

Sec. 25-102. - Repair and maintenance required.

- (a) *Repair of sidewalks located on owner's premises.* It shall be the duty and responsibility of each property owner (including homeowner associations pursuant to section 6-33(h) of the City Code) to construct or reconstruct and to keep in repair any sidewalks located on their premises (i.e., excluding public sidewalks which are located within the public right-of-way).
- (b) *Driveway aprons.* The apron area of a driveway shall be repaired by the owner of the abutting property so as to remain in a smooth and clean condition, free from ruts, potholes, loose aggregate and deterioration. Any sidewalks which are separately laid out and constructed as a sidewalk and situated between the paved driveway and the driveway apron area shall be the City's responsibility (in lieu of the owner of the abutting property being responsible for said sidewalk) to the same extent that the City repairs sidewalks pursuant to this section 25-102, except that the City's responsibility under this paragraph (b) shall be subject to each of the following limitations, restrictions and conditions:
- (1) The City shall cause any sidewalk repair for which the City is responsible to be done by its own forces or City contractors in accordance with contract specifications, standards and methods which are approved by the City's Public Works Director.
 - (2) The City shall not be responsible for aesthetic or cosmetic differences between the repaired sidewalk and the remaining portion of the driveway or for any lack of uniformity in appearance.
 - (3) Before undertaking any sidewalk repair work pursuant to this paragraph (b), the City Manager may require the benefitted property owners to execute release and indemnification forms (the "release:") which serves to implement this provision and to protect the City and its officers, agents, employees, and contractors from liability. The release shall also provide for the benefitted property power to be solely responsible for the repair of the remaining portion of the property owner's driveway.

As an alternative to doing the above-described repair work via the City's own forces or City contractor, the City Manager may authorize, by written agreement, the property owner to engage the property owner's own contractor to do the sidewalk repair work, at the property owner's sole cost and expense, except that the City Manager may reimburse the property owner for the cost of the repair, after the work is satisfactorily completed. The amount of reimbursement shall not exceed the cost that the City would have incurred had the City used its own forces or a City contractor for the repair work.

- (c) *Harmony of provisions.* Except as provided in paragraphs (a) to and including (b) above, all sidewalk areas within public rights-of-way shall be kept in a structurally sound condition (as defined in section 6-36(o) of the City Code) by the City. Any sidewalks located within the paved driveway apron area of a non-residential property shall be the property owner's responsibility to construct or reconstruct and keep in repair.

(d) *Cleaning of sidewalks.* It shall be the responsibility of each property owner (including homeowner associations pursuant to section 6-33(h) of the City Code) to uniformly clean debris, stain, and mold from all sidewalks on or abutting the front or sides of their property. This area shall also be kept clean and free of weeds, trash and debris and other such obstructions. Notwithstanding any other provisions of this section, the City may, in its discretion, periodically clean (i) those portions of a public sidewalk that abuts non-residential property and which are in the public rights-of-way outside a property owner's boundaries; or (ii) sidewalks which abut the rear property boundary of a residential property that may or may not be separated by a fence or other physical barrier from the property.

(Ord. No. 15-5-1, § 2, 5-12-15; Ord. No. 15-5-2, § 2, 5-12-15)