

Chapter 12.16

SIDEWALK REPAIR, MAINTENANCE OR REPLACEMENT

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12.16.010 Sidewalk defined.

As used in this chapter, "sidewalk" means and includes in addition to its normal meaning a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip. (Ord. 169 § 1, 1965)

12.16.020 Purpose.

The provisions of this chapter constitute a separate and alternate procedure for performing the works specified in this chapter and are not intended to exclude the continued use of the Improvement Act of 1911 for the repair of sidewalks. The purpose set forth in this chapter is to permit sidewalk repair work under certain conditions of convenience and cost to be done by private contractors and to thus expedite the repair of sidewalks in the city. (Ord. 169 § 3, 1965)

12.16.030 Applicability.

The provisions of this chapter shall only apply to maintenance, replacement and repair proceedings and shall not be used for the construction of new non- replacement improvements. "The Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter. (Ord. 169 § 2, 1965)

12.16.040 Maintenance responsibility.

The owners of lots or, portions of lots fronting on any portion of a public street or place where the street or place is improved, or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property, and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along or in connection with such sidewalk by any person other than the owner, under any virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under alike duty in relation thereto. (Ord. 169 § 4, 1965)

12.16.050 Notice to repair—Issuance.

When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk. (Ord. 169 § 5, 1965)

12.16.060 Notice to repair—Service.

Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalks so out of

repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk. (Ord. 169 § 6, 1965)

12.16.070 Notice to repair—Posting of copy.

The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than eight inches by ten inches in size, to be posted in a conspicuous place on the property. (Ord. 169 § 7, 1965)

12.16.080 Notice to repair—Specifications.

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within ten days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair or shall request the city council to enter into a contract to have such repair made, and the cost of the same shall be a lien on the property. (Ord. 169 § 8, 1965)

12.16.090 Repair by city.

If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent

of streets shall forthwith repair the sidewalk in any one city block in which the amount of sidewalk to be repaired is less than two hundred square feet. If the amount of sidewalk to be repaired in any one city block exceeds two hundred square feet the superintendent of streets shall either repair the side walk or request in writing the city council to enter into a contract to cause the side walk to be repaired. The term "block" means one running block of one direction and not a square block of four directions. The superintendent of streets shall decide on the amount of sidewalk to be repaired in any one block. (Ord. 169 § 9, 1965)

12.16.100 Repair by contract—Bidding.

In the event that the city council shall determine to enter into a contract to cause the sidewalk to be repaired, the city council shall take the necessary steps as required by law for the inviting and securing of sealed proposals or bids for the doing of the work, and thereafter shall award the contract to the lowest and best regular responsible bidder; provided, that the council may reject any and all bids, and in that event, or in the event that no bids are made, may readvertise for bids or provide for the work to be done by city forces. (Ord. 169 § 10, 1965)

12.16.110 Repair by owner.

Any property owner shall have the right to have his sidewalk repaired at his own expense, provided the work is substantially completed within five days after the publication of notice calling for bids in reference to the repair of his sidewalk as provided in this section, and to the satisfaction

of the superintendent of streets. In such event the sum due the contractor who shall perform the work for the city shall be reduced on a pro rata basis according to his per square foot bid. If five days has elapsed after the publication of a notice calling for bids, the property owner shall not have the right to repair his sidewalk for a period of ninety days unless written permission therefor is given by the superintendent of streets. (Ord. 169 § 11, 1965)

12.16.120 Work specifications.

The work for improvement must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets, and all materials used shall comply with the specifications and be to the satisfaction of the superintendent of streets. (Ord. 169 § 12, 1965)

12.16.130 Cost of repair—Accounting.

In the event that the sidewalk repair is made by the city, the superintendent of streets shall keep an account of the costs of repairing the sidewalk in front of or on each separate lot or parcel of land where the work is done by him or his deputies. To this he shall add the incidental expenses and properly prorate these expenses over the separate lots. In the event that the sidewalk repair is made by a contractor with the city he shall keep an account of costs of repairing the sidewalk in front of or on each separate lot or parcel of land where the work is done and shall render three copies of this account to the superintendent of streets who shall investigate

and approve the same. The superintendent of streets shall furnish the contractor with a description or map of the lots. To this the superintendent of streets shall add the incidental expenses and properly prorate these expenses over each lot, which the incidental expenses shall include the expenses and costs of the city in preparation of specifications, contracts and notices and in inspecting the work and the cost of printing and advertising which may be required therefor. (Ord. 169 § 13, 1965)

