

ORDINANCE NO. 16.

*An Ordinance Concerning Side-  
walks.*

Be it ordained by the City Council of  
the city of Grand Junction:

*Article 1, Construction  
and Repair.*

*Section 1, Whenever the  
owners of*

two-thirds of the frontage upon either sidewalk of any street or any specified portion thereof within the city of Grand Junction, shall petition the city council for the construction of such sidewalk, or whenever a two-thirds majority of the members of the city council shall decide that such improvements are necessary, they shall immediately order such sidewalks to be constructed.

SEC. 2. Unless otherwise specified in the order, all sidewalks shall be constructed of not less than two-inch plank, six inches in width and twelve feet in length, to be laid at right angles with the street, on sub-sills of scantling at least two by six inches, firmly imbedded in the earth or well supported underneath. The space between the scantlings shall not exceed three feet from center to center, and all lumber used about said walks must be sound and marketable spruce or pine and be firmly spiked to said sub-sills; provided, that in lieu of the above described material said walks may be constructed of first quality of flagging stone, not less than two inches thick, or of vitrified tile, concrete or asphalt, so laid as to make a smooth and uniform surface; the whole to be laid to the established grade. Sidewalks shall be repaired with the same kind of material as that used in the original construction of the same.

ARTICLE II--REGULATIONS.

SEC. 3. Whenever the city council shall order the construction or repair of any sidewalk, the street commissioner shall forthwith serve a written or printed notice upon the owner or agent of each lot or parcel of land fronting upon such sidewalk, requiring him to construct or repair so much thereof as may be in front of the lots or parcels of land owned by him, or for which he is agent, within fifteen days from the date of service of such notice, in case of the construction, and within five days in case of repair of said sidewalk, according to the plans and specifications provided by ordinance or by order of the city council and under the direction and to the satisfaction and approval of the street commissioner. In case the owner of any such lot, lots or parcels of land shall be a non-resident and shall have no agent in the city upon whom such notice may be served, the street commissioner shall publish a notice of like tenor and effect for a period of two weeks in some newspaper published in said city.

SEC. 4. In case the owner or agent fails to construct or repair such sidewalks within the time specified in such notice, the street commissioner shall cause the same to be done and shall, upon the completion of such work, make out and deliver to the city clerk a certificate showing the cost thereof and a description of the property in front of which such work was performed and the name of the party or parties who performed such work or furnished material therefor, and the amounts owing to each; and the city council shall, at their next regular meeting cause warrants to be drawn upon the treasurer in payment for such labor and material; and shall thereupon assess the cost of such construction or repair of such sidewalk against the lots or parcels of land fronting on such sidewalk.

SEC. 5. Upon the filing with the city clerk of any such certificate and the assessment by the city council as provided in the foregoing section, the city council shall designate and set a time and place when and where such lot or land owner may appear before the city council, and be heard as to the justness and correctness of the amount so certified and assessed against his lot, lots or parcels of land; and thereupon the city clerk shall cause to be published in some newspaper published in said city, for a period of ten days, a notice to such lot and land owners, setting forth the time and place so fixed, when and where he or they may appear before the city council for the purposes aforesaid. At the time and place mentioned in said notice and fixed by the city council, said council shall meet and hear and consider any and all complaints of any lot or land owner affected by such assessment, and correct any and all errors and remedy any injustice so complained of in any such certification and assessment.

SEC. 6. In case the owner of any lot, lots or parcel of land shall fail to pay such assessment to the city clerk within fifteen days after the meeting of the city council mentioned in the preceding section, the same shall be certified by the city clerk to the county clerk and recorder of Mesa county, or to the officer then having the custody of the tax list, to be by such officer placed upon such tax list for the current year, to be collected in the same manner as other taxes are collected, with ten per centum penalty thereon to defray the cost of collection.

SEC. 7. Such assessment shall be and remain a lien upon such lot, lots or parcel of land until paid by the owner thereof.

SEC. 8. The provisions of this article shall be deemed and construed to be for the purpose of carrying into effect the police powers of this city as to such construction and repair of sidewalks, and shall not be construed as imposing a special tax, under the taxing power.

SECTION 1. That the uniform width of twelve feet on all streets and avenues about 100 feet wide or more, ten feet on all streets and avenues about 80 feet wide, and eight feet on all streets and avenues about 60 feet wide or less, measured from the front line of the lots, at right angles with said line toward the center of the street, shall be and the same is hereby set off and reserved for sidewalk purposes.

