

CHAPTER 14

STREETS AND SIDEWALKS

ARTICLE 14-1 Repair and Maintenance of Existing Sidewalks

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Section 14-1-1 Duty of Public Works Director

It shall be the duty of the Public Works Director to inspect all sidewalks, to keep informed as to the condition of the same; and whenever any sidewalk or any portion thereof shall be broken, decayed or otherwise in bad condition or repair, he/she may notify the owner or owners of the lot or lots or part of lot or lots adjoining such sidewalk or portion thereof, in writing, to repair or renew the same within fifteen (15) days after the service of such notice.

[Ord. 273, 11/08/1994]

Section 14-1-2 Service of Notice

Such notice may be served by the Public Works Director by personally delivering the same to such owner or owners, or by depositing the same in the United States Post Office in the Town, addressed to such owner or owners at his/her or their last known place of residence, with the proper postage affixed thereto, and upon delivery or deposit, as aforesaid, service of such notice shall be deemed completed.

[Ord. 273, 11/08/1994]

Section 14-1-3 Duty of Owner

It shall be the duty of the owner or owners of such lot or lots or portions of lot or lots, within fifteen (15) days after the service of such notice as aforesaid, to obtain a building permit from the Town's Building Inspector and to place the sidewalk or portion of sidewalk mentioned or described in such notice in good condition and repair using therefor material similar in character and dimensions to that with which such sidewalk was originally constructed; provided that such sidewalk shall comply with the provisions and specifications for the laying and constructing of sidewalks as are on file in the Public Works Department of the Town.

[Ord. 273, 11/08/1994]

Section 14-1-4 Failure to Construct

Whenever, within 15 days after the service of said notice, the owner or owners so served shall fail to repair the sidewalk or any portion thereof in such notice directed, it shall be the duty of the Public Works Director to repair the same.

[Ord. 273, 11/08/1994]

Section 14-1-5 Statement of Expenses

Whenever the Public Works Director shall repair or renew any sidewalk or portion thereof, as provided in the preceding Section, he/she shall, within 10 days after completion of such repair or renewal, file in the office of the Clerk a verified, itemized statement of the cost of such repairs or renewal, which statement when so filed shall be deemed and taken as *prima facie* evidence of the cost of such repairs or renewals, and unless such owner or owners file with the Clerk objections in writing thereto within 10 days after the filing of such statement, such statement shall be conclusive evidence of the amount of such cost.

[Ord. 273, 11/08/1994]

Section 14-1-6 Hearing on Objection

The owner or owners so filing objections as aforesaid, may appear before the Council at its next regular monthly meeting and present evidence in support of their said objections. The Council shall then determine the cost of such repairs or renewals and said determination shall be conclusive of the amount thereof.

[Ord. 273, 11/08/1994]

Section 14-1-7 Expenses Constitute Lien

The cost of such repairs or renewals, together with all costs and penalties herein provided for, shall constitute a lien upon the lot or lots fronting or adjoining the said sidewalk so repaired or renewed in favor of the Town, and said lien shall be extended as a tax against the property to be collected at the next period at which Town taxes may become due and payable.

[Ord. 273, 11/08/1994]

Section 14-1-8 Penalty for Nonpayment

If the costs of such repairs be not paid to the Treasurer within 10 days after the filing of the statement herein provided for, and if no objection be filed as herein provided, or within 10 days after the determination of such objections, if same be filed, fifty percent (50%) of the amount of the cost thereof shall be added to the cost and become a charge upon the property in like manner as the original cost.

[Ord. 273, 11/08/1994]

ARTICLE 14-2 **Construction of New Sidewalks**

- 14-2-1 Council Resolution
- 14-2-2 Notice to Abutting Property Owners
- 14-2-3 Construction Specifications
- 14-2-4 Failure of Owner to Comply; Construction by Town; Recovery of Costs
- 14-2-5 Contracts Awarded by Town

Section 14-2-1 **Council Resolution**

- A. The Common Council may pass a resolution providing for the construction of sidewalks, in which the sidewalks to be constructed shall be briefly described. The resolution shall state the width and location of the sidewalk to be constructed. The resolution shall order and direct that the construction of the sidewalk shall be made by the owner or owners of the abutting property and also that in the event of the failure of the abutting property owner or owners to construct such sidewalk, the Town shall do the work and the expense shall be charged to the abutting property owners in the manner herein provided for.
- B. The resolution shall be published in a weekly newspaper in four successive issues and the Public Works Director shall cause to be placed along the line of the proposed improvements a copy of the resolution.

