

CHAPTER 26.

HARBORS, DOCKS AND BRIDGES.¹

Article I. City Harbor.

Division 1. Generally.

- § 26-1. Definitions.
- § 26-2. Dock line--established.
- § 26-3. Same--Projection of materials prohibited.
- § 26-4. Public docks--private docks may be made public.
- § 26-5. Same--Landing of vessels.
- § 26-6. Same--Freight on docks; charges for storage.
- § 26-7. Pollution of harbor--prohibited generally.
- § 26-8. Same--Waste from distilleries, tanneries, etc., prohibited.
- § 26-9. Permit required for excavations, etc.; exception.
- § 26-10. Speed regulations--in Duluth ship canal.
- § 26-11. Same--Vessels 500 tons or over in Superior Bay, St. Louis Bay, etc.
- § 26-12. Injury or destruction of steps on Duluth ship canal prohibited.
- § 26-12.1. Rat guards to be put on lines leading to docks or wharfs.
- § 26-12.2. Splash boards to be installed on waste lines.
- § 26-12.3. Duty of master, etc., of vessel to comply with sections 26-12.1 and 26-12.2.

Division 2. Harbor master.

§§ 26-13 to 26-19. Repealed.

Article II. Aerial Lift Bridge.

- § 26-20. Applicability of article.
- § 26-21. Posting of certain rules and regulations in control room.
- § 26-22. Light and sound signals to operate together; "blast" applicable to light and sound signals.
- § 26-23. Length of blast.
- § 26-24. Approach signal--how given.
- § 26-25. Same--When required--vessels approaching from lake.
- § 26-26. Same--same--Vessels approaching from harbor.
- § 26-27. Return signal.
- § 26-28. Danger signal--when required.
- § 26-29. Same--How given.
- § 26-30. Same--May be given prior to approach signal from ship.
- § 26-31. Same--To be repeated until understood by vessel.
- § 26-32. Bridge to be lifted promptly upon receipt of approach signal; same may be opened without approach signal.
- § 26-33. Vessels to be given precedence over highway traffic.
- § 26-34. Emergency vehicles.
- § 26-35. Delay of vessels prohibited.
- § 26-36. Minimum height of bridge when open.
- § 26-37. One bridge tender to be on duty at all times during navigation season.
- § 26-38. Minor repairs, etc., to be done in daytime only.
- § 26-39. Repealed.
- § 26-40. Operators to be relieved in control house only.

¹For state law as to wharves, docks, quays, etc., see M.S.A., §§ 458.02 to 458.59.

As to bridges generally, see M.S.A., §§ 164.01 to 164.33.

As to vessels containing offensive matter, see § 24-7 of this Code.

As to excavations, removal of sand, etc., from Minnesota Point, see §§ 45-100 to 45-102 of this Code.

- § 26-41. Each method of opening bridge to be tested at least once each week.
- § 26-42. Bridge to be lifted in case of danger.
- § 26-43. Failure of bridge to function properly--to be raised until repairs completed.
- § 26-44. Same--Chief tender to be notified.
- § 26-45. Same--Investigation by chief tender; director of public service to be notified.
- § 26-46. Failure of bridge to open--procedure generally.
- § 26-47. Same--Warning to all vessels in harbor.
- § 26-48. Same--Notification of U.S. engineer's office.
- § 26-49. Loitering on bridge or approaches prohibited.
- § 26-50. Pedestrians and vehicles to leave bridge immediately upon sounding of blast.
- § 26-51. Passing on bridge prohibited.
- § 26-52. Vehicles, etc., to come to full stop before crossing bridge.
- § 26-53. Remaining on bridge when opened prohibited; exceptions.
- § 26-54. Climbing stairs or ladders on towers or span prohibited.
- § 26-55. Passing gates after blast given prohibited.
- § 26-56. Traffic and pedestrians to stop immediately upon giving of red signal.
- § 26-57. Parking on bridge prohibited.
- § 26-58. Interference with safe bridge operations prohibited.

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Article I. City Harbor.²

Division 1. Generally.

Sec. 26-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Navigable waters. All those portions of the St. Louis Bay, St. Louis River, the bay of Duluth and the bay of Superior or waters connecting the same, which may be within the limits of the city.

Public docks. All public grounds and all ends of public streets or highways which abut upon any waters of the city harbor are public docks.

