

ORDINANCE NO 273

AN ORDINANCE OF THE JEROME COMMON COUNCIL,
ESTABLISHING RESPONSIBILITY FOR SIDEWALK CONSTRUCTION
REPAIR AND MAINTENANCE AND PENALTIES FOR NON-COMPLIANCE

WHEREAS, the Town of Jerome Common Council is empowered to require the proprietor of any block, lot or part of a lot within the town to construct and maintain a sidewalk in front thereof, and to assess expenses incurred by the Town if said proprietor fails to comply, and

WHEREAS, proper sidewalk construction and maintenance is important to the safety of the citizens of the Town of Jerome

THEREFORE, BE IT HEREBY ORDAINED, by the Jerome Common Council as follows:

SECTION 1. REPAIR AND MAINTENANCE OF EXISTING SIDEWALKS:

101. 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 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.

102. 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 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.

103. 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.

104. FAILURE TO CONSTRUCT

Whenever, within fifteen (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.

105. STATEMENT OF EXPENSES:

Whenever the Public Works Director shall repair or renew any sidewalk or portion thereof, as provided in the preceding Section, he shall, within ten (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 facia evidence of the cost of such repairs or renewals, and unless such owner or owners file with the Clerk objections in writing thereto within ten (10) days after the filing of such statement, such statement shall be conclusive evidence of the amount of such cost.

106. 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.

107. 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.

108. PENALTY FOR NONPAYMENT:

If the costs of such repairs be not paid to the Treasurer within ten (10) days after the filing of the statement herein provided for, and if no objection be filed as herein provided, or within ten (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.

SECTION 2. CONSTRUCTION OF NEW SIDEWALKS

101. 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 sidewalks, 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 (4) successive issues and the Public Works Director shall cause to be placed along the line of the proposed improvements a copy of the resolution.

102. 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.

103. 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.

104. 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 2, Paragraph 102, 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.

105. 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.

SECTION 3. DAMAGING SIDEWALKS:

101. It shall be unlawful for any person to wilfully 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.

IF any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

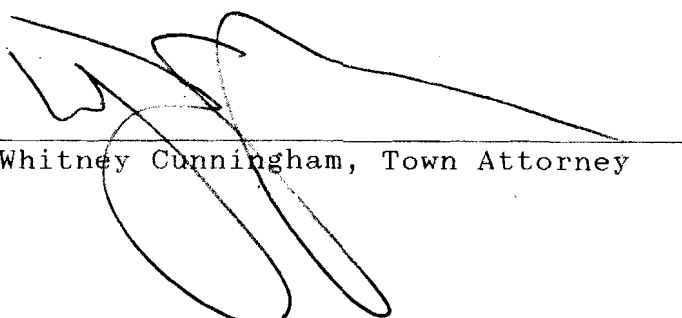
PASSED AND ADOPTED by the Jerome Common Council this 8th day of November, 1994.


Al Palmieri, Mayor

ATTEST:

~~Glenda Hostetter~~, Town Clerk
Lucy Abbot, Town Clerk

APPROVED AS TO FORM AND CONTENT:


Whitney Cunningham, Town Attorney