[Ord. 273, 11/08/1994]

Section 14-2-2 **Notice to Abutting Property Owners**

In addition to the posting of the copy of the resolution mentioned in the preceding paragraph, the Public Works Director shall notify the owner of each lot or parcel abutting upon any sidewalks to be constructed of the passage of the resolution and that they shall commence work within thirty (30) days from the date of the notice and that, upon failing to commence such work and complete the same within thirty (30) days, the Town will proceed to construct the sidewalk and make the cost of same a lien upon the abutting lot or parcel and have such lien extended as a tax against the property to be collected at the next period at which Town taxes may become due and payable.

[Ord. 273, 11/08/1994]

Section 14-2-3 **Construction Specifications**

All sidewalks hereafter constructed shall be built under the supervision and control of the Town and according to the specifications and requirements on file in the office of the Public Works Director, and there maintained at all times for public inspection. Such construction shall require that the owner of each lot or parcel obtain a building permit from the Town's Building Inspector prior to commencing construction.

[Ord. 273, 11/08/1994]

Section 14-2-4 Failure of Owner to Comply; Construction by Town; Recovery of Costs

- A. It shall be the duty of the owner of any lot or parcel abutting upon any proposed sidewalk to proceed to construct such sidewalk as provided by the terms of the resolution of the Common Council. Upon failure of the owner or owners to comply with the resolution and the notice provided in Section 14-1-2, the Town shall have the right to construct the sidewalks and assess the costs and expenses thereof to the abutting property owner or owners.
- B. At the time of development of the property adjacent to and abutting such sidewalk construction, the Common Council shall fix, levy and assess the amount to be repaid upon such property and collect the amounts of such improvements as Town taxes are collected. All statutes providing for the levy and collection of state, county, and Town taxes, including collection of delinquent taxes and sale of property for nonpayment of taxes are applicable to the assessments provided for in this article.

[Ord. 273, 11/08/1994]

Section 14-2-5 Contracts Awarded by Town

The Town may contract for the construction of any sidewalk. Such contracts shall specify a reasonable time for the completion of the improvement. All work must be done under the direction of the Public Works Director subject to such rules and regulations relating to the supervision of the work as the Common Council may order or direct.

[Ord. 273, 11/08/1994]

ARTICLE 14-3 Damaging Sidewalks

It shall be unlawful for any person to willfully damage, injure, destroy, deface, alter or change any sidewalk without first obtaining a permit to do so from the Design Review Board. Any person receiving a permit to alter or change any sidewalk shall do so upon such restrictions and conditions as may be imposed by the Design Review Board for the protection of the public and shall further repair any damage to said sidewalk as required by the Design Review Board as soon as is reasonably possible. Any person damaging a sidewalk without a permit shall be guilty of a misdemeanor and shall further be required to pay any and all expenses of repairing such sidewalk or shall be required to repair such damage as directed by the Public Works Director.

[Ord. 273, 11/08/1994]

ARTICLE 14-4 Work in Town Rights-of-Ways

- 14-4-1 Permit Required
- 14-4-2 Permit Fee
- 14-4-3 Bonding
- 14-4-4 Minimum Standards for Public Works Constructions
- 14-4-5 Liability

- 14-4-6 Violations and Enforcement
- 14-4-7 Work Intended to Become Public Property
- 14-4-8 Use of Town Rights-of-Way
- 14-4-9 Priority of Public Works Code and Standard Specifications for Street Classifications
- 14-4-10 Variances

