design standards included in the city's standard plan and specifications at all curb and driveway crossings to be constructed, reconstructed, repaired or altered; provided, that the director of public works may waive said requirement if he determines that requirement of handicapped ramps is impractical under all the circumstances.

(Code 1964, § 14.285)

Sec. 24-35. - Sidewalks required.

(a)

No permit shall be issued for the construction of a new building on property located on an arterial or collector street and zoned for a commercial, office or multi-family use unless a sidewalk exists adjacent to the property along the arterial or collector street or unless the plans for the building provide for the construction of such a sidewalk. The requirements of this section shall not apply to construction of accessory buildings.

(b)

No certificate of occupancy shall be issued for any building described in subsection (a) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, letter of credit or other instrument acceptable to the director of public works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.

(c)

Upon application of the property owner, the city council shall waive the requirement of this section to provide plans for and construct a sidewalk if the council determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed or that there is a reasonable likelihood that the sidewalk would have to be removed and reconstructed in the near future. The granting of a waiver shall not affect the power of the city council to later install sidewalks adjacent to the property and levy special assessments against the property

for construction of the sidewalks.

(d)

In determining the need for the sidewalk and whether the impact of the proposed development justifies the requirement that the sidewalk be built, the city council shall consider all relevant factors such as:

(1)

Pedestrian traffic generators such as parks and schools in the area;

(2)

The existence of a sidewalk network in the area;

(3)

The density of current and future development in the area;

(4)

The amount of pedestrian traffic likely to be generated by the proposed development;

(5)

The cost of constructing the sidewalk;

(6)

Whether the terrain is such that a sidewalk is physically feasible; and

(7)

The extent to which trees, ground cover and natural areas would be impacted by the sidewalk.

(Ord. No. 17007, § 1, 9-4-01)

Secs. 24-36—24-40. - Reserved.

DIVISION 2. - PERMIT

***Cross reference—**Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 24-41. - Required.

(a)

No person shall construct, reconstruct, repair, alter or grade any sidewalk, curb, curb cut, driveway or street on the public streets or rights-of-way without first obtaining a permit from the director of public works.

(b)

No person shall close a public sidewalk in connection with a construction project without first obtaining a permit under this division if the sidewalk is to be closed for thirty (30) days or less. If the sidewalk is to be closed for more than thirty (30) days, article IV should be followed.

(Code 1964, § 14.220; Ord. No. 20654, § 1, 6-21-10)

Sec. 24-42. - Application.

An applicant for a permit hereunder shall file with the director of public works an application showing:

(1)

The name and address of the owner or agent in charge of the property abutting the proposed work area.

(2)

The name and address of the party doing the work.

(3)

The location of the work area.

(4)

The duration and dates of the closure or restriction.

(5)

Such other information as the director of public works shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(Code 1964, § 14.230; Ord. No. 20654, § 1, 6-21-10)

Sec. 24-43. - Fee.

An application for a permit hereunder shall be accompanied by a fee of ten dollars (\$10.00).

(Code 1964, § 14.250; Ord. No. 11624, § 1, 9-21-87; Ord. No. 13438, § 4, 9-21-92)

Sec. 24-44. - Issuance.

(a)

The director of public works shall issue a permit hereunder when he has determined:

(1)

That a sufficient application has been made, accompanied by payment of the filing fee.

(2)

That the work will be done according to the standard plans and specifications on file in the office of the director of public works.

(3)

That the operation will not unreasonably interfere with the vehicular and pedestrian traffic, the demand and necessity for parking space, and the means of egress to and from the property involved and adjacent properties.

(4)

That the health, welfare and safety of the public will not be unreasonably impaired.

(5)

That evidence has been presented showing that all business owners along the sidewalk frontage of the impacted block have been given at least three (3) days notice of the use, the dates and times of such use, and their right to protest by written notice given to the director of public works.

(6)

That the applicant agrees to follow all rules and regulations for sidewalk closures issued by the director of public works.

(b)

Permits will be allowed to be renewed once; provided that the time granted in the original permit plus the time granted in the renewal permit shall not exceed thirty (30) days. Additional renewals will require the applicant to follow the process set forth in article IV.

(Code 1964, § 14.260; Ord. No. 11624, § 1, 9-21-87; Ord. No. 13648, § 1, 4-19-93; Ord. No. 20654, § 1, 6-21-10)

Secs. 24-45—24-55. - Reserved.

ARTICLE III. - EXCAVATIONS

Sec. 24-56. - Protection around excavations.

