

CHAPTER 25
STREETS AND SIDEWALKS (1)

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- 1. For State law authorizing the city to lay out, establish, open, etc. streets, sidewalks, etc. see NDCC 40-05-01, 8. As to establishment of park district, see Sec. 2-7 of this Code. As to throwing, depositing, etc., garbage in streets, etc., see Sec. 16-2. As to vehicles equipped with cleats, etc., using streets, etc., see Sec. 21-135. As to depositing tacks, glass, etc., on streets, see

Sec. 21-79. As to parking on boulevards, see Sec. 21-122. As to uninvited solicitation, see Sec. 22-59. As taking on or discharging passengers from taxicabs upon streets, see Sec. 26-12. As to parking of trailers or mobile homes on streets, see Sec. 28-3.

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Article I. In General

Sec. 25-1. Games and Amusement on Streets Generally

No person shall in any street or avenue of the city engage in snowballing pedestrians, flying kites, playing ball or other games: sports or amusements having a tendency to or likely to annoy persons passing on the streets or sidewalks or embarrass the passage of persons or vehicles or frighten horses or teams.

Sec. 25-2. Breaking, Etc., Street Lights or Fixtures

No person shall throw or encourage, aid or assist others in throwing any stone or other missile or in any manner willfully breaking or attempting to break any street light or street light fixture on any street or alley in the city.

Sec. 25-3. Obstructions

It shall be unlawful for any person to build, erect, construct or maintain any house, barn, shed or other building of any kind or sign, fence, hedge or other obstruction in or upon all or part of any street, alley, avenue, sidewalk, boulevard or other public place or ground within the city.

Any person having any signs erected on any street, avenue, sidewalk boulevard or other public ground within the vicinity shall remove the same; provided, that any such person may keep and maintain under permit from the city council.

Any signs not removed when requested to be moved shall be removed by the city at the expense of the owner. The cost of such removal, if not paid by the owner of such sign, shall constitute a lien against the property in from of which such sign is located.

Nothing in this section shall be construed to permit the placing of any movable sign not of the permanent type upon any street, avenue, sidewalk, boulevard or other public ground within the city.

The provisions of this section shall not apply to any building, sign or other structure erected by the city or under lawful authority of or at the direction of the city.

Sec. 25-4. Use Of Sidewalks For Receipt, Etc., Of Merchandise, Etc.,

It shall be lawful, notwithstanding anything contained in this chapter to the contrary for any person to place and leave, for a period not exceeding two hours, any goods, wares or merchandise; which he shall be in the act of receiving or delivering, on the sidewalks in front of his place of business; provided that he does not use and occupy more than three feet of the outer edge of such sidewalks in so doing.

Sec. 25-5. Permit For Street Vending

It shall be unlawful for any person to set up any stand or wagon for the purpose of selling there from or exposing for sale any meat; provisions, refreshments or any goods or merchandise of any kind, or to cry out or expose for sale in any manner whatever any property upon any street or public grounds within the city without a written permit of the mayor of the city council first obtained.

Sec. 25-6. Exhibitions, Shows, Public Assemblies, Etc.

No person shall, upon any public streets or rounds of the city, without having first obtained permission of the mayor or city council, exhibit any show or performance of any kind which may in any way obstruct public travel or cause a gathering of people upon any street or

tend to the injury of any public park. Nor shall any person call or announce any public meeting upon any such street, alley or public ground within the city without such permission first obtained.

Sec. 25-6.1 Street Closure—Permit Required

Any person or entity may make application to the City Auditor of the City Carrington to close any street, alley, or portion thereof to vehicular traffic. The City Auditor is authorized to create an application for street closure which contains the following information:

1. Name and address of person/entity requesting the closing the Street;
2. A diagram showing the exact area to be closed off and the area that will remain open for pedestrian traffic in compliance with the American Disabilities' Act and any amendments thereto;
3. The opening and closing time of the street;
4. The purpose of the closure, and
5. Any additional information as the City Auditor, in the City Auditor's discretion, deems appropriate.

Each application shall be accompanied by a street closing fee as set from time to time by the City Council of Carrington.

Upon receipt of the application and fee, the City Auditor shall provide a copy of the street closing application to the Public Works Director and the Chief of Police, or their respective designees for review and recommendation. At the Public Works Director's discretion, the Public Works Director may require specific barricades as a condition of approval of the permit. If barricades are required, an applicant shall use the City of Carrington's barricades at rates set forth by City Council from time to time.

