

## CHAPTER 708 – SIDEWALKS

A. APPROPRIATION. The City of Spring Grove finds that a continuation program for the repair and maintenance of sidewalks is necessary and in the best interests of the City and that for the reasons thereof the City may appropriate funds for such purpose.

### B. SIDEWALKS.

1. Sidewalks may be required by the City in areas where necessary to adequately provide for the safety and welfare of pedestrians.
2. All sidewalks shall be maintained in the same width as any sidewalk being repaired or replaced or as the City may designate from time to time.
3. Construction.
  - a. Sidewalks shall be placed in the public right of way, one foot from the property line.
  - b. Sidewalks shall be constructed of four (4) inches of concrete placed on a four (4) inch gravel base.
  - c. All sidewalks shall slope  $\frac{1}{4}$  inch per foot away from the property line with the profile grade not to exceed six percent (6%).
  - d. All sidewalks at intersections shall be handicapped accessible.
  - e. All sidewalks shall be approved by the City prior to any construction.

C. REPAIRS. The owner of any property within the City abutting a public sidewalk shall keep the sidewalk in such repair as to provide and maintain the safety of pedestrians. This shall include but not limited to:

1. Replacing any sidewalk previously removed.
2. Ensuring that any cracks, fissures or plates rise and make such sidewalk dangerous to any pedestrian; and
3. Diligently remove snow, dirt or rubbish from such sidewalk.

D. REPAIR BY THE CITY. In the event that the City determines that any public sidewalk within the City are unsafe, it shall cause a notice to be served upon the abutting property owner and occupant ordering such owner to have the sidewalk repaired and made safe within thirty (30) days. If the owner and/or occupant fail to make such sidewalk safe,

the City shall do so and the expenses for such repair will be made a special assessment against the property concerned.

**E. MANNER OF PAYMENT.**

1. The cost of all sidewalk repairs abutting upon residential, commercial or industrial property shall be a shared cost between the City and the property owner. Such shared cost shall be 50 % by the City and 50 % by the property owner.
2. The cost assessed against each of said owners shall be required to be fully paid within thirty (30) days after the date of the mailing of said notice setting forth the cost thereof. If any owner fails to make full payment within the time established, said charges shall be assessed against the real property of such property owner and collected in the same manner as property taxes, except that said assessment may be paid in five (5) equal annual installments.

**F. PRIOR CONSENT.** No repair of sidewalks shall be conducted without approval of the City, after a review of the proposed work to be done along with the cost estimate.

**G. REMOVAL OF PUBLIC SIDEWALKS.** No person or persons, firm or corporation shall remove a public sidewalk or any section thereof, within the corporate limits of the City without the written consent of the City Council.

**H. PARKING ON SIDEWALKS.** No person shall park any motor vehicle (s) on any sidewalk or portion thereof within the corporate limits of the City.

**I. USE OF SIDEWALKS.** The purpose of sidewalks is to provide a safe avenue for pedestrians to get from place to place within the City. For this purpose, this section prohibits the operation of any motorized vehicles, bicycles and skateboards upon public sidewalks within the central business district of the City. The central business district for the purposes of this section shall be that section of Main Street from 1<sup>st</sup> Avenue SW to 2<sup>nd</sup> Avenue East and Division Avenue from 1<sup>st</sup> Street South to one block north of Main Street.

**J. DEPOSITS ON STREETS AND SIDEWALKS PROHIBITED.** No person shall shovel or deposit any leaves, grass, rubbish or other materials of any kind in any street, gutter, alleyway or sidewalk within the City. It shall be acceptable to sweep or shovel snow from the sidewalks from the sidewalks into the adjacent street within the central business district, as defined in Section I. above.

**K. CITY NOT LIABLE.** In any judgment against the City for any injury or damage caused by any obstruction, excavation, opening or defect in any sidewalk caused or occasioned by the act or omission of any person, the City shall have the right to recover said amount of any such judgment from the person responsible for such obstruction,

opening, excavation or defect and said person is hereby declared to be liable to the City in the same amount of such damages.

L. CITY DECISION TO PAY FULL COST OF INSTALLATION. The City, at the Council's discretion, may decide to pay the full cost of installation and maintenance of sidewalks within the central business district, as defined in Section I. above, or other major sidewalks if it is in the best interests for the safety of pedestrians. Upon completion of any such project the abutting property owner or their representative shall abide by all other terms of this Chapter.

M. PENALTY. Any person who violates a provision of this Chapter shall be deemed to have committed a misdemeanor and shall be charged pursuant to Title 1900 of the Code of Ordinances.

THIS PAGE INTENTIONALLY LEFT BLANK