Vessel. All scows, lighters, floats, tugs or watercraft of any kind whatever or rafts of every kind and description, whether containing lumber or logs, consisting of lumber or logs or otherwise. (Ord. No. 677, §§ 4, 8, 9.)

Sec. 26-2. Dock lines--established.

There is hereby established within the city, as a front or face of docks and dock lines, the following dock line:

(a) Main harbor of Duluth. Commencing at a point in the south face of the north pier of Duluth Canal, 260 feet west of west line of Lake Avenue; thence northerly parallel with Lake Avenue for a distance of about 950 feet; thence in a southwesterly direction about 3,235 feet to a point 90 feet west of west line of Ninth Avenue West, this line being distant from the south line of Railroad Street 998-6/10 feet on west line of Sixth Avenue West, and 964-8/10 feet from south line of Railroad Street on west line of Ninth Avenue West; thence south on an angle of 53 degrees 59 minutes to the left of the prolongation of the preceding line about 845 feet to the easterly corner of the Northern Pacific Railroad Company's dock;

(b) East side of Rice's Point. Thence 1,408 feet in a southerly direction on a line towards (but not reaching) the intersection of the westerly line of Marquette Street with the township line between townships 49 and 50 north of Range 14 west; thence about 5,870 feet in a southeasterly direction parallel with and 2,530 feet from the east line of Garfield Avenue, Rice's Point, to a point 400 feet north of the north line of 16th Street South prolonged; thence 565-7/10 feet with a deflection of 45 degrees to the

²For state law establishing port authority for city, see M.S.A., §§ 458.09 to 458.1991. As to authority to acquire, construct, etc., public docks, wharves, etc., see M.S.A., § 458.25.

right, to the north line of 16th Street South prolonged according to the recorded plat of Duluth; thence 2,087 feet southwesterly along the north line of 16th Street South and same prolonged;

(c) West side of Rice's Point. Thence westerly to a point in the prolongation of the northerly line of Spruce Avenue 229 feet southwesterly of the west line of Garfield Avenue, Rice's Point; thence westerly to a point in the prolongation of the northerly line of 19th Street South, 430 feet southwesterly of the west line of Garfield Avenue; thence westerly to a point in the prolongation of the center line of Lynn Avenue 1,350 feet southwesterly of the center line of Garfield Avenue; thence northwesterly parallel with Garfield Avenue to a point where the dividing line between lots 7 and 8 in Block G, Duluth Proper, Second Division, if produced, will intersect with the same;

(d) North side of St. Louis Bay. Thence westerly at right angles to a point where the westerly line of 22nd Avenue West, if produced, will intersect the same; thence southeasterly on a line parallel with, and about 2,108 feet distant from the westerly line of Garfield Avenue on Rice's Point to a point of intersection with the northerly line of Elm Avenue prolonged; thence southwesterly to a point on the west line of 46th Avenue West, Oneota, prolonged, distant 3,000 feet from the southwesterly corner of Oneota Street;

(e) West side of Minnesota Point, south of canal. Commencing at the southwesterly corner of the south pier of the Duluth ship canal; thence in a direct line to a point on the westerly line of Minnesota Avenue, Upper Duluth, 300 feet southerly from the intersection of the westerly line of Minnesota Avenue with the channel side of the south pier; thence in a direct line to a point on the westerly prolongation of the center line of 12th Street South 1,480 feet westerly from the westerly line of St. Louis Avenue; thence southerly parallel with and 1,480 feet from the westerly line of St. Louis Avenue to the westerly prolongation of the center line of 19th Street South, 19th Street South being the dividing line between Upper and Lower Duluth; thence southerly and parallel with and 1,480 feet westerly from the westerly line of St. Louis Avenue to a point on the prolongation of the southerly line of Lower Duluth and 2,060 feet westerly from a stone monument which is situate on the easterly line of Lake Avenue and 400 feet southerly from the southerly line of 38th Street South; thence on a line making an angle of about ten degrees 30 minutes to the easterly of a prolongation of the above line about 10,050 feet to a point, such point being 955 distant westerly from a granite monument planted near the center of Minnesota Point about 9,840 feet southerly from the southerly line of Lower Duluth aforesaid, such granite monument being 35 feet easterly from the U.S. lake survey base line and such 955 feet being measured in a direction having an angle of 90 degrees 32 minutes with such base line reckoned to the left of the northerly end of the latter; thence on a line making an angle of about two degrees 38 minutes to the easterly of a prolongation of the above-described line about 5,290 feet to the westerly corner of Willard's Dock as it stands at this date; thence on a line making an angle of about 16 degrees six minutes to the easterly of a prolongation of the last-described line about 570 feet to a point, such point being situated at a distance westerly of 48-6/10 feet measured at right angles to such line, from a certain sandstone monument set near the shore of Superior Bay and on the west line of the U.S. government reservation on Minnesota Point.

