

ORDINANCE NO. 4-97-1

AN ORDINANCE OF THE CITY OF ABBEVILLE, ALABAMA TO PROHIBIT THE PERMANENT PLACEMENT OF ANY ITEM ON THE PUBLIC SIDEWALKS AND TO PROVIDE A PENALTY FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED by the City Council of the City of Abbeville, Alabama, A Municipal Corporation, as follows:

SECTION I. Definition.

The word "sidewalk" shall mean any portion of the street between the curb lines or the lateral lines of a roadway and the adjacent private property lines intended for use by pedestrians.

SECTION II. ACTIVITY PROHIBITED.

That it shall be unlawful for any person, firm or corporation to permanently place any item of personal property upon the sidewalks of the City of Abbeville. This prohibition shall include, but is not limited to vending machines, drop boxes, merchandise, wares and display racks and/or shelves.

SECTION III. DISPLAY OF ITEMS DURING CERTAIN BUSINESS HOURS.

It shall be permissible under this ordinance for a merchant to display merchandise and other wares on the public sidewalks of the City of Abbeville during the hours from 7:00 A.M. to 6:00 P.M., provided that the merchant complies with the following requirements, to wit:

a. No items of personal property shall be placed on the public sidewalk before 7:00 A.M. and **all items** of personal property shall be removed from the sidewalk before 6:00 P.M.. Items of personal property shall include any and all display racks and/or shelves as well as the merchandise and wares displayed by the merchant.

b. No items of personal property, including any display rack and/or shelf shall be placed on the public sidewalk so as to extend three feet (36 inches) from the adjacent private property line and/or wall.

SECTION IV. ACTIVITY EXCLUDED FROM ORDINANCE.

This ordinance will not apply to the annual Christmas Parade project sponsored by the Abbeville Chamber of Commerce. This ordinance shall not prohibit the City of Abbeville, Alabama, A Municipal Corporation, from placing garbage receptacles and/or other items on the sidewalk.

SECTION V. PENALTY

That any person, firm or corporation violating the provisions of this ordinance shall be subject

to a fine of not less than ten dollars (\$10.00), plus court costs.

SECTION VI. SEVERABILITY.

The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION VI. REPEAL.

This ordinance does not repeal any other prior ordinance concerning city sidewalks previously adopted by the City of Abbeville, Alabama, a municipal corporation.

SECTION VII. EFFECTIVE DATE.

The provisions of this ordinance shall become effective on June 1, 1997.

ADOPTED this 21st day of April, 1997.

ATTEST:

**CITY OF ABBEVILLE, ALABAMA, A
MUNICIPAL CORPORATION**

JIM GIGANTI, CITY CLERK

BY: _____
JIMMY CRAWFORD, MAYOR