

CHAPTER 7

SIDEWALKS

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Sec. 7-1. Definitions.

- A. *Deteriorated Sidewalk* shall include any sidewalk seriously heaved, cracked, spalled or broken. A sidewalk shall be presumed deteriorated when vertical differential exceeds one-half inch (1/2") and/or heave exceeds one degree (1°) and/or cracked pieces are less than eighteen inches (18") in size.
- B. *Sidewalk*. Any concrete, asphaltic paving or brick material adjacent to a public right-of-way, whether within the public right-of-way or on private property, which is designed for pedestrian use.
- C. *Unsafe Sidewalk*. The City is empowered to declare a sidewalk unsafe when deterioration or other condition creates a situation where the possibility of injury to a citizen can clearly be determined. (1981 Code)

Sec. 7-2. Sidewalk Policies.

The following shall constitute the general sidewalk policies of the City:

- A. It shall be the responsibility of the adjacent property owner to maintain in good repair and safe condition and to keep clear of all snow, ice and debris, the sidewalks which are adjacent to the owner's property including the portion of the sidewalk which runs to the middle of any adjacent public

alley.

- B. As part of future development and major repair and improvement, it shall be the policy of the City to require sidewalks as shown on Standard Construction Specifications and Drawings of the City as adopted and as amended from time to time by resolution of the Council.
(Res. 97-04, 4/21/97)

Sec. 7-3. Construction.

New construction or repair of sidewalks may be required under the following circumstances:

- A. Where no sidewalks exist on a street, the Council may require construction by the property owner.
- B. Where a special need exists due to heavy pedestrian traffic, and existing pedestrian walkways are inadequate, the Council may require construction of sidewalks.
- C. Where a dangerous situation exists, the City may require immediate repair or replacement by the property owner.
- D. Where a deteriorated sidewalk exists, the Council may require replacement after a public hearing with notice to all affected property owners.
- E. Financing for new sidewalks may be achieved by any method deemed proper by the Council including Local Improvement Districts and the procedures set forth in this Code and the Idaho Code. The City will attempt to find and utilize all possible resources to finance construction, including grants and the use of available City funds. In areas where the City has ordered replacement of a sidewalk, the City will be responsible for the portion of the cost related to replacement of sidewalk within the public alley right-of-way as well as the area of sidewalk at intersections which is within ten feet (10') of the intersecting curb lines. The property owner shall have an affirmative responsibility to reach agreement with

the City on the cost of sidewalk in these two (2) areas prior to construction of the sidewalk.

Sec. 7-4. Immediate Repair.

Where it has been determined by the City Engineer that an unsafe situation exists, the City Engineer is hereby empowered to require the adjacent property owner to repair, restore or replace said sidewalk within thirty (30) days of receipt of written notice.

- A. The property owner shall have the right to appeal the decision of the City Engineer to require repair or replacement and may exercise this right by filing a written request for appeal with the Council within fifteen (15) days of receipt of written notice from the City Engineer which requires the repair, restoration, or replacement of the sidewalk.
- B. Such appeal shall be heard by the Council at such time and place as is convenient for the Council, however it need not be heard at a regularly scheduled hearing. The property owner shall be given notice of hearing at least five (5) days before said hearing and all action by the City Engineer regarding the subject portion of said sidewalk shall be stayed pending such a hearing.
- C. Should the property owner fail to repair, restore or replace said sidewalk within thirty (30) days of written notice, the City is empowered to proceed with replacement of said sidewalk utilizing City employees to perform such work or by contracting with a contractor for said work.
- D. Upon completion of said work, the City shall forward to the property owner a billing itemizing all expenditures for work performed, including twelve percent (12%) administrative overhead expense item.
- E. Should the property owner fail to pay said bill in full within thirty (30) days of receipt thereof, a fourteen percent

(14%) per annum finance charge shall be assessed to said bill at the annual percentage rate, during the period the bill remains unpaid. The City Supervisor is hereby authorized to approve a payment contract not to exceed six (6) months in duration and requiring the fourteen percent (14%) per annum finance charge. Should the property owner fail to enter into and fulfill a payment contract, said costs (including financing charges estimated to the tax payment date) shall be forwarded to the County Treasurer and Assessor for inclusion with property taxes for the property in question pursuant to State law. Said assessment shall constitute a lien on said property. (Ord. 85-07, 7/1/85)

Sec. 7-5. Hearings.

All hearings held pursuant to the provisions of this Chapter shall:

- A. Provide for a minimum of five (5) days written notice of hearing. Notice shall be deemed adequate if served upon the property owner of record personally, by certified or registered U.S. mail or by publication in the official newspaper.
- B. Provide that all persons having any interest whatsoever will have the right to comment and present evidence.

Sec. 7-6. Standard Specifications Adopted.

The 'Standard Construction Specifications (March 1978)' of the City are hereby adopted by reference and made a part of this Ordinance. Three (3) copies of said document shall be kept by the office of the Clerk. Said document and any revisions thereto shall comprise the standards for the construction of sidewalks and curbs within the City. (Res. 97-04, 4-21-97)

Sec. 7-7. Application.

Persons desiring to construct walks and curbs shall make written application to

the City Engineer upon forms supplied by the City.

Sec. 7-8. Supervision, Line, and Grade.

All sidewalks and curbs constructed within the corporate limits of the City shall be constructed under the supervision of, and subject to, the inspection of the City Engineer or his or her representative, and in conformity with the standard specifications herewith outlined in this Chapter and the lines and grades laid out on the ground by the City Engineer. Stakes set by the City Engineer shall be preserved by the owner and the contractor doing the work.

Sec. 7-9. Violations; Penalties.

Maintaining a defective sidewalk or obstructing a sidewalk shall constitute a public nuisance. The act of maintaining a defective or unsafe sidewalk after notice and reasonable time to correct defect shall constitute a public nuisance which shall be punishable as a misdemeanor. The act of obstructing a sidewalk or permitting rubbish or other material to obstruct a public sidewalk shall constitute a public nuisance punishable as a misdemeanor. These misdemeanors shall be punishable pursuant to this Code and the Idaho Code.