

CHAPTER 1330
Entering Adjoining Property

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CROSS REFERENCE

Trespass - see GEN. OFF. 541

1330.01 DEFINITION.

As used in this chapter, "person" means any individual, firm partnership, association, corporation or company.

1330.02 CONSENT OR PERMIT REQUIRED.

No person, being the owner of any real property in the City, or his lessee, tenant or manager, or any person acting for or on his or their behalf, shall prohibit, prevent, hinder or obstruct the owner of any adjoining real property, or his lessee, tenant or manager, or any person acting for or on his or their behalf, from entering upon such real property between the hours of 9:00 a.m. and 5:00 p.m. to work therefrom and/or to erect ladders, scaffolding or other similar equipment for the purpose of providing maintenance and/or repairs to such adjoining real property, provided, however, that consent is first obtained by the owner of such adjoining real property, or his representative, from the owner of the premises to be entered upon, or his representative, or in lieu of such consent, a permit is first obtained from the Director of Public Safety-Service as hereinafter provided. All ladders, scaffolding and all equipment of every kind and nature shall be removed from the property entered upon between the hours of 5:00 p.m. and 9:00 a.m. of each day such maintenance or repair work is being performed.

1330.03 APPLICATION FOR PERMIT.

Any person desiring to enter upon another person's real property for the purpose of providing maintenance and/or repairs to his own adjoining real property, and not being able to obtain consent to so enter, shall make a written application to the Director of Public Safety-Service setting forth and containing the following information:

- (a) The true name and address of the owner of the real property upon which the maintenance and/or repairs are to be performed.
- (b) The true name and address of the owner of the real property to be entered upon.
- (c) The nature and scope of the maintenance and/or repairs to be performed.
- (d) The nature and scope of any equipment to be used in performing such maintenance and/or repairs.

(e) The dates of the period of time in which such maintenance and/or repairs are to be performed, which period of time shall not exceed three (3) days. However, additional periods of time may be granted upon the filing of a renewal application in the event the proposed maintenance and/or repairs cannot be completed within three (3) days.

(f) A statement by the applicant that he will assume any and all liability for physical damages to the real property entered upon, to any personal property or fixtures located thereon, including trees, shrubbery, flowers, grass or other vegetation and for any personal injuries suffered by any one as the result of entering upon such property and performing the maintenance and/or repairs, and that he will indemnify and hold harmless the City, its officers and employees from any and all damage to person or property or from cost that may in any manner arise through the granting of this permit or the performance of any work done under it.

1330.04 PERMIT FEE; RENEWAL.

Every applicant for a license hereunder shall submit to the Director of Public Safety-Service with his application a permit fee of three dollars (\$3.00). Every applicant for a renewal permit hereunder shall submit to the Director of Public Safety-Service with his renewal application a renewal fee of three dollars (\$3.00).

1330.99 PENALTY.

Whoever violates any of the provisions of this Chapter shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each day that an offense continues shall be considered a separate offense and shall be punishable as such.

(Ord No. 18-91. Passed 3-25-91).