Any person, officer or contractor making an excavation in any street, alley or public place, or on any premises adjacent to any alley, street or public place and not separated by a fence or structure, shall guard and protect the same by barriers, and at night shall outline the same with red lights.

(Code 1964, § 7.1155)

Sec. 24-57. - Removal of excavated materials.

Any person who shall excavate in the paved portion of any public street, roadway, alley or sidewalk pursuant to a permit obtained from the director of public works, as provided for in this chapter, shall remove all materials excavated and shall dispose of the same prior to placing any backfill material into such excavations.

(Code 1964, § 14.100)

Sec. 24-58. - Backfilling.

(a)

Paved streets. Any person who shall excavate in the paved portion of any public street, roadway, alley or sidewalk shall backfill such excavation with a fine stone aggregate material conforming to the following gradation: not more than fifteen (15) percent of the aggregate shall be of organic material; not more than ten (10) percent of the aggregate shall be retained on a one-inch square mesh screen, and not less than twenty (20) percent of the aggregate shall pass a fourteen-mesh screen.

(b)

Unpaved streets. Any person who shall excavate in any unpaved portion of any public street, roadway, alley or sidewalk shall backfill such excavations as is provided for backfilling excavations in paved public streets, alleys and sidewalks or, upon the approval of the director of public works, the material removed from such excavation may be used for backfill, provided such material is placed in the excavation in lifts not exceeding six (6) inches and each lift being mechanically compacted to a relative density of ninety-five (95) percent; such backfill shall be inspected by the director of public works to determine whether the requirements of this section have been fulfilled.

(Code 1964, §§ 14.110, 14.120)

Sec. 24-59. - Resurfacing paved streets.

Any person who shall excavate in the paved portion of any public street, roadway, alley or sidewalk, shall obtain the approval of the director of public works that the backfill meets the requirements of this article, and shall then resurface such excavation in a manner and with material similar to that which was removed. Such resurfacing shall be subject to the inspection and approval of the director of public works. Such resurfacing may be performed by the excavator or his contractor or, at the request of such excavator, such resurfacing may be performed by the department of public works at the cost of such excavator.

(Code 1964, § 14.130)

Secs. 24-60—24-70. - Reserved.

ARTICLE IV. - USE PERMIT

***Cross reference—**Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 24-71. - Required; application; conditions for issuance.

(a)

Whenever any person shall desire to temporarily block a portion of any public street or sidewalk for any purpose other than the collection of signatures on a petition or the dissemination of information, or work under a permit issued by the director of public works under article II, division 2 for a closing not exceeding thirty (30) days, such person shall make application on a form to be supplied by the city to the city manager not less than ten (10) days prior to the next city council meeting preceding the date the person shall desire to use such street or sidewalk. The city manager may issue a permit to such person to use a portion of such street or sidewalk to such extent and for such time as the city manager shall find to be reasonably necessary, provided that the city manager shall find that the following conditions exist:

(1)

No safety hazard will be created as determined by the director of public works or his designate, and

(2)

No obstruction will be created that would unreasonably interfere with police, fire or health protection of the city, and

(3)

No unreasonable interference with the normal uses of the abutting property will be created.

(b)

The person making an application to the city manager shall, as a part of the application, present evidence that all users or owners or occupants of property abutting the area to be used have been notified of the use, the dates and time of such use and their right to protest under this section.

(Code 1964, § 14.010(B); Ord. No. 9995, § 1, 11-7-83; Ord. No. 10140, § 1, 4-2-84; Ord. No. 20654, § 6-21-10)

Sec. 24-72. - Appeals; hearings before council.

(a)

Any person aggrieved by a denial of a permit by the city manager may file an appeal within five (5) days following such denial with the city council to be acted upon at the next regular council meeting after said appeal is filed. The city council shall use the standards set out in section 24-71 in making its determination whether to uphold or reverse the city manager's denial of the permit.

(b)

Any user, occupant or owner of property within the same general area of, or abutting the portion of the street or sidewalk to be used may either file a written protest or appeal before the city council to register such a protest, and the city council shall also consider such protest in making its determination whether to uphold or reverse the city manager.

(c)

Each application which shall request the closure of a street or sidewalk in the downtown area of the city shall be referred to the city council for action thereon. For purposes of this provision, the downtown area of the city shall be defined as an area bounded on the north by Park Avenue, on the east by College Avenue, on the south by Elm Street, and on the west by Providence Road. The council shall use the standards set forth in section 24-71 in its consideration of such request.

