Chapter 9-1

CONSTRUCTION AND/OR REPAIR OF SIDEWALKS

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9-1-1: SIDEWALK MAINTENANCE

All owners and occupants of real property within the City of Montrose shall keep the sidewalks and alleys and gutters adjoining such property clean, in good repair and in safe condition; and after any fall of snow shall cause the snow to be immediately removed from the sidewalk adjoining their respective lots into the street.

9-1-2: COUNCIL MAY ORDER CONSTRUCTION OR REPAIR

Whenever the City Council shall deem it necessary, it may by resolution order the construction or repair of a sidewalk along any street or avenue, or any portion of same, within the City.

The order for the construction or repair of any sidewalk shall specify the kinds and dimensions of material to be used and shall describe the lot or lots along which said sidewalk is to be constructed or repaired and shall direct the owner of each such lot so described to make said improvement, in case of new construction within thirty (30) days, and in case of repair within five (5) days, from the service of a written copy of such order.

9-1-3: COPY OF ORDER TO BE SERVED

A copy of the resolution ordering such improvement shall be served upon the owner or owners of the lots affected, by the Chief of Police, or in case such service cannot be conveniently made, same shall be published once each week for two (2) consecutive weeks in a news paper of general circulation published in the City, which said publication, after the expiration of five (5) days, shall constitute due service thereof.

9-1-4: NEGLECT OR REFUSAL ON PART OF OWNER

If the owner of any lot described in said order shall neglect or refuse to make the improvements so ordered and within the time so ordered then the City Manager shall cause the said walk to be constructed or repaired, as the case may be, and shall cause to be made out an itemized statement or bill of the cost thereof and shall cause the same to be provided to the owner or owners of said lot or lots, or in case they cannot be conveniently found then such statement shall be published for one issue in a newspaper of general circulation published in the City, which publication shall be a full and sufficient presentation of such bill or statement. If the bill shall remain unpaid for thirty (30) days from date of presentation, or date of publication, then the same shall be presented to the City Council at a regular meeting thereof and the Council may order the same paid from the City funds by warrant or warrants drawn thereon.

9-1-5: COST ASSESSED AGAINST PROPERTY; HEARING

In case the City shall have paid for the construction or repair of said sidewalk as provided, then the Council may at a regular meeting thereof by resolution assess the cost of such construction or repair to said lot or lots, together with ten percent (10%) penalty thereon to defray the cost collection. It shall be the duty of the City Clerk to certify the same to the County Treasurer or to the officer having the custody of the tax list at the time such certification is made, to be by him placed upon the tax list for the current year and collected as provided by law; provided, however, that no such assessment shall be certified until notice of such assessment shall have been published in a newspaper of general circulation published in the City once each week for two (2) consecutive weeks giving notice to the owner or owners of said lot or lots to appear before the City Council at a regular specified meeting not later than ten (10) days after such publication, where he may be heard as to the justness and correctness of said assessment and at such meeting the City Council may correct any such assessment; provided, further, that if the City Council shall deem it wise it may, instead of certifying any such assessment for collection as herein above provided, authorize the collection thereof by suit in any court of competent jurisdiction as for money expended for the use and benefit of and at the request of the owner or owners of any such lot or lots.

9-1-6: SPECIFICATIONS

All sidewalks hereafter constructed within the City shall be constructed of concrete according to specifications as shall be required by the City Council.

9-1-7: PARKING AREAS

All parking areas in streets and avenues shall be put in and constructed under the supervision of the City Manager and according to specifications for same furnished by the City Council and City Manager. (Ord. 190)

9-1-8: LOCATION OF SIDEWALKS

Public sidewalks shall be located as follows:

(A) In those cases where the City Subdivision Regulations are applicable, the location shall be determined in accordance with those regulations.

(B) In those cases where the Subdivision Regulations are not applicable, the location of sidewalks shall be determined as follows:

(1) Sidewalks shall normally be aligned with other sidewalks existing on the same side of a block.

(2) If there are no other existing sidewalks located on the same side of the block, the sidewalk may be installed either adjacent to the curb line or adjacent to the edge of the right of way furthest from the roadway. If because of physical conditions, it is impractical to locate the sidewalk in either of these places, the location shall be specified by the City Manager.

(3) Existing sidewalks may be moved, providing that all of the property owners adjacent to existing sidewalks on the entire side of a block or all of the property owners adjacent to the existing sidewalk on the entire portion of a block lying between a street or avenue and an alley on those blocks having an alley way, sign an agreement specifying the proposed location and agreeing to pay for the cost of moving the sidewalk, when such agreement is approved by the City Manager.

(4) As a condition of allowing any sidewalk to be moved or constructed adjacent to the curb line, the City Manager may require the adjacent property owners to pay the cost of the installation of the curb if none exists, or the cost of the replacement or repair of an existing curb if necessary for the proper construction of the sidewalk as determined by the City Manager.

(5) As a condition of allowing a sidewalk to be moved or constructed on that portion of a block between an alley and a street, the City Manager shall require that the sidewalk be extended across the alley way to connect with existing sidewalk adjacent to the other side of the alley if the proposed sidewalk does not align with the existing sidewalk.

(6) The City may require the removal or relocation of any sidewalk or any landscaping or improvements located within the public right of way upon thirty (30) days notice to the adjacent property owner.

(C) It shall be unlawful to construct a sidewalk in any location unless the location is determined in accordance with this Section. (Ord. 893, 7-1-76)