The dock line established by this Section shall be the front or water line of a uniform system of dockage within the harbor or bay of the city and within the harbor or bay of St. Louis. No dock, wharf or pier shall extend into the water in front of or beyond such line. (7-14-1891, §§ 1, 2.)

Sec. 26-3. Same--Projection of materials prohibited.

No person shall place, pile, maintain or suffer, allow or permit to be placed, piled or maintained any lumber or other material in such manner as to project over the dock line of any navigable waters of the harbor. (Ord. No. 677, § 7.)

Sec. 26-4. Public docks--private docks may be made public.

The owners of any private docks or wharves may offer the use of their wharves or docks to the public, such offer being in writing, under seal and acknowledged and communicated to the city council. The city council may, in behalf of the public, accept the same for a period of not less than one season. Thereafter, during such period, such dock or wharf shall be a public dock, with the privileges and subject to the liabilities of this Article. (Ord. No. 677, § 4.)

Sec. 26-5. Same--Landing of vessels.

Any vessel engaged in the carrying of freight or passengers may land at any public dock for the purpose of putting off or taking on freight or passengers. Such vessel shall not be liable to the city or to the owner of such dock for any charges for so doing; provided, that such vessel shall not lie at such dock longer than a sufficient time to put off or take on her passengers and freight and, in case any other vessel in waiting to make a landing at such dock, not longer than 15 minutes. (Ord. No. 677, § 4.)

Sec. 26-6. Same--Freight on docks; charges for storage.

All freight landed upon public docks shall be removed forthwith and shall not be allowed to lie or remain upon such docks; provided, that large or bulky articles shall not be landed upon public streets or grounds. If landed upon private docks whose owners have, under the provisions of this Article, had the same designated as public docks, such owners may charge and collect the usual fees for such dockage or storage of such articles. All small or ordinary sized articles left on the docks of such owners, if not removed from such docks by the consignee thereof or some person in his behalf within ten minutes after the same shall have been landed, shall be subject to be taken care of by such dock owners and shall be subject to the usual charges. (Ord. No. 677, § 4.)

Sec. 26-7. Pollution of harbor--prohibited generally.

No person shall throw, deposit or suffer to be thrown or deposited in the harbor of the city or any part thereof any earth, ashes or other heavy substance, filth, refuse, garbage, logs or floating matter of any description or any obstructions, place, pile, throw, maintain or suffer, allow or permit to be placed, piled, thrown or maintained any such material or crushed stone, coal, gravel, sand, ashes, dirt or other loose material on the banks, wharves, docks or piers of the harbor, within three feet of the water's edge of any navigable waters of the harbor; (except, that lumber can be piled to the water's edge on water docks), or in such position as to be liable to be washed off or otherwise conveyed into the harbor, make or direct any channel for the passage of water so as to carry any such materials into the harbor or place, deposit or cause to be placed or deposited any such materials upon any dock, wharf, pier, bank, vessel, boat, lighter or float without a good and sufficient preventative against such materials falling into the waters of the harbor.

Nor shall any person throw, place, deposit or cause to be deposited, thrown or placed any garbage, vegetable matter, manure, carrion, dead animal or putrid or unwholesome substances on the margin, banks or into the waters of the harbor. (Ord. No. 677, §§ 5, 6.)

Sec. 26-8. Same--Waste from distilleries, tanneries, etc., prohibited.

No distiller, tanner, brewer, butcher, port or beef packer, soap boiler, stable keeper, tallow chandler, dyer or other persons whatsoever shall cause, suffer or permit any offal, manure, rubbish, filth, still slops, any refuse animal or vegetable matter or any foul or nauseous liquid to be discharged out of, over or from any premises owned or occupied by him or to be thrown into, deposited or left in the harbor of the city. (Ord. No. 677, § 6.)

Sec. 26-9. Permit required for excavations, etc.; exception.

