

**ORDINANCE NO. 650-10**

**AN ORDINANCE OF THE TOWN OF FOWLER REQUIRING SIDEWALKS AND MAINTENANCE OF SIDEWALKS**

WHEREAS, well maintained sidewalks provide a safe means for pedestrians in the Town of Fowler to travel; and

WHEREAS, some properties within the municipal limits of the Town of Fowler have no sidewalks or are in a state of disrepair creating safety hazards for pedestrians; and

WHEREAS, the Board of Trustees of the Town of Fowler desire to assure residents of the Town of Fowler a safe means of traveling about town on foot.

NOW, THEREFORE, BE IT ORDAINED by the Fowler Town Trustees as follows:

Chapter 12.06 SIDEWALKS

12.06.010. Definitions. "Sidewalk" means a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

12.06.020. Construction of sidewalks; permit required.

All curbs, gutters and sidewalks shall be constructed within ninety (90) days from the time that construction of any dwelling, residence or structure is commenced on any land in the Town. It shall be unlawful for any person to lay out, construct or reconstruct any sidewalk, curb or gutter without first obtaining a permit.

12.06.030. Application for permit; grade and line set.

Application for such permit shall be made to the Town Public Works Superintendent or designee on a form furnished for that purpose. Before any such construction or reconstruction is commenced, the Town Public Works Superintendent shall designate the grade upon which and the line or location at which the sidewalk, curb or gutter shall be constructed.

12.06.040. Specifications for sidewalks.

All sidewalks, curbs and gutters which are constructed or reconstructed shall be of

concrete and shall be constructed or reconstructed in accordance with specifications established by the Town Foreman and filed in the office of the Town Clerk. **SEE ATTACHED**

This ordinance shall be for the benefit of current sidewalks as well and the reconstruction thereof. Should a current sidewalk need replacing and will not meet current specifications, the resident or property owner shall meet with the Town Foreman for any deviation from this specification.

All sidewalks within the Town shall be four (4) inches thick increasing to six (6) inches thick at driveway entrances and shall be at least four (4) feet wide. Expansion joints shall be provided every thirty (30) feet, false joints at ten (10) feet.

All sidewalks shall be compacted to one hundred percent (100%) and inspected by the Town Foreman.

#### 12.06.050. Repair of sidewalks.

All sidewalks, curbs and gutters shall be maintained with an even surface in good repair and in conformity with the established grade of the streets along which they are constructed. All sidewalks shall be repaired with concrete.

#### 12.06.060. Notice to repair; collection of costs.

When any sidewalk in front or along side of any lot or premises has been destroyed or is out of repair, the Public Works Superintendent, Code Enforcement Officer or any police officer shall cause notice in writing to be served upon the owner or agent in charge of such premises to repair such sidewalk within thirty (30) days. If the owner is a nonresident or his or her whereabouts are unknown, such notice may be given by publication for two (2) times, a week apart, in a newspaper of general circulation in the Town and by the Town Clerk's mailing a copy of such notice to the last known address of such owner. Service shall be complete on the last day of publication.

If such repairs are not made by the owner within thirty (30) days after service of the notice, the Board of Trustees or Town Administrator may order such repairs to be made by the Street Department and the expenses connected therewith shall be a lien upon the property alongside such sidewalks until the cost thereof is fully paid. When such repairs are made by the Town, the expense thereof shall be assessed by the Board of Trustees upon the property fronting upon the same, and if the assessment is not paid within six (6) months thereafter, the Town Clerk shall certify such assessment to the County Treasurer who shall place the same upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) penalty thereon to defray the cost of collection.

#### 12.06.070. Removal of snow.

It shall be unlawful for any owner or occupant of any lot, block or parcel of ground within the Town, or for any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four (24) hours from the time of the last accumulation of such snow and ice. Snow removal is the responsibility of the private citizen or business owner. Sidewalks which provide public access should be cleared within 24 hours, weather permitting. Sidewalks maintained by the Town will be cleared in accordance with the Town snow removal plan 12.06.080.

It shall be the responsibility of all owners of property, whether public or private, within the municipal boundaries of the Town and all owners of property, whether public or private, of subsequently subdivided land, unless previously exempted by the Board of Trustees, to install sidewalks according to the Town specifications OR within two (2) years from the adoption of this ordinance.

12.06.090. Failure to comply.

Property owners failing to comply with Section 12.06.080 shall be served notice as detailed in Section 12.06.060. If the owner of the property fails to install the sidewalk within thirty (30) days after service of the notice, the Board of Trustees or its designee may order such installation to be made by the Street Department and the expenses connected therein shall be a lien upon the property alongside such sidewalks until the cost is fully paid.

12.06.100. Relief to property owners on tax assessment.

The Board of Trustees recognizes that the total assessment for sidewalk installation may be burdensome for some property owners. The Board of Trustees will review appeals by property owners for relief and may order that tax assessments be extended over several years at interest rates set by the Board of Trustees. Nothing in this Section, however, shall be construed as relieving any property owner from the responsibility to install sidewalks on their property.

12.06.110. Wheelchair ramps and alley pans.

Any person constructing or re-constructing a sidewalk shall install wheelchair ramps at street corners. The ramps shall meet all then existing Americans with Disabilities Act (A.D.A.) standards. Where a constructed or re-constructed sidewalk will cross an alley, the Town shall construct an alley pan at the Town's expense.

Conflicts. To the extent that any conflict exists between this ordinance and any previously adopted ordinance, all previously adopted ordinances are hereby amended to the extent necessary to conform to this ordinance.

Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED, READ IN FULL, PASSED AND ORDERED PUBLISHED

on the first reading the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ADOPTED and approved the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**TOWN OF FOWLER**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

BY: \_\_\_\_\_

Mayor Town of Fowler

**ATTEST:**

\_\_\_\_\_

Fowler Town Clerk