

CHAPTER 10
MAINTENANCE AND CONSTRUCTION OF SIDEWALKS AND CURBS

SECTION:

- 8-10-1: Duty of Property Owners
- 8-10-2: Order for Construction or Maintenance
- 8-10-3: Special Assessment
- 8-10-4: Construction Specifications
- 8-10-5: Permit for Trap Doors
- 8-10-6: Openings in Sidewalks
- 8-10-7: Coverings Upon Sidewalks
- 8-10-8: Sidewalk, Hail, Snow, Sleet and/or Ice Removal Required
- 8-10-9: Obstruction of a City Sidewalk, Street, Easement, Right-of-Way, or Other Public Way with Snow or Ice is Prohibited
- 8-10-10: Penalties

8-10-1: **DUTY OF PROPERTY OWNERS:** 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.

8-10-2: **ORDER FOR CONSTRUCTION OR MAINTENANCE:** The Public Works Department may order any person who fails to perform his or her duty under the preceding section upon a finding that such sidewalk, curb and gutter have not been constructed or maintained in accordance with the provisions of this Chapter. Upon the issuance of such order, the Public Works Department shall serve a notice advising the owner of such property of his violation of this Chapter. The notice shall be served upon the owner by depositing the same into the United States mail, certified mail, return receipt requested, postage prepaid and addressed to the owner at the last known address or address shown on the assessment rolls of Bonneville County. Such notice shall advise the owner that if the sidewalk and curb and gutter are not installed, or maintained in accordance with the provisions of this Chapter or as otherwise required by this Code within twenty (20) days after the date of such notice, the City may order that such work be accomplished and the costs thereof be assessed against the real property adjacent to such sidewalk and curb and gutter. (Ord. 3003, 4-23-15)

8-10-3: **SPECIAL ASSESSMENT:** In the event any property owner fails to install or maintain the sidewalk and curb and gutter adjacent to his or her property within twenty (20) days after a notice is mailed to him in accordance with the preceding Section, the City Council may cause the work to be accomplished and charge the reasonable cost therefor against the owner of such property. Upon completion of the work, the City Council shall send a Notice of Assessment to the property owner advising him or her of the amount of the costs incurred in performing such work and advising the owner that if such amount is not paid within thirty (30) days after the date of such notice a special assessment will be made against such property in the manner permitted by law, and that twenty-five percent (25%) of the amount thereof will be added to such amounts as a penalty. Such notice shall be mailed to the property owner in the

manner set forth in the preceding section. In the event the property owner fails to pay such amount prior to expiration of thirty (30) days from the date the notice was mailed, the City Engineer shall certify to the City Council the amount of such costs incurred, and the Council may then order the City Treasurer to cause a special assessment to be levied and assessed against the property in the amount of such costs, together with the twenty-five percent (25%) penalty, in the manner set forth in Idaho Code Section 50-1008.

8-10-4: CONSTRUCTION SPECIFICATIONS: The construction of all sidewalks and curbs and gutters shall be in accordance with the City Standard Drawings and Engineering Specifications.

8-10-5: 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.

8-10-6: 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.

8-10-7: 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 two hundred (200) pounds per square foot.

8-10-8 SIDEWALK, HAIL, SNOW, SLEET AND/OR ICE REMOVAL REQUIRED.

(A) Definitions:

Agent. Any person under a legal or contractual obligation to remove hail, snow, sleet and/or ice on a Sidewalk for an owner or lessee of property within the City, whether or not for compensation.

Precipitation Event. Any product of the condensation of atmospheric water vapor (including hail, snow, sleet, and ice) that falls under gravity within City limits, as determined by the National Weather Service Station at the Idaho Falls Regional Airport.

Sidewalk. Any concrete, asphaltic paving or brick material adjacent to a City street, easement, right-of-way or other public way, whether within a public right-of-way or on private property, designated and/or used by pedestrians for travel.

(B) Duty to Remove Hail, Snow, Sleet and/or Ice Promptly.

- (1) Unless otherwise provided in this Section, it shall be unlawful for an owner, agent or lessee of real property to fail to remove or fail to cause to be removed hail, snow, sleet, and/or ice, from the entire length and breadth of every Sidewalk in the City within the twenty four (24) hour period immediately following the cessation of a Precipitation Event.
- (2) The duty imposed in this subsection (B)(1) shall not include snow placed onto Sidewalks by snow removal equipment of the City or its designee after it has been removed following a Precipitation Event.

(C) Exemptions. The following persons shall be exempt from the duty imposed by subsection (B) of this Section:

- (1) A person who is physically or mentally impaired in such a manner that they are unable to perform the duty imposed;
- (2) A pregnant person;
- (3) A person who is seventy (70) or more years of age; and
- (4) A lessee who occupies a unit of a multi-family dwelling unit located on the owner's property who is not an agent or a lessee charged with a legal and/or contractual duty of removal of hail, snow, sleet, and/or ice from the Sidewalk.

8-10-9 OBSTRUCTION OF A CITY SIDEWALK, STREET, EASEMENT, RIGHT-OF-WAY, OR OTHER PUBLIC WAY WITH SNOW OR ICE IS PROHIBITED.

(A)(1) It shall be unlawful to place snow or ice removed from private property (including a Sidewalk) upon any public sidewalk, street, easement, right-of-way, or other public way, alleyway or Sidewalk.

(A)(2) It shall also be unlawful to place snow or ice removed from Sidewalks, private driveways, driveway approaches, or other public places in or upon a public Sidewalk, street, easement, right-of-way or other public way, alleyway or Sidewalk in a manner that causes a hazard or obstruction to vehicular or pedestrian traffic.

8-10-10 PENALTIES.

(A) Any person who violates Sections 8-10-9 of this Chapter is guilty of an infraction for every twenty-four (24) hour period of a failure to comply with a duty imposed by such sections in an amount set from time to time by City Council.

(B) Any person who violates Sections 8-10-8 of this Chapter is guilty of an infraction in an amount set from time to time by City Council.