(Code 1964, § 14.010(c); Ord. No. 9995, § 1, 11-7-83)

Secs. 24-73—24-85. - Reserved.

ARTICLE V. - LANDSCAPE PLANTING IN PUBLIC RIGHT-OF-WAY

***Editor's note—**

Ord. No. 13969, § 1, adopted February 21, 1994, repealed art. V and enacted a new art. V. Former art. V derived from Code 1964, § 14.010.

Sec. 24-86. - Definitions.

For the purposes of this article, the following words and terms shall have the meaning set forth herein:

Central business district. All streets and portions of streets within the area described as: being bounded on the north by Park Avenue; on the south by Elm Street; on the west by Garth Avenue; and on the east by College Avenue.

Landscape material. All trees, woody and flowering shrubs, perennials, and annuals.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-87. - Permit required.

It shall be unlawful to plant landscape material on public street right-of-way except in conformance with a permit issued by the director of public works.

(Ord. No. 13969, § 1, 2-21-94)

Secs. 24-88. - Application for permit to landscape on public street right-of-way.

(a)

No permit to install landscape material on public street right-of-way shall be issued unless an application for such permit has been filed with the director which sets forth the following information:

(1)

The location of the proposed landscape site and the street address of the property.

(2)

The name and address of the legal owner of the property.

(3)

A sketch of the proposed landscape site showing:

a.

The location of the street, street curb, sidewalk, driveway approach, street light, utility poles, underground utilities, utility or cable television yard boxes, mailboxes, intersecting side streets, and any other pertinent information.

b.

The location and dimensions of the proposed landscape material with a legend showing the specific plant materials being used.

(4)

A brief narrative outlining the proposed landscape plan and a proposed maintenance plan.

(5)

Applications shall be circulated to appropriate utilities for review.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-89. - Revocation of permits.

The director of public works may revoke a permit to plant landscape material on public street right-of-way if the permit application contains any false statement or misrepresentation of fact. The director may revoke such a permit if the permit holder fails to comply with the permit or with any provision of this Article. Permits revoked under this section shall not be reinstated until the cause for revocation has been corrected.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-90. - Stop work orders.

The director of public works is authorized to issue a stop work order whenever he believes a violation of this Article is occurring. A stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person engaged in the activity suspected of violating this Article. It shall be unlawful for any person to engage in any activity in violation of a stop work order.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-91. - Appeals.

Any person aggrieved by any decision of the director of public works in the administration or enforcement of this Article may appeal such decision to the board of adjustment.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-92. - Standards and guidelines.

(a)

No landscape material shall be planted on public street right-of-way unless it is listed on the "schedule of approved landscape material for street right-of-way planting" dated September 30, 1993, on file in the office of the director of public works, or unless it has been approved for planting by the director of public works. The director of public works shall approve landscape material for planting on public street right-of-way only if it is either native to or adaptable to this region.

(b)

No tree shall be placed within four (4) feet, measured horizontally, of any underground utility.

(c)

Root barriers in accordance with city standards must be approved for any tree planting between the sidewalk and curb where the overall distance between the sidewalk and curb is four (4) feet or less, except for those indicated on the schedule of approved landscape materials as not requiring root barriers. In spaces greater than four (4) feet, the requirement of root

barriers shall be determined based upon actual clearance and species of trees planted.

(d)

Landscape materials over thirty (30) inches in height measured from the top of curb shall be located so as not to cause sight distance obstructions from intersecting streets or private driveways. Hedges shall not be planted or maintained between the sidewalk and curb. General sight distance guidelines are on file in the public works department but shall be subject to local topographic conditions and traffic volumes.

(e)

No tree shall be planted under a utility line unless it is of a species which at maturity will provide a minimum of five (5) feet clearance between the apex of the tree and the lowest utility line.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-93. - Authorization when in central business district.

It shall be unlawful for any person to plant any landscape material on any unimproved portion of public street right-of-way or to place any decoration, furniture or receptacle in any improved portion of public street right-of-way within the central business district unless all such landscaping, decorations, furnishing or receptacles conform to guidelines and specifications adopted by the city council, or unless the city council has, by resolution, specifically authorized such planting or placement.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-94. - Existing trees located on public street right-of-way.

Any tree located on public street right-of-way on February 21, 1994 shall be allowed to remain in place unless the director of public works determines that it presently does, or at maturity will, obstruct required sight distance, interfere with utilities or street lights, or otherwise endanger the health, safety and welfare of the citizens of Columbia.