The City Council upon review of a street closure application at the next regularly scheduled or special meeting shall conduct a hearing with notice sent to the applicant at least five days prior to the meeting unless the applicant waives notice of the meeting in writing. The City Council shall have the authority to approve, reject, or approve with conditions any street closure application. The City Council may take into consideration:

1. The location and its impact on vehicular and pedestrian traffic;
2. Ability of the Police Department and Fire Department to maintain order within the event and emergency response activities;
3. The impact on residences, business, and the City at large in allowing the street closure;
4. Prior history with the specific event or person/entity requesting the street closing;
5. And the public health, safety, and welfare of the citizens of the City of Carrington.

Any permit-holder must abide by all other State, Federal, and local laws.

Any permit-holder, as a condition of the approval of a permit, shall allow on premises any Licensed Law Enforcement Officer or member of the Fire Department to maintain order and safety.

Any unauthorized street closure, or any street closure which does not comply with the conditions of the permit shall be immediately reopened at applicant's cost. Any person/entity which fails to obtain a permit for a street closure will be guilty of an infraction and ordered to pay a mandatory minimum fine of \$500.00. This shall be a strict liability offense.

Sec. 25-7. Injuring, Etc., Electrical, Etc., Wires

No person shall cut, remove, break, injure, destroy or interfere with any telephone, telegram, fire alarm or other electrical wires properly strung upon poles running through or across any street or public ground in the city except as provided by law in the moving of buildings, except in case of fire or to prevent the destruction of property and then only under the orders of the commanding officer of the fire department.

Sec. 25-8. Shade Trees Projecting Over Streets and Sidewalks

No person, whether the owner or tenant of any property along the public streets and avenues of the city shall permit any shade trees to project over the sidewalk or street, the lower limbs or branches of which shall be less than eight feet in height from such sidewalk and twelve feet in height from such street. It shall be the duty of all persons, whether owners or tenants, to keep the shade trees along the public streets and avenues adjoining such property owned or occupied by them trimmed at all times in such manner that such trees shall not interfere with travel upon such streets and avenues in conformity with the foregoing requirements.

(For former Ordinances, see Rev. Ord. of City of Carrington, 1940, Sec. 164.)

Sec. 25-9. Unlawful Assemblies Generally; Moving at Request of Police

It shall be unlawful for any person to assemble upon any street, sidewalk or upon any public grounds in the city so as to hinder the street travel or traffic thereon or to hinder or impede free ingress and egress to and from and public place of business, public hall, church or other public building. It shall be unlawful for any person so assembled to neglect or refuse to move away, depart and give free passage after being requested by any police officer or by the owner, occupant or manager of such place of business hall, church or other public building so obstructed.

Sec. 25-10. Removal of Snow And Ice From Sidewalk. (2)

The occupant of each lot or parcel of land and the owner of each unoccupied lot or parcel within the city, adjoining any street, and along which sidewalks have been built, shall clear the sidewalks on or along such lot or parcel of land of all accumulations of snow and ice within two hours after the same has fallen or accumulated or by 2:00 o'clock P.M. of the day following if the same shall have fallen in the nighttime, and shall keep such sidewalks free from accumulations of snow and ice; provided, that no person shall be required to clean such sidewalks during the continuance of any snow storm or on Sunday. In case the owner of any lot

in the city refuses or neglects to remove from such sidewalk in front of or along any lot therein, the ice or snow there from, within the time above state, the same may be removed by the city and the necessary expense thereof shall be chargeable against the abutting lot or property by special assessment thereof in the manner prescribed by North Dakota Century Code, Section 40-29-18 to 40-29-21.

Sec. 25- 10-1. Snow or Materials on Streets

Snow or material of any kind may not be placed on streets, avenues or city property except snow from sidewalks that are abutting streets or avenues without permission from the City of Carrington.

Sec. 25-10-2. Parking In Business District During Snow Removal

No vehicles may be parked on streets or avenues in the Business District during snow removal operations.

