



Legislation Text

File #: ORD-49:001, Version: 1

AN ORDINANCE REGULATING SUPERVISING AND CONTROLLING THE ERECTION OF AWNINGS AND OTHER STRUCTURES OVER THE SIDEWALKS OF THE CITY OF JONESBORO, ARKANSAS
(NOTE: THIS ORDINANCE WAS AMENDED BY ORD-09:091 ON NOVEMBER 17, 2009)
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

Section 1. No person, firm or corporation shall from the effective date of this ordinance erect, build or construct or cause to be erected, built or constructed, repaired or recovered, any structure of any kind whatsoever which extends over any portion of any sidewalk in the incorporated limits of the City of Jonesboro, Arkansas, without having first complied with all of the provisions of this ordinance as hereinafter set out.

Section 2. Every person, firm or corporation before beginning or causing the beginning of the erection, building or construction, or repair or recover of any structure which will extend over any portion of any sidewalk in the incorporated limits of the City of Jonesboro, Arkansas, shall apply in writing to the Recorder and obtain a written permit authorizing the erection, building or construction of said structure. The permit shall be secured in the following manner:

(A) Application for such permit shall be made in writing to the Building Inspector and shall specify the following matters:

- (1) Name and address of applicant.
- (2) Location of the property adjacent to the sidewalk over which it is proposed to build said structure, using the legal description of the property.
- (3) Detailed plans and specifications of the proposed structure showing materials to be used, whether it will be permanent or temporary, movable or immovable and any other information that will enable the Recorder to determine the safety features of proposed structure so far as the public is concerned.

(B) Application for the permit will be accompanied with a fee of \$1.00 in cash to be paid to the Building Inspector for a personal inspection to be made of the property involved.

(C) The Building Inspector in no event will grant a permit for the erection of a permanent or immovable structure which will extend over any sidewalk, but will file the application and will notify the Mayor immediately.

(D) In cases of applications for permits for erection of permanent or immovable structures, the permit will be granted only after a majority vote of all duly elected and qualified members of the City Council. In cases of application for permits for erection of other than permanent or immovable structures, the Building Inspector may in his discretion grant the permits. In the event that the Building Inspector declines to grant the permit, the applicant may file a written appeal with the Building Inspector who will notify the Mayor immediately. The Council may grant the permit only after a majority vote of all duly elected and qualified members of the City Council.

Section 3. Awnings: (A) Awnings shall be supported upon an iron framework attached securely to the building. Stationary or temporary awnings on posts shall not be permitted.

(B) All movable awnings hereafter erected shall be elevated above the grade of the sidewalk so that the lowest part of the frame shall be at least seven (7) feet and six (6) inches above the sidewalks and the lowest part of the balance shall be at least seven (7) feet above the sidewalk when in use.

(C) When side arms are used, the bottoms of the side awnings at the building shall be at least seven and one-half (7-1/2) feet above the sidewalk when awning is in use.

(D) With the permission of the majority of all the duly elected and qualified members of the Council, awnings or marquees may be constructed over a sidewalk as protection to an entrance of buildings. In such cases, such awnings or marquees shall be constructed according to requirements approved by the Council and rainwater from such awnings or marquees shall not be allowed to drain on the sidewalks.

Section 4. Every person, firm or corporation who erects, builds or constructs or causes to be erected, built or constructed any structure of any kind whatsoever which extends over any portion of any sidewalk in the incorporated limits of the City of Jonesboro, Arkansas, contrary to the provisions of this ordinance shall upon conviction be fined in any sum not less than \$5.00 nor more than \$15.00 and each day's continuance of such structure over any portion of any such sidewalk shall be considered and deemed a separate offense.

Section 5. If any part of this ordinance shall be judicially determined to be invalid such invalidity shall not affect the remaining parts of this ordinance, it being hereby expressly declared by the City Council that it would have passed this ordinance with such part or parts so found to be invalid eliminated.

Section 6. By reason of the erection of permanent and temporary structures over portions of sidewalks in the City of Jonesboro without due regard for the health and safety of the inhabitants of said city, and without proper supervision and regulation and because of the necessity for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall take effect from and after its passage and approval.

Passed January 3, 1949.