(Ord. No. 13969, § 1, 2-21-94)

Sec. 24-95. - Maintenances duties and obligations.

(a)

The property owner shall maintain landscape material planted on public street right-of-way in such a manner as not to obstruct or interfere with the public use of streets and sidewalks.

(b)

Maintaining landscape material shall include removal of dead plant material and trimming trees and bushes to provide horizontal and vertical clearances specified by city standards.

(c)

The director of public works may remove landscape material on public street right-of-way that is not properly maintained.

(Ord. No. 13969, § 1, 2-21-94)

Secs. 24-96—24-100. - Reserved.

ARTICLE VI. - PARADES

Sec. 24-101. - When permits required.

No procession or parade, except a funeral procession, the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire departments shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and other regulations herein which may apply.

(Code 1964, § 12.345)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 13.

Sec. 24-102. - Appeal procedure.

Any person aggrieved by the denial of a parade permit shall have the right to appeal the denial in the following manner:

(1)

Within five (5) days of the denial of the request, the appeal shall be taken to the city manager, who will hear the appeal within three (3) days of the request.

(2)

If the city manager upholds the denial of the parade permit, the appealing party may, within three (3) days of the denial, appeal to a subcommittee of the city council appointed by the mayor at the time of the appeal. The subcommittee shall hear the appeal within five (5) days of the time the notice has been taken.

(3)

If the permit is still denied, the appealing party may, by filing notice within five (5) days of the above finding, bring his

appeal before the entire city council at its next regular meeting.
(Code 1964, § 12.346)

Sec. 24-103. - Standards for upholding permit denial.

No denial of issuance of a parade permit shall be upheld unless the person or body hearing the appeal finds that:

- (1) The conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will require such diversion of so great a number of police officers of the city to properly police the line of movement and the area contiguous thereto as to prevent normal police protection to the city;
- (3) The conduct of such parade will require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will interfere with the movement of firefighting equipment en route to a fire;
- (6) The parade is not scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; or
- (7) The parade is to be held for the sole purpose of advertising any product, goods or event, and is designed to be held purely for private profit.

(Code 1964, § 12.347)

Secs. 24-104—24-117. - Reserved.

ARTICLE VII. - TREES

Sec. 24-118. - Purpose.

It is the purpose of this article to promote and protect the public health, safety and general welfare by providing for the regulation of planting, maintenance and removal of trees and other woody vegetation located on all property owned or maintained by the city.

(Ord. No. 15457, § 1, 12-1-97)

Sec. 24-119. - Duties and responsibilities.

- (a) Responsibility for management of trees on property owned or maintained by the city shall be vested with the public works department, the water and light department and the parks and recreation department as set forth in this article and other sections of this Code.
- (b) It shall be the responsibility of each of the above departments, when requested by the city manager, to consider, investigate, research, report and recommend upon any special tree-related matter or question coming within the scope of its authority.
- (c) It shall be the responsibility of the parks and recreation department to investigate, advise, report and recommend to the city manager any action, plan or program which the parks and recreation department determines to be necessary or advisable for the care, selection, preservation, trimming, planting, replanting, removal or disposition of trees and other woody vegetation located in public parks and on other landscaped grounds as assigned by the city manager. The parks and recreation department shall develop a management plan for the planting, care, cultivation, pruning and removal of trees, shrubs and plants located on city property assigned to its jurisdiction.

(Ord. No. 15457, § 1, 12-1-97)

Sec. 24-120. - Public tree care.

The city shall have the right to plant, prune, maintain and remove trees and other woody vegetation on all property owned or maintained by the city.

(Ord. No. 15457, § 1, 12-1-97)

Sec. 24-121. - Tree topping.

(a)

It shall be unlawful for any person to top any tree on public property. Topping is defined as the systematic cutting back of limbs from the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

(b)

This section shall not apply to trees which the city arborist or city forester has determined are severely damaged by storms, are located directly beneath utility lines or are in need of pruning and other pruning practices are impractical.

(Ord. No. 15457, § 1, 12-1-97)

Sec. 24-122. - Interference with city employees.

It shall be unlawful for any person to prevent, delay or interfere with any employee or agent of the city while such employee or agent is engaged in the planting, cultivating, pruning, spraying or removal of any tree or other woody vegetation as authorized in this article.

(Ord. No. 15457, § 1, 12-1-97)

Sec. 24-123. - Damage.