No person shall make any excavation for any purpose whatever or place any substance, pile, pier or pipe or other thing whatever within or under the navigable waters of the harbor of the city without first obtaining the consent by ordinance of the city council. This Section shall not be construed to affect the right of any person to dredge or deepen the harbor by virtue of a contract for so doing entered into with the United States. (Ord. No. 677, § 9.)

Sec. 26-10. Speed regulations--in Duluth ship canal.

No person shall operate a watercraft at greater than slow-no wake speed in the entrance to the city harbor, commonly called the Duluth Ship Canal. Slow-no wake speed is the minimum speed necessary to maintain steerage, but in no case greater than five miles per hour.

The provisions of this Section shall not apply to:

(a) Emergency, enforcement or resource management personnel when acting in the performance of their duties;

(b) To any watercraft when it becomes necessary for such watercraft to exceed five miles per hour:

- (1) Due to water or wind conditions which affect safety and steerage; or
- (2) To avoid a potential collision. (5-11-1897, § 1; Ord. No. 9419, 8-9-1999, § 1.)

Sec. 26-11. Same--Vessels 500 tons or over in Superior Bay, St. Louis Bay, etc.

In that portion of the harbor of Superior Bay, St. Louis Bay and the waters connecting therewith, lying within the limits of the city, no person shall move, propel or cause to be moved or propelled, in any manner whatsoever, any vessel, boat, scow, lighter, tug, float or watercraft of any kind whatever of the burden of 500 gross tons or over at a rate of speed exceeding six miles per hour. (5-11-1897, § 2.)

Sec. 26-12. Injury or destruction of steps on Duluth ship canal prohibited.³

No person shall, in any manner, injure or destroy the steps on the piers of the Duluth ship canal cut through Minnesota Point, at the place where pedestrians pass from such piers to and from the ferry boats used in ferrying across such canal. (10-26-1892, § 1.)

Sec. 26-12.1. Rat guards to be put on lines leading to docks or wharfs.

Immediately after mooring alongside any dock or wharf within the corporate limits of the city, every ocean vessel shall put rat guards on all lines leading to such dock or wharf. The term "rat guard" is hereby defined and described to be a disc shaped device of galvanized metal about three feet in diameter, constructed in such a manner as to enable its installation after the mooring lines have been secured to the dock. The guard shall be designed with a sleeve allowing for the fastening rigidly of the device to the line; and the device shall retain an angle of approximately 90 degrees with the line when in place. The purpose of the device is to prevent rats from boarding or leaving such vessel when moored or tied to such dock or wharf. (Ord. No. 7271, § 1.)

Sec. 26-12.2. Splash boards to be installed on waste lines.

Immediately after mooring alongside any dock or wharf within the corporate limits of the city, every ocean vessel shall install suitable splash boards and secure them over any waste lines on the dock side of the vessel to prevent any discharge from going onto the surface of the dock or wharf. (Ord. No. 7271, § 2.)

Sec. 26-12.3. Duty of master, etc., of vessel to comply with sections 26-12.1 and 26-12.2.

It is hereby made the duty of the master or other officer or person in charge of any such vessel to comply with the terms of sections 26-12.1 and 26-12.2 (Ord. No. 7271, § 3.)

Division 2. Harbor master.

Secs. 26-13 through 26-19. Repealed by Ord. No. 7275.

³As to injury or destruction of public property generally, see § 45-9 of this Code.

Article II. Aerial Lift Bridge.

Sec. 26-20. Applicability of Article.

The provisions of this Article are hereby established as the rules and regulations governing the use and operation of the Aerial Lift Bridge over the U.S. ship canal on Lake Avenue South. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-21. Posting of certain rules and regulations in control room.

There shall, at all times, be kept posted in a conspicuous place in the lower control room of the motor house on the Aerial Lift Bridge a copy of the "Rules and Regulations for the Canals and Channels in the Harbor at Duluth, Minnesota, and Superior, Wisconsin," as approved by the department of defense, with special reference to that portion of such rules and regulations that pertains to the Duluth ship canal and Duluth canal bridge (Aerial Lift Bridge) and the laws attached thereto. A copy of the rules and regulations as set forth in this Article shall also be posted in a like conspicuous place in the lower control room of the motor house on such bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-22. Light and sound signal to operate together; "blast" applicable to light and sound signals.

Light and sound signals on the Aerial Lift Bridge and the approaches thereto shall operate together at all times, both day and night. The term "blast," as used in this Article, shall apply to both light and sound signals. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-23. Length of blast.

