

Chapter 12.20

SIDEWALK, ETC., REPAIR AND RECONSTRUCTION

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12.20.010 Owners to repair defective sidewalks. Any person owning real property in the town shall repair any defective sidewalk, curb, park or parking strip lying in front of or along the side of his property. (Ord. 436 §1(part), 1982).

12.20.020 Tenants to notify director of public works of defective sidewalk. Any tenant of real property in the town shall report to the director of public works (hereafter referred to as "director" in this chapter), in writing, the fact that any defective sidewalk exists in front of or along the side of the property occupied by him. (Ord. 436 §1(part), 1982).

12.20.030 Enforcement of chapter. The director shall enforce this chapter. (Ord. 436 §1(part), 1982).

12.20.040 Liability for injuries where report or repair not made. If, in consequence of any sidewalk being defective and in condition to endanger persons passing thereon, any person, while exercising ordinary care to avoid the danger, who suffers damage to his person or property through any defect of a sidewalk may have recourse for damages thus suffered against the person failing to repair such defect or the person failing to report the defect. (Ord. 436 §1(part), 1982).

12.20.050 Defects caused by tree roots. In the event that the defect is caused by a tree root, the director shall have power and authority to cut such root or to give permission to cut the same. (Ord. 436 §1(part), 1982).

12.20.060 Purpose of chapter. The provisions of this chapter are intended as an alternative to the procedure set out in the Improvement Act of 1911. (Ord. 436 §1(part), 1982).

12.20.070 Notice to repair--Required. Any portion of any sidewalk, curb, park or parking strip in the town that is out of repair or in a dangerous or defective condition, in a condition to endanger persons or property passing thereon or in a condition to interfere with the public convenience in the use thereof is declared to be a public nuisance, and if the director shall have personal notice of the same he shall notify the owner or person in possession of the property fronting on that portion of the sidewalk, curb, park or parking strip so out of repair, to repair or reconstruct the same. (Ord. 436 §1(part), 1982).

12.20.080 Notice to repair--Service; posting. Such notice to repair or reconstruct may be served by written notice on the owner or to the person in possession of the property facing upon the sidewalk, curb, park or parking strip so out of repair, or by mailing, postage prepaid, to the person in possession of such property or to the owner thereof at his last-known address as the same appears on the tax rolls of the town, and when no address so appears, to the general delivery of the town, a notice to repair or reconstruct such sidewalk, curb, park or parking strip so out of repair. The director shall, immediately upon the mailing of such notice, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on the property. (Ord. 436 §1(part), 1982).

12.20.090 Notice to repair--Contents. The notice to repair required by this chapter shall specify that the condition constitutes a public nuisance and what work is required to be done, how the same is to be done and what materials shall be used in such repair or reconstruction. Such notice shall also provide that, if such repairs, reconstruction or both are not commenced as required by this chapter, the person on whom notice is served shall appear before the town council, as provided in this chapter, and show cause why the town should not order the repair or reconstruction work to be done. (Ord. 436 §1(part), 1982).

12.20.100 Time limit on repairs. The required repairs or reconstruction shall be commenced within thirty days after service of notice and diligently and without interruption prosecuted to completion on or before a regular council meeting which shall be specified in the notice to repair. (Ord. 436 §1(part), 1982).

12.20.110 Failure to make required repairs. Upon the failure of the owner or the person in possession of the Property to make the required repairs or reconstruction required by the notice to repair within the time prescribed by this chapter, such person shall appear at the meeting specified in the notice to repair and show cause why the town council should not order such repair work or reconstruction work to be done. (Ord. 436 §1(part), 1982).

12.20.120 Hearing. At the time stated in the notice to repair, the town council shall, if the work has not been done as aforesaid, hear and consider all objections for the doing of such work. Upon the conclusion of such hearing, the town council shall, if it overrules such objections or if no objections are presented, be deemed to have acquired jurisdiction to proceed to order the work to be done at the expense of the property owner. (Ord. 436 §1(part), 1982).

12.20.130 Order to director to make repairs, etc. Upon acquiring jurisdiction to perform the work, as provided in Section 12.20.120, the town council shall, by resolution, order the

director to repair or reconstruct the improvement work and the director is authorized to do and perform the same by day labor, and to employ labor and purchase materials necessary therefor, and the same shall be paid for from the general funds of the town. (Ord. 436 §1(part), 1982).

12.20.140 Report of director as to repairs. The director shall keep an account of the cost of such repairs or reconstruction in front of each separate lot or parcel of land, and shall render an itemized report in writing to the town council showing the cost thereof in front of each separate lot; provided, that before the report is submitted to the town council, a copy of same shall be posted by the town clerk for at least three days prior thereto on the official bulletin board at or near the door to the office of the town clerk in the town hall, together with a notice of the time when such report shall be submitted to the town council for confirmation. (Ord. 436 §1 (part), 1982).

12.20.150 Confirmation of report of director. At the time fixed for receiving and considering the report of the director regarding the repairs made, the town council shall hear the same, together with any objections which may be raised by any of the property owners liable to be assessed for the cost of such improvement, and thereupon make such modifications in the report as they deem necessary, after which, by resolution, such report shall be confirmed. (Ord. 436 §1(part), 1982).

12.20.160 Cost of repairs to constitute special assessments. The amount of the cost of the improvement in front of each parcel of land mentioned in the report of the director regarding repairs made shall constitute special assessments against the respective parcels of land, and as thus made and confirmed shall constitute a lien and be collectible all as provided in Section 9.04.160. (Ord. 436 §1(part), 1982).