

File No. 12584 Continued.

the City Code, pages 979 and 981, which read as follows:-

"No person or persons shall in any manner obstruct any of the streets, lanes or alleys of the City, or the gutters thereof, except in the immediate act of moving or removing some article in the way of their trade or business, or for the use of their families; every person so offending shall forfeit and pay the sum of one dollar."

If any person or persons shall place or cause to be placed within the streets, lanes or alleys of the City, any dirt, lumber or other obstruction to the free egress or ingress through such street, lane or alley, and shall permit the same to remain more than twenty-four hours after being notified by the City Engineer or any of the police officers to remove the same, he, she or they shall be subject to a fine of five dollars for each day it shall so remain; and the City Engineer is hereby authorized and empowered to remove, or cause to be removed, all manner of obstructions to the passage through the streets, lanes or alleys which he shall find remaining in the same an unnecessary length of time; and all expenses incurred shall be chargeable to the person or persons who shall violate the provisions of this section."

If Mr. Fendall has complied with the notice called for by Section 73, the fine assessable against the offender is greater under this section, the fine under Section 67 being \$5.00 a day for each day the obstruction remains.

However, I do not assume that he has complied with this notice and therefore he will have to rely on Section 67 of Article 25 above quoted, which provides merely for a fine of \$1.00 against the offending party, but I further call to your attention the fact that the City Engineer has ample power to compel the removal of the nuisance, throwing all costs upon the person creating it.

Your correspondence is returned herewith.

Yours very truly,

(Signed) Charles A. Marshall.

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