

CHAPTER 10

MAINTENANCE AND CONSTRUCTION OF SIDEWALKS AND CURBS

SECTION:

| | |
|---------|--|
| 8-10-1: | <i>Duty of Property Owners</i> |
| 8-10-2: | <i>Contents or Order for Construction or Repairs</i> |
| 8-10-3: | <i>Serving Notice</i> |
| 8-10-4: | <i>Council to Advertise for Bids</i> |
| 8-10-5: | <i>Collection of Costs</i> |
| 8-10-6: | <i>Permit for Trap Doors</i> |
| 8-10-7: | <i>Openings in Sidewalks</i> |
| 8-10-8: | <i>Coverings Upon Sidewalks</i> |

8-10-1: DUTY OF PROPERTY OWNERS:

- (A) Every person who owns real property within the City shall remove any snow, ice and other obstruction or dangerous condition upon any sidewalk, curb and gutter abutting his or her property.
- (B) The property owners of the Municipality shall be responsible for the construction and repair of all sidewalks, curbs, gutters and/or curbs and the parking between curbs abutting upon their respective properties, and on corner lots such responsibility shall include the sidewalks, curbs, gutters and/or curbs and the parking to the intersection of the curb lines extended.
- (C) The Council may, whenever it is deemed necessary or convenient by an order duly made and entered in its minutes, order the construction of sidewalks, curbs, manner order the alteration or repair of such.

8-10-2: CONTENTS OF ORDER FOR CONSTRUCTION OR REPAIRS:
Whenever the construction or repair of sidewalks, curbs, gutters, and/or curbs and the parking, is ordered, the order thereafter shall state the material of which the same shall be completed, and in case of new sidewalks, curbs, gutters and/or curbs and the parking, to be constructed, the order shall contain complete specifications thereof.

8-10-3: SERVING NOTICE: Whenever sidewalks, curbs, gutters, and/or

Title 8-10-1

curbs and the parking are ordered constructed or repaired, the Clerk shall prepare a notice to be served upon the owner of the property abutting upon the sidewalk to be constructed or repaired, directing such owner to construct or repair such sidewalk within thirty (30) days from the date of the notice and report the completion to the Engineer. Such notice shall be served by the Chief of Police or any other policeman of the Municipality by delivering a written copy thereof to the owner of the abutting property or his agent of such owner can be found within the Municipality, but if not found within the Municipality, then if his place of residence be known, by mailing a copy of the notice to such owner at his place of residence, but if such owner cannot be found within the Municipality and his place of residence is not known, such notice shall be served by the publication of a copy thereof for two (2) successive weeks in the official newspaper of the Municipality, the last publication of which must be at least twenty (20) days before the expiration of the time mentioned in the notice for the completion of said work.

8-10-4: COUNCIL TO ADVERTISE FOR BIDS: If after the expiration of personal service, mailing or first publication of first notice, any sidewalks, curbs, gutters, and/or curbs and the parking ordered to be constructed or repaired are not completed according to the order therefor, the Council shall proceed to advertise for sealed bids for the construction or repair thereof by publication in one (1) issue of the official newspaper of said Municipality, stating in such notice the particular piece or pieces of sidewalks, curbs, gutters, and/or curbs and the parking to be constructed or repaired; and referring to the original order for such construction or repair for the specifications thereof and proceed to let the contract for such construction to the lowest bidder, unless in the judgment of the Council such bids are too high; provided however, that if in the judgment of the Council all bids received are unsatisfactory the Council may proceed with such construction or repair under the direction of the Engineer.

8-10-5: COLLECTION OF COSTS: After any sidewalk or portion thereof or curbs, gutters, and/or curbs and the parking has been constructed or repaired as provided herein, the Council shall declare the owner of the abutting property delinquent and the Clerk shall at once give such delinquent owner notice in the manner provided for in the service of notice for construction or repair, that he is delinquent, stating the amounts, and that unless the same is paid, together with the cost of service, if served by publication, within thirty (30) days from the date of the service, that twenty-five percent (25%) will be added to the amount of delinquency as a penalty and shall be an assessment against the property owner's property as provided by I.C. 50-1008.

8-10-6: PERMIT FOR TRAP DOORS: It shall be unlawful to construct, maintain or operate any trap door, opening, grating or other opening within or upon a public sidewalk, without a permit issued by the Council.

8-10-7: OPENINGS IN SIDEWALKS: It shall be unlawful for any person to fail or neglect to maintain any trap door, opening or grating approved by the

Council, or to fail or neglect to keep the same securely closed while any doors covering the same are not in use, or to take all reasonable and necessary safety precautions to prevent harm and injury to person or property. All openings for elevators, coal chutes, or service entrances or openings of any kind within a public sidewalk shall be constructed and installed in such manner as to prevent entry of storm waters or floods from the street or sidewalk.

8-10-8: COVERINGS UPON SIDEWALKS: All sidewalk doors, coal chutes and coverings and supports therefor shall be made of steel or cast iron, shall be placed flush with the sidewalk surface, shall have a corrugated surface or other finish that will prevent slippage thereupon, and shall be so constructed as to support a load of not less than 200 pounds per square foot.