

## 93.008 SIDEWALK MAINTENANCE.

(A) All sidewalks within the city shall be kept and maintained in good repair by the owner of the land adjacent to and abutting upon the sidewalks, and if any owner shall neglect to keep and maintain the sidewalk along the front, rear, or side of the land owned by him or her in good repair and safe for the use of the public, the owner shall be liable to the city for any damages received against the city sustained by any person by reason of the sidewalk being unsafe and out of repair.

(B) Disrepair of a sidewalk shall include, but shall not be limited to, the following conditions:

- (1) Potholes of one inch or more in depth;
- (2) Loosened, crumbling, or breaking surfaces;
- (3) Difference of two inches or more in heights of adjoining sections of sidewalk;
- (4) Insufficient slope to adequately drain water; and/or
- (5) The accumulation of ice or snow making the sidewalk unsafe for use by the public.

**(C) All snow and/or ice must be removed from sidewalks by the owner of the land adjacent to and abutting any sidewalk and such sidewalks shall be made safe within 48 hours after the end of a snow event.**

**(D)** Hereafter, when any sidewalk becomes out of repair within the city, the Superintendent of Streets shall give the owner of the premises in front of or adjacent to which the sidewalk is located, notice to repair the sidewalk within 30 days; provided, however, that during the period of 30 days; the owner may request that the notice of repair be reviewed by the Street Administrator within 30 days from receiving a request for review, shall make his or her recommendation. The Street Administrator shall forward the recommendation to the City President and Council for final decision. The City President and Council shall take the action thereon as it deems in the best interest of the city and of the safety of the public. If no review of the Superintendent of Streets' notice is requested within 30 days of the date of the notice, the decision of the Superintendent of Streets shall be final.

**(E)** The notice, in addition to specifying the time in which the sidewalk shall be repaired, shall also state that work must be done in accordance with specifications for new work furnished by the Superintendent of Streets in repairing the sidewalk and shall also inform the owner of the right of review of the determination of the Superintendent, as provided in this section.

**(F)** If any person so notified shall not have repaired or reconstructed the sidewalk after final determination by the Superintendent or the City President and Council, it shall be the duty of the Superintendent, who may contract or hire the work done. The cost and expense of the repairs or reconstruction of the sidewalk shall be charged to the owner.

(1995 Code, § 50-34) (Ord. 121, passed 5-2-1988; Am. Ord. 06-2011, passed 9-6-2011)