Any person who damages or kills any tree or vegetation in violation of this article shall pay the city the cost of repair or replacement of such tree or vegetation. The replacement value of trees and shrubs shall be determined in accordance with the edition of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens" published by the International Society of Arboriculture, current at the time such violation occurs.

(Ord. No. 15457, § 1, 12-1-97)

Sec. 24-124. - Review by city manager.

The city manager shall have the right to review the conduct, acts and decisions of all city departments with respect to the management of the city's trees and other woody vegetation. Any person may appeal any such decision to the city manager, who shall make a final decision on the matter.

(Ord. No. 15457, § 1, 12-1-97)

Secs. 24-125—24-129. - Reserved.

ARTICLE VIII. - DOWNTOWN SAFETY CAMERAS

Sec. 24-130. - Definitions.

Downtown safety cameras means any digital recording surveillance system installed in an open and obvious manner by the City of Columbia to film public streets, sidewalks or alleys within the boundaries of the central business district. It does not include surveillance cameras installed in municipal parking garages and it does not include surveillance cameras installed at street intersections for the purpose of monitoring vehicular traffic and it does not include surveillance cameras designed to record any regular operations of city departments.

Exigent circumstances means unanticipated situations that threaten the immediate safety of individuals or property within the central business district.

Public notice shall at a minimum include posting notice on a bulletin board or other prominent place which is easily accessible to the public at the office building housing the city council chambers, together with notice published on the internet website for the City of Columbia.

(Ord. No. 20499, § 1, 4-6-10)

Sec. 24-131. - Authorization to deploy cameras.

(a)

The chief of police for the City of Columbia is authorized to deploy or move downtown safety cameras for the purpose of enhancing public security.

(b)

Before deploying or moving an existing downtown safety camera, the chief of police shall provide public notice of such deployment or proposed movement. The notice shall identify the public security concerns that have been considered in the decision to deploy or move the downtown safety camera as well as the general capabilities and viewing area of the downtown safety camera. The public shall have thirty (30) days to submit comments to the chief of police regarding a proposed deployment or movement, and the chief of police shall provide public notice of the chief's decision regarding deployment or movement in light of public comment.

(c)

In exigent circumstances, the chief of police is authorized to deploy or move downtown safety cameras without the public notice or comment periods referred to in subsection (b), but only for so long as such exigent circumstances justify deployment or movement.

(d)

Video recordings shall be indexed, stored and maintained for sixty (60) calendar days after which time they will be recorded over or destroyed. Recordings may be retained beyond sixty (60) calendar days upon written order from the chief of police and only because the recordings contain evidence of criminal activity, because the recordings capture an occurrence that may subject the Columbia Police Department to civil liability, or because the recordings will be used for training purposes. Recordings that contain evidence of criminal activity or recordings that capture an occurrence that may subject the Columbia Police Department to civil liability shall be maintained only for so long as the recordings have evidentiary value. Recordings that will be used for training purposes may be maintained only for so long as they are actively used for training purposes.

(e)

The city manager is authorized to enter into agreements with private contractors who supply and operate and maintain downtown safety cameras and related tapes and equipment and who agree to operate the downtown safety cameras pursuant to the provisions of this chapter.

(Ord. No. 20499, § 1, 4-6-10)

Sec. 24-132. - Limitations on deployment and use of downtown safety cameras.

(a)

Downtown safety cameras may only be deployed so as to be conspicuous and only within the boundaries of the central business district, and may be in fixed or mobile locations.

(b)

Downtown safety cameras shall only record areas perceptible to the human eye from public streets and sidewalks and alleys within the central business district where there is no reasonable expectation of privacy.

(c)

Downtown safety cameras shall only capture video images and shall not capture audio recordings of any type without court authorization.

(d)

Downtown safety cameras shall not target/observe individuals solely because of their race, gender, ethnicity, sexual orientation, disability or other classifications protected by law.

(e)

Downtown safety cameras shall not be used to infringe upon First Amendment rights.

(f)

Access to the recording equipment for downtown safety cameras or the images captured by downtown safety cameras shall be limited to any private contractor under agreement with the City of Columbia to operate or maintain downtown safety cameras, or to criminal justice agencies and their personnel, but only for official purposes. Other access shall be limited to individuals or agencies given a court order granting access.

(Ord. No. 20499, § 1, 4-6-10)

Sec. 24-133. - Savings clause.

If any section, clause, sentence or part of this article be declared unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such section, clause, sentence or part of this article and shall not affect or impair any of the remaining sections, clauses, sentences or parts of this article.

(Ord. No. 20499, § 1, 4-6-10)