12.16.140 Cost or repair—Notice to owner.

Upon the completion of the repair the superintendent of streets shall compute the costs and incidental expenses attributable to each lot or parcel of land from his records and the accounts of the contractor or contractors, and he shall then cause notice of the cost of repair and incidental expenses to be given in the manner specified in this chapter for the giving of notice to repair to the property owner, which notice shall specify the day, hour and place where the city council will hear and pass upon a report by the superintendent of streets of the cost of the repair, together with any objections or protests, if any, thereto which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. (Ord. 169 § 14, 1965)

12.16.150 Cost of repair—Report to council.

Upon the completion of the repair, the superintendent of streets shall prepare and file with the city council a report specifying the

repairs which have been made, the cost of the repairs and incidental expenses, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not. (Ord. 169 § 15, 1965)

12.16.160 Hearing.

Upon the day and hour fixed for the hearing the city council shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the city council may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The city council may adjourn the hearings from time to time for a period not to exceed thirty days. The decision of the city council on all protests and objections which may be made, shall be final and conclusive. (Ord. 169 § 16, 1965)

12.16.170 Assessment of costs Lien.

The cost of the repair and incidental expenses may be assessed by the city council against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within ten days after its confirmation by the city council, shall constitute a special

assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record. (Ord. 169 § 17, 1965)

12.16.180 Collection of costs.

Five days after confirmation of the report a copy shall be turned over to the assessor and the tax collector of the city, whereupon it shall be the duty of the officer to add the amounts of the respective lots and parcels of land for municipal purposes; and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency, as provided for ordinary municipal taxes. (Ord. 169 § 18 1965)

12.16.190 Refund.

All or any portion of the special assessment herein mentioned shall be canceled, or if collected, be refunded by the city on order of the city council. If the council finds and determines that such special assessment and/or penalty or costs were entered, charged or paid more than once, through clerical error, or illegally, no order for cancellation or a refund under this section shall be made except upon a claim verified by the person against whose property the special assessment was levied and which was paid by him, or by his guardian or executor or administrator, and filed within one year after

the date of confirmation of the assessment. (Ord. 169 § 19, 1965)

12.16.200 Size of work.

The provisions of this chapter shall be applicable only to sidewalk and driveway work of less than two thousand five hundred square feet and curb and gutter work of less than five hundred linear feet. Work of greater magnitude shall not be governed by the provisions of this chapter. (Ord. 169 § 20, 1965)

12.16.210 Permit required for work on public streets.

No person, company or corporation shall construct or repair or cause to be constructed or repaired by private contract any sidewalk, driveway, curb or gutter or any public street or streets, or portion of any public street, within the city, without first having had and obtained a permit in writing to do the work. The permit shall be on a form provided by the city clerk. The permit shall be obtained by the property owner, contractor or person under whose supervision the work will be done. The permittee shall be held responsible for the work. The applicant for the permit shall furnish written evidence of the consent of the property owner or his agent. (Ord. 169 § 21, 1965)

12.16.220 Approval of work requiring permit.

All work covered by a permit must be constructed and laid down subject to the approval of the city engineer or his designated

representative and he shall have the authority to prescribe the quality of the material used therein and the manner in which the work shall be done. All work shall, be done in accordance with specifications approved by the city engineer, and to the line, grade and width approved by the city engineer. (Ord. 169 § 22, 1965)

12.16.230 Permit specifications.

The permit shall specify the number of working days within which the work shall be completed. The work shall be commenced

within thirty days of the granting of the permit and be prosecuted with diligence to completion. (Ord. 169 § 23, 1965)

12.16.240 Violation—Penalty.

Any person, company or corporation who violates any provisions of this chapter or fails to comply with any of the regulatory requirements thereof, shall be deemed guilty of a misdemeanor and punishable as provided in Chapter 1.08 of this code. (Ord. 169 § 24, 1965)