Section 14-4-1 Permit Required

- A. A permit is required for all construction work in, or encroachments on public rights-of-way, sidewalks, curbs, bridges, pedestrian walks, and bicycle paths owned or maintained by the Town of Jerome where held by deed, easement, dedication, or other claim of right. Construction work includes excavation, pavement cuts, or structural alterations such as sidewalks, curb cuts, or drainage structures. The permit shall be applied for on a form provided by the Public Works Department.
- B. In the event of an actual emergency threatening public health and safety, encroachments, including excavations for necessary public utility repairs, are allowed without a permit, provided that a permit is applied for the next workday, all traffic control and safety devices necessary are used, and final repairs are not performed until authorized by the Town of Jerome.

[Ord. 328, 6/27/2006]

Reviser's Note: Ordinance 328 was not dated. Minutes of the June 27, 2006 Council meeting evidence its approval on that date.

Section 14-4-2 Permit Fee

Permit fees are due upon the issuance of a permit and will be in an amount set by a resolution of the Town of Jerome Council.

[Ord. 328, 6/27/2006]

Section 14-4-3 Bonding

The Town of Jerome reserves the right to require a performance bond, in an amount determined by the Town Public Works Director.

[Ord. 328, 6/27/2006]

Section 14-4-4 Minimum Standards for Public Works Construction

The certain document known as MAG or "Public Works Standard Codes", is hereby referred to and adopted as the Public Works Code of the Town of Jerome and made a part hereof as if fully set out in this Article.

[Ord. 328, 6/27/2006]

Section 14-4-5 Liability

The Permittee assumes all responsibility and liability for any damage to any property or injury to any person while using a public road caused by or arising out of the exercise of the permit and will hold the Town of Jerome harmless from any liability or responsibility for same. The Permittee shall and will provide and maintain at all times sufficient barriers, danger signals, lanterns, and detours, and shall and will take other such safety measures until satisfactory completion of work.

[Ord. 328, 6/27/2006]

Section 14-4-6 Violations and Enforcement

- A. In the event the conditions of a permit are violated or a permit is not obtained, the Town of Jerome's Public Works Director may order that all work cease until the violation is corrected or a permit obtained. If the work is abandoned and not repaired to Town specifications, the Town may repair the work and recover the costs of repair from the Permittee responsible. In the event an obstruction of a public road occurs without a permit so as to cause an immediate public hazard, the Town may remove the obstruction and seek reimbursement of all costs involved from the responsible person. Any person commencing work without a permit shall be required to obtain a permit and shall pay twice the usual permit fee.
- B. Any person who shall violate any provisions of the MAG or "Public Works Standard Codes" hereby adopted or fails to comply therewith, or who shall violate or fails to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Office, within the time fixed herein, shall severally, for each and every such violation and noncompliance, respectively, be guilty of a Class 1 misdemeanor. This is punishable by a fine or by imprisonment or by both such fine and imprisonment as set forth by the court. The imposition of one penalty of any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

[Ord. 328, 6/27/2006]

Section 14-4-7 Work Intended to Become Public Property

All improvements which are intended to become public property of the Town of Jerome shall be constructed in accordance to the standards and specifications set forth in this article and shall be constructed according to the plans approved by the Public Works Director.

[Ord. 328, 6/27/2006]

Section 14-4-8 Use of Town Rights-of-Way

Commercial traffic shall not be allowed on any Town roadway, unless in service to a property owner, resident, or business on that roadway. All commercial traffic must abide by State Highway and Arizona Department of Transportation Regulations.

[Ord. 328, 6/27/2006]

Section 14-4-9 Priority of Public Works Code and Standard Specifications for Street Classifications

The Town of Jerome shall not accept for ownership, or maintenance, any street that is not in conformance with the Public Works Code and Standard Specifications for Street Classification, except when the Town Council determines it, to be in the best interests of the Town of Jerome to accept, for ownership or maintenance, substandard streets.

[Ord. 328, 6/27/2006]

Section 14-4-10 Variances

The Public Works Director is authorized to grant variances from the restrictions and conditions specified herein provided the public safety and welfare will be protected.

[Ord. 328, 6/27/2006]