
Sec. 4-1-4. Construction and repair of sidewalks.

- (a) *Where sidewalks required.* Concrete sidewalks shall be constructed in the right-of-way as set forth herein where the following conditions exist:
- (1) Along the street or streets adjacent to a lot on which a building is constructed.
 - (2) On both sides of a public street in blocks where at least 75 percent of the lots are developed or 75 percent of the frontage is on lots that are developed.
 - (3) At other locations along public streets, irrespective of whether the abutting or surrounding lands have been improved, whenever, in the judgment of the city council, the safety and welfare of the public requires it.
- B. *Exemptions.* Other than where sidewalks are ordered by the council, the following exemptions to the sidewalk requirement are established:
- (1) Vacant land extending outward to the city limits, and any vacant land where there are no developed lots for 500 feet or more and lands which extend to the city limits and are utilized for commercial or industrial purposes.
 - (2) Areas where land is intermittently in the township and city so as to make impossible the construction of a continuous sidewalk for at least 500 feet.
 - (3) Cemeteries, parks, fairgrounds and golf courses.
 - (4) Outlying industrial zones where workers generally reach their place of employment by motor vehicle.
 - (5) On sides of streets where there are no buildings fronting or there is no destination for pedestrian traffic (e.g., park, school).
 - (6) The director of public works is empowered to exempt properties from such construction when, upon investigation, he determines that sidewalk construction is physically impossible due to the following circumstances:
 - (a) Nature of terrain.
 - (b) Insufficient right-of-way.
 - (c) Insurmountable engineering problems.
 - (d) Safety hazards that would arise by encouraging pedestrian traffic in dangerous areas, such as along railroad tracks.
 - (7) On streets or parts of streets where, in the opinion of the city council, the need for sidewalk does not exist.
- C. *Location and construction.*
- (1) The property owner or his agent shall obtain from the city engineer the necessary location and grade upon which the sidewalk is to be built and the construction standards to use; the sidewalk shall be constructed to meet the specifications provided.

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- (2) If the property owner fails to construct a sidewalk as required, the city will cause the work to be done and the cost shall be assessed against the property.
 - (3) The director of public works may delay construction of a sidewalk temporarily until the time of street construction, when the street is expected to be scheduled for improvement in the future and when such delay would be necessary or desirable from an engineering standpoint.

D. *Timing of installation.*

- (1) All properties shall be brought into conformance with this section within six months of its adoption.
- (2) Sidewalks shall be constructed as required within six months of the completion of any new building or at any time upon reaching the level of development set forth in this section, or within six months of an order to install a sidewalk, unless a shorter period is specified.
- (3) Upon annexation of new areas, all affected properties will be brought into conformance within six months of their annexation.

E. *Variance.* The council is empowered to hear and decide requests for temporary variances to the sidewalk requirements where, owing to special conditions peculiar to a specific lot or tract of land, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this section shall be observed, public safety and welfare secured and substantial justice done. A public hearing shall not be required, and there is no fee for the review of the request. If a temporary variance is granted, the minutes shall clearly show in what particular and specific respects unnecessary hardship or practical difficulty has been established. The council may cancel a temporary variance when conditions change, removing the reasons for the variance, or where other compelling reasons are found to exist.

F. *Maintenance.* ~~Property owners shall maintain their sidewalks in good repair and in a safe condition. If the property owner fails to maintain a sidewalk as required, the city will cause the work to be done and the cost shall be assessed against the property.~~ (Original Ordinance Language)

- (1) (November 18, 2024 proposed language) Property owners shall maintain their sidewalks in good repair and in a safe condition. Maintenance required of property owners shall include, but not be limited to, the following:
 - (a) ~~Clearing the full width of the sidewalk adjacent to the property of any ice or snow, pursuant to Sec. 4-1-6.~~
 - (b) Clearing and edging of the sidewalk so as to completely remove any sediment, plant material, rock, or other obstructions which reduce the visible surface of the sidewalk to a width of less than ninety percent (90%) of the sidewalk.
 - (c) Repair or replacement of any portions of sidewalk adjacent to the property where the difference in elevation between two pieces of sidewalk is equal to or greater than three quarters (3/4) inches, whether two different sections of sidewalk or two parts of one section of sidewalk. **Changes in elevation between**

two sidewalk pieces are between one quarter (1/4) and one half (1/2) inch shall require that the offset be beveled (~~Federal Register Vol 88, No. 151 discussion purposes~~) or other corrective action taken. Such differentials between sections adjacent to two different properties shall be the joint and several responsibilities of both property owners.

- (d) ~~Up to a height of at least eight (8) feet above the sidewalk, clearing any objects, building encroachments, or plant material, including bushes or the branches of trees, which do or may obstruct the airspace above the sidewalk pursuant to Section 7-4-9.B(3).~~
 - (e) Any other maintenance or repair deemed reasonable and necessary by the Public Works Director if notice of the same is served upon the property owner by sending a written notice by first class mail, containing an outline of remedial action which, if taken, will affect compliance with this section, and giving the property owner at least twenty (20) days after mailing in which to comply. If the property owner or their agent is personally served, the remediation time may be shortened to a reasonable time, at the discretion of the Public Works Director, to take the prescribed action.
- (2) If a property owner fails to maintain a sidewalk as required, the city will cause the work to be done and the cost shall be assessed against the property.

G. *Permit required.*

- (1) No person shall repair, replace or construct any sidewalk in the city without first obtaining a permit to do so from the director of public works or his authorized representative.
- (2) Applicant shall be required to pay a fee for such permit. See chapter 1-2, fees, for fee amount.