

DIVISION 2. - SIDEWALKS

Sec. 25-61. - Duty of owner of abutting property to maintain sidewalks; procedure.

- (a) It shall be the duty of all owners of real property in the city that abuts any constructed public sidewalks to keep and maintain those sidewalks in good repair at all times.
 - (b) If any defect in any such sidewalk shall be brought to the attention of the city manager through report made by a member of the public or otherwise, the city manager or his designee may notify the owner of the real property abutting the sidewalk of the need for such repair and that such repair must be completed within 30 days from the receipt of the notice.
 - (c) Upon receipt of the notice, the property owner shall have 30 days to complete the required repairs to the satisfaction of the building official. Failure to do so shall constitute a violation of this Code.
 - (d) The form and manner of giving of the notice shall be governed by section 25-65.
- (Code 1980, § 25-40)

Sec. 25-62. - Standards for sidewalks.

The width of each sidewalk constructed shall be five feet, and the thickness shall be four inches. The elevation of each sidewalk shall be at least two inches above the crown of the road on which the property faces or abuts, and the pitch shall be one-fourth inch to a foot toward the road. At a curb cut where vehicles will be entering and exiting over a sidewalk, that portion shall be six inches thick and require a six-by-six gauge, ten-inch-by-ten-inch road mesh. The material to be used in the construction, the grade, and the method and manner of constructing, reconstructing and repairing sidewalks abutting public streets in the city shall be as prescribed and approved by the building official, based upon generally accepted public sidewalk construction and repair standards.

(Code 1980, § 25-41)

Sec. 25-63. - Report of needed sidewalks to city commission.

Any person may report to the city commission places and sites within the city where it is necessary or advisable, by reason of any unsafe, unsanitary or dangerous condition affecting the public health, safety or general welfare of the city or its inhabitants or for any other reason, for public sidewalks to be constructed or reconstructed.

(Code 1980, § 25-42)

Sec. 25-64. - Issuance of notice to owner to construct or reconstruct; alternative procedures.

Upon the approval by the city commission of the report required in section 25-63, the city commission may give or cause to be given written notice to the owner of the property abutting upon the sidewalk or proposed sidewalk, directing the property owner to construct or reconstruct, as the case may be, the sidewalk or proposed sidewalk abutting his property, pursuant to the requirements of sections 25-65 and 25-66. The commission may determine that it is advisable to utilize special assessments for the construction or reconstruction of the sidewalks, pursuant to the special assessment procedures set forth in this Code or the law of the state, in which event those procedures shall be followed in lieu of the procedures of this division.

(Code 1980, § 25-43)

Sec. 25-65. - Contents of notice to property owner; service on owner.

If special assessments are not to be used, the notice required by section 25-64 shall direct the abutting property owner, as determined by the latest tax records, within 30 days after date of the notice, to complete the construction or reconstruction. The notice shall be served personally or mailed to the address of each property owner, if the address, by reasonable diligence, can be obtained by the city clerk; if the address of the property owner is unknown or cannot be obtained by reasonable diligence, or if the notice is returned unclaimed, a copy of the notice directed to the owner shall be published in a newspaper of general circulation in the county once each week for two consecutive weeks (two publications being sufficient) directing the owner to complete the construction or reconstruction within 30 days after the last publication of such notice.

(Code 1980, § 25-44)

Sec. 25-66. - Failure of owner to comply with notice; performance by city; assessment of cost against property.

If the abutting property owner shall fail or refuse to do and perform the construction or reconstruction on any sidewalk or proposed sidewalks within the time prescribed in the notice, under the provisions of section 25-64, the city commission may cause the work to be done and assess the cost as a charge and lien against such property. This procedure shall be discretionary

and supplementary to the special assessment procedure, and may be utilized when, in the sole discretion of the commission, the special assessment procedure would be of such duration that the public health, safety and welfare would be threatened.

(Code 1980, § 25-45)

Sec. 25-67. - Reconstruction of sidewalks constructed or repaired contrary to requirements.

Any sidewalk constructed contrary to standards established by ordinance of the city or other applicable law or regulation may be ordered reconstructed or made to conform to those standards by the building official, pursuant to the same procedures and sanctions set forth in section 25-61.

(Code 1980, § 25-46)

Sec. 25-68. - Duty of owner of property abutting public streets when substantial improvements or buildings are to be constructed on such property.

It shall be the duty of each owner of property abutting the public streets of the city to construct and maintain uniform and substantial sidewalks abutting the public streets when substantial building improvements are constructed upon such property. For the purposes of this division, a substantial building improvement shall exist when there is new construction, reconstruction or a structural addition creating a net floor increase in excess of five percent. Single-family homes and duplexes located in RS-5, RS-6, RS-7 and RD-12 zoning use districts shall be required to construct sidewalks only in cases of new construction or reconstruction exceeding 50 percent of the value of the existing building where construction of a sidewalk will complete or lead to completion of an uninterrupted network of sidewalk in the neighborhood where such construction or reconstruction occurs.

(Code 1980, § 25-47)

Sec. 25-69. - Building plans required for construction of substantial building improvements on parcels abutting public streets showing location of sidewalks.

Plans submitted to the city in connection with the application for a building permit for the construction of substantial building improvements, as defined in section 25-68, upon any parcel of land abutting a public street within the city shall show the width, material, grade, and location of such required and proposed sidewalks. No permit may be issued until the location and manner of construction are approved by the building official.

(Code 1980, § 25-48)

Cross reference— Building, construction and condominiums, ch. 8.

Sec. 25-70. - New plats subdividing or resubdividing lands must make adequate provisions for sidewalks.

All new plats subdividing or resubdividing lands situate in the city must contain adequate provisions for the construction of sidewalks along public streets.

(Code 1980, § 25-49)

Sec. 25-71. - Bond of owner in new plats subdividing or resubdividing lands situate in the city.

The city may require as a condition precedent to its giving approval to all new plats subdividing or resubdividing lands situate in the city that the owner of the lands being subdivided must give a good and sufficient bond to the city conditioned that the owner shall cause sidewalks to be constructed along public streets on the lands being subdivided or resubdivided.

(Code 1980, § 25-50)

Sec. 25-72. - Exceptions or variances to the provisions of sections 25-68 through 25-70.

If an owner of property abutting a public street in the city desires to obtain a permit for the construction of substantial building improvements on the property or if a person proposes to subdivide lands within the city, and if such person objects to the construction of sidewalks because of the location, size or use of the property involved, such class of persons shall have the right to apply for a variance permit to the city planning and zoning board, for its recommendation to the city commission, which commission shall make the final determination. Such variance shall be noticed, advertised and posted in conformity with the requirements of section 32-967 as to variances. An administrative fee shall be due at the time an application for variance under this section is submitted. Such fee is established and on file in the city clerk's office.

(Code 1980, § 25-51)

Sec. 25-73. - Recovery of costs and attorney's fees.

If the city abates an ordinance violation under any section of this article and the property owner fails to pay any charges incurred by the city within 60 days from the date of abatement, the finance director shall file a claim of lien. If a lien for unpaid charges incurred pursuant to this article is not paid in full, the lien may be foreclosed by the city within the same time limitations, and in the same manner as provided by law for the foreclosure of mortgages upon real estate. The city shall in such case be entitled to recover a reasonable attorney's fee.

(Code 1980, § 25-51.1)

Secs. 25-74—25-100. - Reserved.