Sec. 25-11. Stairways And Areaways in Streets and Alleys

No stairway or open areaway shall be constructed on any street or alley in the city and all open stairways and areaways now in existence in any street or alley shall be properly protected by smooth brass or iron railings; and in case of the removal, destruction or reconstruction of any building having such present stairway or areaway on or in any street or alley, such stairway or areaway shall not be rebuilt.

2. For case holding property owner not liable to pedestrians for injuries suffered in fall on sidewalk not cleared as required by this section, see *Clark vs. Stoudt*, 73 N.D. 168, N.W. 2nd 708. The responsibility of the property owner is to the city, which owns the sidewalk, rather than to pedestrians. This section was designed to assist the city rather than to protect pedestrians.

Sec. 25-12. Regulations of Areas Under Sidewalks

Areas under sidewalks shall be constructed with a sufficient brick, stone or concrete wall not less than two feet thick to retain the roadway of the street; the division or party walls of the building abutting such sidewalk shall be extended thereunder to such curb wall; the sidewalk in all cases to be constructed entirely of incombustible material sufficiently supported to carry a load of not less than one hundred pounds to the square foot exclusive of the weight of the materials used in the construction of such walk. Openings in such sidewalks for admission of coal, wood or other material or for light shall be covered with prismatic lights in iron frame or with iron covers having a rough surface and in no case shall a smooth surface be tolerated on such cover.

Sec. 25-13. Covering Openings In Sidewalks Generally

It shall be unlawful for any person to permit any opening in the sidewalk to remain uncovered unless such opening is protected on all sides by a substantial railing or guard to

prevent any person from falling therein; or being injured thereby, such opening to be kept closed at all times except when actually being used in filling space below or removing property there from.

Sec. 25-14. Open Cellars, Doors, Etc. Upon Or Leading Into Streets And Sidewalks

It shall be unlawful for any person in this city to leave or keep open, uncovered or unguarded any cellar, door, pit or grating of any vault or other subterraneous place or passage leading from, into or upon any street, alley or sidewalk. It shall be unlawful for any person to permit any such cellar, door, pit, vault, grating or other opening of a like nature, in, about or connected with the premises owned or occupied by him to remain in an insecure or unsafe condition.

Sec. 25-15. Plans, Specifications Etc., Of Streets Sidewalk, Etc., Construction Of Same To Be Under Supervision Of City Engineer

The city engineer shall, with the approval of the city council, establish and keep on file in his office lines, grades, width and location of streets and alleys, curbs, gutters, sidewalks and boulevards and plans and specifications for the construction thereof. All construction shall be under the supervision and regulation of the city engineer.

Article II. House Numbering (3)

Sec. 25-16. Plans and System Established

A plan and system of naming and numbering street and avenues in the city is hereby adopted and established whereby the base lines or streets used as the units for numbering of all buildings within the city shall be First Avenue as hereby established, being what was formerly called Lincoln Street, for all streets and avenues east and west thereof; and Main Street as hereby established, for all streets and avenues north and south thereof.

Sec. 25-17. Distinction Between "Streets" and "Avenues"

All streets running east and west shall be called "streets" and all streets running north and south shall be called "avenues" except that street which intersect with north and south streets at an angle less than forty-five degrees shall be called avenues.

Sec. 25-18. Building Numbers Generally

All buildings within the city shall be numbered in accordance with the provisions of this article. Each twenty-five feet of block frontage shall have a number, the numbers for each block shall commence with 01 of the left and 02 on the right side of the street or avenue leading from the base line; such numbering to be prefixed by the proper hundred figure to designate the distance in blocks from the base line, beginning with one hundred in the block adjoining the base line.

Sec. 25-19. Specifications in Placing Of Number Plates

The building numbers shall be of figures not less than three inches high and one-half inch wide on or of metal or glass, placed in a conspicuous position on each building so as to be plainly read from the center of the street or avenue upon which such building has its principal entrance. Such numbers shall be so placed and exhibited on each of the buildings in the city within fifteen days after the completion of any building.

Sec. 25-20. Neglect or Refusal To Install Numbers

No owner of any building in the city or any other person having the custody or control of such building shall refuse or neglect to place or cause to be placed thereon the number thereof in accordance with the provisions of this article.

3. For State law authorizing city to regulate numbering of houses, see NDCC 40-05-01, 9.

Sec. 25-21. Numbers To Be Installed At Owner's Expense

The city council shall, upon the refusal or neglect of any person to comply with the preceding section, have power and authority to cause the number of such building to be placed thereon as required by this article; the cost of so doing to be collected at the suit of the city from the owner or person having control of such building, together with costs of such suit.

Article III. Street Grades

Sec. 25-22. Establishment Of Grades By City Engineer Or Street Superintendent Prerequisite To Construction Work

No construction work of whatsoever nature dependent upon grades shall be commenced until the grade lines for the district in which such work is to be done have been established by the city engineer or street superintendent and approved by the council. Nor shall any such work be commenced until the city engineer or street superintendent has placed the proper grade reference stakes relating thereto and all such work must be constructed in accordance with the same.

Sec. 25-23. Preliminary Grade Lines

The preliminary street grades of file in the office of the city engineer or street superintendent shall be used only as a medium for determining the several kinds of final grades described and defined in this chapter. They shall lie, except where otherwise especially indicated, in unbroken, direct lines between connecting preliminary grade elevations of all street and avenue center line intersection or grade changes.

Sec. 25-24. Changing Regularly Established Grades

No regularly established grades shall be changed by any authority other than the city council, except grades which affect work previously construed in accordance with established grades given by the duly authorized officer appointed at that time to do such work.

Sec. 25-25. Destruction, Etc., Of Stakes Referencing Alignment Of Grades

No person shall in any way move or destroy any construction stakes referencing alignment or grades which have been placed by or under the direction of the city engineer.

Sec. 25-26. Appeal From Decisions Of City Engineer Or Street Superintendent

In case any difference should arise between the city engineer or street superintendent and the owner of any property adjacent to any street or alley, or any pavement driveway, sidewalk curb, retaining wall or parking strip in or along the same, subject to the regulations of this chapter, or any persons desirous of constructing any driveway, sidewalk, curb or retaining wall or of laying out or planting any parking strip, regarding the interpretation of any of the provision of this chapter or the enforcement of the same appeal may be made to the city council whose decision regarding all matters affecting the same shall be final. An appeal from any such determination by the city engineer or street superintendent shall be taken by filing notice thereof in writing in the office of the city auditor within five days after such determination is made. The City Council shall act upon such appeal. In the event that an appeal is not taken, the decision of the city engineer or street superintendent shall be final and conclusive.

Sec. 25-27. Records To Be Kept By City Engineer Or Street Superintendent

The city engineer or street superintendent shall keep an up-to-date record of the alignments monuments, discrepancies in alignment, etc., which records and monuments' locations shall be determined by actual survey thereof and shall be kept upon a plat prepared especially for that purpose and to be used for no other purpose. Such plat shall be known as the "Official Alignment Plat of the City of Carrington" and must show all distances, monument locations with properly referenced "ties" to such locations, angles, etc., in connection with such alignment of the city. Such plat and survey shall be governed by rules established by the city engineer or street superintendent with the approval of the city council.

Sec. 25-28. Same- Grades

The city engineer or street superintendent shall keep a record of all established preliminary street grades; curb grades, property lines and sidewalk grades, together with elevations and locations of all bench marks referring to grades within the city. These records shall be kept upon a plat prepared especially for that purpose to be known as the "Official Grade Plat of the City of Carrington" and shall be used for no other purpose. Such plat shall be kept up to date and all bench mark elevations and locations shall be determined by him from actual survey therefor. Such plat and survey shall consist of the data and be governed by the following provisions:

The datum plane from which the determined grades of the several streets and avenues within the city shall be determined, defined, fixed and designated by reference to the bench marks or mark as erected by the U.S. Geological Survey.

Sec. 25-29. Establishment, Etc., Of Bench Marks

The city engineer or street superintendent shall with reference to the bench marks upon block corners wherever grades have been established in such manner that no two bench marks shall be more than two city blocks, inclusive of street widths, distant from any other bench mark. Such bench marks to be located at the inside intersection of cement sidewalks where constructed, and location of such bench mark elevation shown by a cross, plainly chiseled upon such walk at the exact location where elevation was taken; provided further, that under the personal supervision of the city engineer or street superintendent a permanent and substantial bench mark shall be constructed of concrete and iron and placed upon the lot or lots now occupied by the City Hall and such bench marks shall, after its erection and reference, be considered as being the only official and initial bench mark from which all grade references within the city shall be made and by which all disputes as to grades shall be settled.

In taking levels for the establishment of bench marks, cross check lines shall be run not less than two blocks from the last check line and all level circuits must close with not greater apparent error, accumulative or otherwise, than .05 feet, in any one or all circuits.

Article IV. Sidewalks (4)

Sec. 25-30. Construction Of Sidewalks Abutting Property Owners

Any person who desires to or who has been ordered to construct or repair any sidewalk abutting his property and desires to construct the same within the time limit provided by may do so; provided, however, that he shall first make application to the city engineer or street superintendent for permit to construct such work which application shall state the location of the work to be done, the name of the applicant, the name of the person who is to do such work and the applicant's willingness that such sidewalk be constructed in accordance with the city regulations therefor. Upon complying with the above requirements, a permit will be issued for such work which permit shall expire in thirty days from the date of its issuance or upon the day set as the time limit in which such sidewalk is to be built by such owner in case the same had been ordered constructed as provided by law. The city engineer or street superintendent shall keep a

4. For State Law as to sidewalks generally, see NDCC: 40-29-01 et seq.

record of such permits in his office. A separate permit shall be issued for each separate piece of work but one permit may be issued to cover all contiguous work in the same block, provided further, that no permit shall be required by the city contractor for sidewalks to be constructed by him upon orders from the city council.

Sec. 25-31. Installation Of Private Crossings

It shall be unlawful for any person whatsoever to construct over or across any boulevard or sidewalk any private or other crossing except in conformity with the plans and specifications to be prescribed by the city engineer or street superintendent.

Sec. 25-32. Sidewalk Repairs Generally

It shall be the duty of the owner of any property along which any sidewalk is constructed to maintain and keep the same in good repair and in case such owner fails to make any repairs thereto within three days after receiving notice to do so, from the city, he shall be punished in accordance with Sec. 1-9 and the city may repair such sidewalks as provided by North Dakota Century Code, Sections 40-29-03, 40-29-04 at the expense of the owner.

Sec. 25-33. Building To Conform With Sidewalk Grade.

All business buildings or buildings constructed or to be constructed abutting or to abut any sidewalk, must be so constructed or designated as to conform throughout their entire length or breadth or both as the case may be, to the established sidewalk grade therefor. Where such buildings are constructed or to be constructed abutting any alley, the alley grade line of such buildings shall be made to conform to such alley grade line; which grade line shall lie in any unbroken plane between the grade of the sidewalk upon one side of the block to the grade of the sidewalk upon the other side of the block.

Article V. Curbs, Gutters and Boulevards (6)

Sec. 25-34. Construction of Curb By City Upon Petition Of Abutting Owners

On petition of a majority of the resident property owners whose property would be benefited by the construction of a curb along the street in front of same, the council shall proceed to advertise for bids for the construction thereof according to law. All such curbing shall be done under the supervision of the city engineer or street superintendent; provided, that in no case will the city enter into a contract for the building of less than three hundred consecutive feet of curbing or less than enough to complete any full block.

5. For State law as to duty of owners to maintain sidewalks, see NDCC: 40-29-02.
6. For State law as to the construction and repair of curbs and gutters, see NDCC: 40-31-01 et seq, see also, NDCC: 40-05-01, 15.

Sec. 25-35. Boulevards- Duty Of Owner To Fill And Seed

Within sixty days after the construction of any curb along any property the owner shall cause the boulevard between the curb and sidewalk to be properly filled in, graded and seeded to grass. All property along which curbing has been constructed in the past shall, in like manner and within sixty days after the passage of this section, be properly filled in by the owner between such curb line and the sidewalk line and seeded to grass.

Sec. 25-36. Same- Filling And Seeding By City Upon Fault Of Owner

If any person shall fail or neglect to cause to be filled in and properly leveled and planted to grass seed the space between the curbing and sidewalk line abutting property owned by him and upon which curb has been constructed within the time herein provided, it shall be lawful for the city to do such work, the cost of same to be assessed against the property abutting provided by law.

Sec. 25-37. Same- Duty Of Owner To Maintain

It is hereby made the duty of any owner of property along which such curbing and boulevard has been constructed to keep up and maintain such boulevard to keep the grass in good condition thereon and to cut the same from time to time.

Sec. 25-38. Same- Planting Trees

See Chapter 38- Tree Ordinance

Sec. 25-39. Injury To Grass, Trees or Flowers

No person shall injure the grass, trees or flowers set out upon any boulevard within the city.

(For former Ordinance, see Rev. Ord. of City of Carrington, 1940; Sec. 166.)

Sec. 25-40. Curb Cuts

The number and size of all curb cuts shall be under the supervision and direction of the city engineer or street superintendent.

Sec. 25-41. Construction To Conform To Plans Provided By City

All street sidewalk, curb, gutter and driveway returns on public right of way shall be excavated constructed, removed or repaired in accordance with plans and specifications on file in the office of the city engineer or street superintendent.

Sec. 25-42. Inspection Required

All excavation, construction, removal, patching or repair of streets, sidewalks, curbs, gutters and driveway returns on public right of way shall be inspected by the proper inspecting officers to insure compliance with all of the applicable plans and specifications.

Sec. 25-43. Permit- Required

No person shall begin to excavate, construct, reconstruct, repair, alter, patch or grade any sidewalk, curb, curb cut, driveway or street on the public streets, avenues or alleys without first obtaining a permit from the city engineer or street superintendent as provided by this article.

Sec. 25-44. Same- Application

An applicant for a permit hereunder shall file with the city engineer an application showing:

- (1) Name and address of the owner or agent in charge of the property abutting the proposed work area.
- (2) Name and address of the party doing the work.
- (3) Location of the work area.
- (4) Attached plans or sufficient sketches showing details of the proposed alterations.
- (5) Estimated cost of the alterations.
- (6) Such other information as the city engineer or street superintendent shall find reasonable necessary to the determination of whether a permit should be issued hereunder.

Sec. 25-45. Same- Prerequisites To Issuance

The city engineer or street superintendent shall issue a permit hereunder when he finds:

- (1) That the work be done according to the standard specifications of the city for public work of like character.
- (2) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces and means of ingress and egress to and from the property affected and adjacent properties.
- (3) That the health, welfare and safety of the public will not be unreasonably impaired.

Sec. 25-46. Uncompleted Construction To Be Flared

When any curb cut, street work or sidewalk work is to be performed, such construction shall contain sufficient barricades and flares, if needed to protect the public. It shall be the duty of the permittee to cause such barricade or flares or both, if required, to be placed and cause the flares to be lighted at the approach of darkness and to remain lighted until daylight casts lumination on the work sufficient to protect the traveling public. A sign showing the contractor's name and phone number shall be placed on the barricade.

Sec. 25-47. Curb Cuts- Order To Alter

Where the use, convenience and necessity of the public requires the city engineer shall have the authority to order the owner, or agents in charge of property adjacent to which curb cuts are maintained; to alter the curb cuts in such manner as (s)he shall find reasonably necessary under the circumstances.

Sec. 25-48. Same- Minimum Width

No permit for a curb cut shall be granted and no curb cut shall be made which will provide less than fifteen feet (150 minimum clearance between the nearest edge of any crosswalk or alley and the nearest edge of such curb cut to such crosswalk or alley.

Sec. 25-49. Same- Maximum Width

The maximum permissible curb cut for any property within the city shall be thirty-five feet (35) and there shall be not less than twenty-four feet (240 minimum space between curb cuts where more than one curb cut is permitted or maintained on any one lot, tract or parcel of land within the city limits.

Sec. 25-50 Appeal For Variance Under Hardship Conditions

In all cases where an existing structure or building is located upon any lot or parcel of land and where it appears that the provisions of this article will create a hardship to the owner of such building, the owner of such building may appeal to the city council of the city or special consideration of problems arising in connection with access driveways and the city council of the city, by special permit granted upon such application, may in its discretion modify or alter the requirements of this article in order to prevent undue hardship. Such modification, if any is granted by the city council, shall not apply in case of demolition, destruction or removal of the structure at a subsequent date; in the case of future demolition or destruction of the structure, then such modification as shall have been granted by the city council under the appeal herein provided for shall likewise cease and terminate and the driveway spacing and clearance as may then be fixed by ordinance shall become immediately effective.

Sec. 25-51. Penalty

The penalty for violation of this article shall be as is set forth in Section 1-9 of this Code.

Sec. 25-52. Fences

Fences shall not be placed closer than three (3) feet from alley lines.