SEC. 2. All openings in sidewalks constructed of tile, cement, asphalt or stone, for the admission of fuel or light, shall be securely covered with iron or iron and glass covers. In those constructed of plank openings may be covered with the aforesaid covers or with wooden covers of not less than two inches in thickness.

SEC. 3. The owner or occupant of any building used for business purposes in this city may construct and maintain, so long as the said building shall be used for such purposes, upon the sidewalk in front of said building, or upon any public alley at the side thereof, an opening not projecting more than three and one-half feet from the outer edge of the building, for the purpose of affording ingress to and egress from the basement or cellar of such building for business purposes; provided, that every such opening shall be provided with a substantial cover or grating of iron, or in case a stairway shall be maintained in

*Said opening from the street or alley to the basement or cellar of said building, by a suitable and safe railing of iron*

to be approved by the street commissioner. And in case any opening shall be constructed, maintained or permitted to exist in any sidewalk except in strict compliance with the requirements of this and the foregoing section, the owner or agent of the premises adjoining the same shall be liable to a fine not exceeding one hundred dollars and a further fine of five dollars for each day he neglects or refuses to properly enclose or protect such opening after notice from the street commissioner so to do.

SEC. 4. No bow or other window shall extend into or over any sidewalk more than twelve inches, nor shall any sign project from any store or other building into or over any sidewalk, street or alley more than eighteen inches, unless the same be at least ten feet above the sidewalk; nor shall any cellar door raise or project above the surface of the sidewalk; nor shall the hinges thereof or any other thing connected therewith project or rise above the door; and each and every person violating any provision of this section shall be liable to a fine in the sum of five dollars and a like sum for every twenty-four hours he shall continue in such violation, after notice to remove the same by the marshal, street commissioner or any policeman.

SEC. 5. No sign or other post except lamp post shall be erected or placed or allowed to remain in or upon any sidewalk or street, alley or other public way and every person violating the provisions of this section shall be liable to a fine of five dollars and a further fine of five dollars for every twenty-four hours he shall continue in such violation after he shall be notified by the marshal, street commissioner or any policeman to remove the same. But nothing herein contained shall be construed to prevent the erection of posts, not to exceed one in every twelve and one-half feet, at the outer edge of the sidewalk, for the purpose of hitching horses. Every post so erected shall, if of wood, be not less than six inches in diameter at the base and not to exceed four feet in height.

SEC. 6. All awnings hereafter erected in Grand Junction shall be elevated at least seven feet at the lowest part thereof above the sidewalk; and no such awning shall hereafter be constructed of wood or any material other than canvas, which shall be supported with iron fastenings attached to the building. Every person violating the provisions of this section shall, on conviction, be fined in the sum of five dollars and the further sum of five dollars for every twenty-four hours he shall refuse or neglect to remove or alter such awning after the first conviction.

SEC. 7. No person shall place upon or suffer to be placed upon any sidewalk, street or alley in this city any goods, boxes, barrels, sacks, wood, wares or merchandise of any description whatever for sale, show or use except in front of the building occupied by him, and not beyond three feet from the front line of the lot where such goods may be exposed, and all such goods shall be taken in and removed from the sidewalk, street or alley at night.

SEC. 8. No person or persons, except when necessarily engaged in loading or unloading goods, wares and merchandise, shall be allowed to pile up, deposit or keep upon any sidewalk any boxes, bales, barrels, goods, wares or other articles, and when so engaged such person shall at all times leave a passage way clear upon such sidewalk where such goods may be, at least two feet wide for the use of foot passengers.

SEC. 9. No person shall lead, ride, drive, push or draw any horse, wagon, sled or sleigh upon, over or across any sidewalk unless it be in crossing the same to go into a yard or lot where no suitable means of access or crossing is provided.

SEC. 10. Any and all persons owning or occupying any store or other business property in Grand Junction contiguous to any sidewalk shall within two hours after the cessation of any snow or sleet storm cause the snow, ice or sleet to be removed from the sidewalk lying contiguous to the premises so owned or occupied; provided, that when said snow or sleet shall fall in the night time the same shall be so removed by 10 o'clock a. m. of the succeeding day.

SEC. 11. Any person or persons violating any of the provisions of this article for the violation of which no penalty is expressly provided shall, on conviction, be fined not less than five dollars nor more than one hundred dollars.

Passed this 26th day of September, A. D. 1891. EDWARD W. GANNON, Temporary President. FRANK MCCLINTOCK, City Clerk Pro Tem.

*Edward W Gannon  
Temporary President  
Frank McClintock City Clerk  
pro tem*