The length of a long blast should be more than two seconds and not over three seconds. The length of a short blast should not exceed one second. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-24. Approach signal--how given.

The signal from an approaching vessel for the opening of the Aerial Lift Bridge shall be three long blasts. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-25. Same--When required--vessels approaching from lake.

Vessels approaching from the lake, in all circumstances, shall signal for opening the Aerial Lift Bridge when not less than 1/2 mile distant from the bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-26. Same--same--Vessels approaching from harbor.

Vessels approaching from the harbor shall signal when at about 1/2 mile from the Aerial Lift Bridge, but the distance shall be more or less, according to the vessel's speed, the object being to give sufficient time for the tender to open the draw and not interfere unnecessarily with traffic over the bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-27. Return signal.

Upon receiving a signal from an approaching vessel, the bridge tender shall give a return signal of three long blasts. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-28. Danger signal--when required.

Upon receiving a signal for opening the bridge, the bridge tender shall at once answer with the "return signal," to indicate that the vessel's signal has been heard and that the bridge will open. In case

the bridge cannot open, the danger signal shall be given instead of the return signal. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-29. Same--How given.

The danger signal to be given by the bridge tender in case of emergency shall be five short blasts. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-30. Same--May be given prior to approach signal from ship.

In case the Aerial Lift Bridge is, for any reason, unable to open so as to clear an oncoming vessel, the bridge tender shall give the danger signal as soon as the vessel may be expected to perceive it and without waiting for the ship's opening signal. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-31. Same--To be repeated until understood by vessel.

In case an opening signal is given by a ship, it shall be answered under such circumstances by another danger signal given by the bridge tender. The danger signal shall be repeated by the bridge tender until it is clear that it has been heard and understood by the vessel. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-32. Bridge to be lifted promptly upon receipt of approach signal; same may be opened without approach signal.

The bridge tender shall lift the Aerial Lift Bridge promptly on receiving the signal so to do. In case a vessel fails to give an opening signal promptly enough, the bridge tender should take note of the vessel's position and should proceed with the opening of the span, the same as if the vessel's signal had been received. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-33. Vessels to be given precedence over highway traffic.

Vessels shall be given precedence over highway traffic. When a vessel's opening signal is given, any vehicle that may be approaching to cross the bridge shall be required to wait for the vessel to pass. The bridge should be cleared before being raised and prompt action should be taken by the bridge tender to prevent oncoming traffic from entering upon the bridge. In case foot passengers or vehicles are unable to leave the lift span, the span shall be lifted with them upon it. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-34. Emergency vehicles.

Fire engines, firefighting apparatus and ambulances may be given special consideration for crossing the Aerial Lift Bridge, without causing an accident and without delaying vessels. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-35. Delay of vessels prohibited.

The bridge tender shall give right of way to all vessels. The bridge shall not be permitted to delay vessels for any reason whatsoever, except absolute inability to raise the lift span. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-36. Minimum height of bridge when open.

When the Aerial Lift Bridge or span is raised for the passage of vessels, it shall be elevated not less than 120 feet, as registered by the indicator in the control room on the bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-37. One bridge tender to be on duty at all times during navigation season.

During the season of navigation, there shall be at least one bridge tender, who shall be constantly on duty. (Ord. No. 4716, 4-23-1930, § 1; Ord. No. 10109, 9-12-2011, § 1.)

Sec. 26-38. Minor repairs, etc., to be done in daytime only.

Greasing, oiling, minor repairs, etc., shall, except in emergency, be done in the daytime, only in clear weather and not by the operator at the controls. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-39. Repealed by Ordinance No. 10109, 9-12-2011, § 2.

Sec. 26-40. Operators to be relieved in control house only.

When operators are being relieved from duty, such relief shall take place only in the control house on the Aerial Lift Bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-41. Each method of opening bridge to be tested at least once each week.

During the open navigation season, each method of operation for raising and lowering the span shall be tested at least once each week by actual operation. This shall include separate, complete operations as follows:

- (a) Motors 1 and 3;
- (b) Motors 1 and 4;
- (c) Motors 2 and 3;
- (d) Motors 2 and 4;
- (e) Gasoline engine direct-connected;
- (f) Battery charging with gasoline-driven generator;
- (g) Use of both sets of power lines from battery to motors;
- (h) Use of both sets of control lines from battery to controls.

