

PROPOSED  
ORDINANCE NO. 20-23

ORDINANCE NO. 13-23

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 8-1-23 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PROHIBITING THE OBSTRUCTION OF PUBLIC SIDEWALKS; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, sidewalks that are obstructed create a danger to the health and safety of the public and prevent the safe use of public sidewalks for their intended and proper uses; and

WHEREAS, sidewalks that are obstructed are contrary to the guidelines set forth in the American Disabilities Act for safe pedestrian passage for all members of the public; and

WHEREAS, sidewalks that are obstructed in areas that provide access between the public sidewalks and on-street parking spots or curb ramps impedes or halts safe pedestrian passage and accessibility of movement onto or off of a public sidewalk.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 8-1-23 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Section 8-1-23. Obstruction of Sidewalks.

(a) It shall be unlawful in the City of Pensacola for any person or their personal property to obstruct an area of a public sidewalk in a manner that prohibits or impedes the safe passage and flow of pedestrian movement as described in this clause. On public sidewalks 48 inches or greater in width, 48 inches shall be considered the minimum width area of that sidewalk that must remain unobstructed for safe pedestrian movement. On sidewalks under 48 inches in width, the entire width must remain unobstructed. On public sidewalks on Palafox Street between Main Street and Garden Street 72 inches shall be considered the minimum width area of that sidewalk that must remain unobstructed for safe pedestrian movement. On all public sidewalks there shall remain sufficient unobstructed sidewalk space to permit the safe movement and passage of a person using a mobility aid.

(b) No person shall be in violation of this law unless they receive, at the time the obstruction is occurring, a minimum of one (1) verbal warning followed by a reasonable time to readjust, relocate or move so that neither they nor their personal property are an obstruction that prohibits or impedes safe passage and flow of pedestrian traffic as described in (a) of this section.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk