

## **9-04 [Sidewalks]**

### **9-04.01 [Introductory Provisions]**

#### **9-04.01-10 [Definitions]**

Unless the context requires otherwise, the following words and phrases shall mean:

- A. "Person" means a natural person, firm, corporation, or other legal entity.
- B. "Sidewalk" means the part of the street right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.
- C. "New Construction" means any structure, including a stick built home and/or a manufactured home, that requires, the construction of a new foundation under it which is intended and designed for the occupancy of any person or family.

### **9-04.02 [Sidewalk Construction and Repair]**

#### **9-04.02-10 [Sidewalk Construction Required]**

- A. The owner of any property not having sidewalks shall agree to install and pay for sidewalks to be constructed in accordance with the specifications contained in Section 9-04.03-10 as a condition to the issuance of a building permit for new construction, except as provided in Subsection 9-04.02-10.B. of this section. The structure for which the permit is issued shall not be occupied until the sidewalks have been constructed.
- B. The construction of sidewalks required in Subsection 9-04.02-10.A. of this section may be deferred upon execution by the property owner of a binding agreement in favor of the City requiring future sidewalk construction by, and at the expense of, the property owner and the owner's successors in the interest. The agreement shall be in a form satisfactory to the City Administrator or the City Administrator's designee. This subsection is applicable only when one (1) or more of the following conditions is found to exist as recommended by the Director of Public Works and confirmed by the City Council:
  - 1. Construction of sidewalks is not feasible due to limiting physical conditions;
  - 2. All property within three hundred (300) feet on each side of the side lot lines of the property for which the building permit is issued is fully developed and none of the fully developed properties have sidewalks.
- C. When, after consideration of the conditions as set forth in Section 9-04.02-40, the City Council determines that a sidewalk needs to be constructed adjacent to an existing structure, it shall, by resolution, declare the property to be defective and direct the Director of Public Works to issue a written notice which shall advise the owner of the property that sidewalks are required, that absence of a sidewalk is a defect and, for the public good and in the interest of public safety, to install a sidewalk. The notice shall also contain a copy of the sidewalk construction standards as are in effect at the time of the issuance of such notice. The notice shall be delivered in accordance with the provisions of Section 9-04.03-20.

**9-04.02-20 [Duty to Repair and Clear Sidewalks]**

It is the duty of an owner of land adjoining a street to maintain in good repair, and remove obstructions from, the adjacent sidewalk.

**9-04.02-30 [Conditions for Requiring Sidewalk Construction]**

- A. The following conditions shall be considered in determining if the City Council shall order construction of sidewalk adjacent to any existing structure:
  - 1. The presence of a street which has been fully developed to City standards is adjacent to the property, and
  - 2. The presence of existing sidewalk on properties immediately adjacent to the property, and
  - 3. If the property is in an area which has been identified in the Comprehensive Plan of the City as requiring sidewalk, and
  - 4. That due to the presence of a school, or other public facility, in the area it would be in the interest of public safety to have a sidewalk installed, and
  - 5. The topography of the area would not prevent reasonable installation of a sidewalk.
- B. The City Council shall find that the condition of Paragraph 9-04.02-30.A.1 of this section exists and shall further determine that at least two (2) of the other conditions also exist before proceeding under the provisions of Subsection 9-04.02-10.C.

**9-04.02-40 [Property Owner to Fill between Curb and Walk]**

It shall be the duty of a property owner to fill in the space between the curb and sidewalk adjacent to the owner's property, and to the curblines of the street at the intersections, with earth to a level and grade with the curb and sidewalk.

**9-04.02-50 [Liability for Sidewalk Injuries]**

- A. The owner of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of the negligence of the owner by failing to maintain the sidewalk in good condition.
- B. If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty Section 9-04.02-20 imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

**9-04.02-60 [Repair of Sidewalks by Adjacent Property Owners]**

Whenever the City Administrator or designee determines that a sidewalk is defective, notice of the nature of the defect and the location of the defective sidewalk shall be given to the adjacent property owner, together with a demand that the defect be repaired at the expense of the owner within thirty (30) days of the date of the notice.

## **9-04.03 [Administrative Provisions]**

### **9-04.03-10 [Specifications]**

All sidewalks shall be constructed, reconstructed, repaired or maintained in accordance with reasonable specifications established by the Director of Public Works and approved by the City Administrator. The specifications shall be kept on file in the office of the Department of Public Works, and copies shall be available for inspection by contractors and property owners desiring to construct sidewalks. The Department of Public Works, with the approval of the City Administrator, is authorized to establish standards with regard to sidewalk grades, locations and widths, materials, and construction. Any contractor or property owner aggrieved by these standards may appeal to the Council by filing a written protest with the City Recorder.

### **9-04.03-20 [Delivery of Notice]**

The notice referred to in Subsection 9-04.02-10.C. and Section 9-04.02-60 shall be either delivered personally to the adjacent property owner or mailed by first-class mail, postage prepaid, to the address of the owner of the property, as indicated on the last assessment roll according to the records of the Department of Revenue and Taxation of Columbia County.

### **9-04.03-30 [Repair Period; Extension of Time]**

The owner of the property adjacent to the defective sidewalk shall cause the necessary repairs to be made in accordance with the standards and specifications of the City for sidewalk construction within thirty (30) days from the date of personal service or the date of mailing of the notice to repair. The time within which the repairs are to be made may be extended by the City Administrator or designee, for a good cause shown, but the extension shall not exceed thirty (30) days. Application for time extensions shall be submitted in writing.

### **9-04.03-40 [Costs of Repairs]**

All costs of repair of defective sidewalks shall be paid by the adjacent property owner.

### **9-04.03-50 [Repair by City]**

If the required repairs to the sidewalk have not been completed within the time allowed, the City may make the necessary repairs and charge the cost, including reasonable engineering and inspection costs, to the adjacent property owner. The repair may be made either by the City or by a private contractor chosen by the City.

### **9-04.03-60 [Notice of Repair Assessment]**

After costs of repairs made by the City have been calculated, the property owner shall be notified in the manner provided by Section 9-04.03-20.

### **9-04.03-70 [Unpaid Costs as Lien]**

If the adjacent property owner fails to pay the costs of repair of the defective sidewalk within thirty (30) days of the date of the notice declaring the cost of the repair, the cost shall be entered by the recorder in the docket of City liens and shall be collectible in the same manner as liens for public improvements.

### **9-04.03-80 [Penalty]**

Violation of this chapter is punishable by a fine not to exceed one hundred dollars (\$100). Each day's violation of a provision of this chapter constitutes a separate offense.