A complete detailed report of the foregoing tests shall be made weekly and filed in duplicate with the city clerk, one copy of which shall be mailed by the city clerk to the U.S. district engineer at the Engineers Building, Canal Park, Duluth, Minnesota. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-42. Bridge to be lifted in case of danger.

In the event of danger arising from any cause or the breakdown of the mechanism of the Aerial Lift Bridge, the bridge tender shall immediately give the danger signal and cause the span to be raised to its elevated position. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-43. Failure of bridge to function properly--to be raised until repairs completed.

In case of the inability of the Aerial Lift Bridge or span to function properly during the navigation season, the bridge tender shall at once bring the lift span to the raised position and leave it there until repairs have been completed or until otherwise ordered by proper authority. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-44. Same--Chief tender to be notified.

In any case of a failure of the lift span to function properly, the bridge tender shall at once notify the chief tender, by telephone if possible, informing the chief tender of the probable cause of the trouble, the estimated time of delay and whether the bridge span can be placed in the raised position. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-45. Same--Investigation by chief tender; director of public service to be notified.

Upon receipt of the report required by the preceding Section, the chief tender shall, at once and in person, investigate every case of inability of the Aerial Lift Bridge to operate, whether expected to be of long or short duration, and shall promptly notify the director of public service. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-46. Failure of bridge to open--procedure generally.

In case the lift span cannot be raised, the operator on duty should immediately telephone or otherwise notify the Union Towing and Wrecking Company and order a tug to take station on the lake side and outside of the harbor entrance for the purpose of warning incoming vessels. Such order and notification shall be prompt and shall be made immediately after the discovery of trouble in the mechanism of the lift span. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-47. Same--Warning to all vessels in harbor.

A warning to all vessels in the harbor shall be sent out, by telephone, boat, messenger or other means, within one hour of the time when it is found that the lift span of the Aerial Lift Bridge cannot be raised. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-48. Same--Notification of U.S. engineer's office.

The bridge tender or chief tender shall also immediately notify the U.S. engineer's office, within an hour, of any failure of the Aerial Lift Bridge to function properly. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-49. Loitering on bridge or approaches prohibited.

No person or vehicle shall loiter upon the bridge or either of the approaches thereto. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-50. Pedestrians and vehicles to leave bridge immediately upon sounding of blast.

Upon the sounding of the blast for either light or sound signals, all pedestrians and vehicles shall immediately proceed to leave the bridge and the approaches thereto as quickly as possible. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-51. Passing on bridge prohibited.

No vehicle shall overtake, pass or attempt to pass another vehicle while on the bridge or on either of the approaches thereto. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-52. Vehicles, etc., to come to full stop before crossing bridge.

All vehicles shall come to a full stop at a point at least ten feet from the bridge gates at the foot of either approach to the Aerial Lift Bridge before proceeding to cross the bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-53. Remaining on bridge when opened prohibited; exceptions.

No person or vehicle shall remain upon the Aerial Lift Bridge when the same is elevated or about to be elevated, except by special permit from the chief bridge tender or the administrative assistant, except in case of the emergency elevating of the bridge span to avoid accident and the pedestrian or vehicle is not given sufficient time to leave the bridge or the approaches thereto. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-54. Climbing stairs or ladders on towers or span prohibited.

No person, other than bridge employees, shall mount or climb the stairs or ladders on the towers or span of the Aerial Lift Bridge. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-55. Passing gates after blast given prohibited.

No person shall pass the gates or enter upon either of the approaches to the Aerial Lift Bridge after the blast has been given and the gates lowered. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-56. Traffic and pedestrians to stop immediately upon giving of red signal.

Upon the showing of the red traffic and signal light at the approaches to the Aerial Lift Bridge, all pedestrians and vehicles shall come to an immediate halt and shall not proceed upon the approaches of the bridge until the signal light is changed from red to green. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-57. Parking on bridge prohibited.

No person shall park a vehicle or leave the same unattended within 50 feet of the foot of either approach to the Aerial Lift Bridge; provided, that this rule shall not apply to vehicles waiting to cross the bridge when the span has been elevated to allow the passage of vessels. (Ord. No. 4716, 4-23-1930, § 1.)

Sec. 26-58. Interference with safe bridge operations prohibited.

No person shall cause or permit to interfere, obstruct, disrupt or delay the safe operation, use or enjoyment of the Aerial Lift Bridge and its appurtenances. (Added by Ord. No. 10405, 9-14-2015, § 1.)