

**ORDINANCE NO. 05-605-O****AN ORDINANCE REGULATING THE MAINTENANCE AND REPAIR OF SIDEWALKS; PROVIDING A PENALTY.**

The City of Columbia City ordains as follows:

**Section 1. Definitions.** As used in this Ordinance, the following mean:

**Good Repair.** A state of being free of patent and latent defects.

**Safe Condition.** A state of being free of snow, ice, obstructions, or any other condition causing a hazard to persons or vehicles using the public right-of-way.

**Sidewalk.** That part of the street right-of-way between the curb-lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.

**Section 2. Duty to Repair and Clear Sidewalks.** An owner of real property abutting a sidewalk shall maintain the sidewalk adjacent to owner's real property in good repair and safe condition at all times.

**Section 3. Liability for Sidewalk Injuries.** The owners of all property responsible for repairing sidewalks as provided in this Ordinance shall be liable in damages to individuals injured because of any negligence to such owners in failing to keep a sidewalk in good repair and safe condition, and no liability shall be imputed to or imposed upon the City, its officers or employees because of injuries sustained by any person, by reason of any defect in any sidewalk, nor because of any extension of time having been granted by the City Council for repairing any defects in sidewalks.

**Section 4. Sidewalk Alteration, Removal or Repair - Permit Required.** Before making any sidewalk repairs, the landowner responsible therefore shall apply to the Public Works Superintendent for a Sidewalk Repair Permit to make repairs. The permit shall describe the location of the sidewalk to be repaired, a description of the property abutting such sidewalks, the name of the owner or reputed owner thereof, the type or kind of repairs to be made, the material to be used in making the repairs, and a time limit in which the repairs are to be completed, not exceeding sixty (60) days from the date of such permit. No charge shall be made for the issuance of such permit. Sidewalks shall be reconstructed, altered, and repaired in accordance with standards and specifications adopted by Resolution of the City Council.

**Section 5. Service of Notice to Repair.** If any landowner responsible for repairing any sidewalk fails or refuses to apply for a Sidewalk Repair Permit, then it shall be the duty of the City Administrator/Recorder to mail a notice to the

owner by certified mail, with return receipt requested, to the last known address of such owner. The notice shall contain the name or names of the owners or reputed owners of the property responsible for making any sidewalk repairs, the location of the sidewalk to be repaired, a description of the property abutting the sidewalk, the type or kind of repairs to be made, the materials to be used in making the repairs, the time limit within which the repairs are to be made, a reference to this Ordinance, the date of the notice, and the signature of the City Administrator/Recorder. The notice shall state that if the landowner fails to make such repairs within the time limit, the City will make the repairs, assess the costs against the property and record a lien as described in Section 7 of this Ordinance. If any such notice which is mailed is not receipted for by the owner, or is returned by the Post Office because the owner cannot be located, then the City Administrator/Recorder shall post a copy of such notice for a period of not less than ten (10) days in a conspicuous place on the property of such owner. The City Administrator/Recorder shall indicate on the office copy of the notice filed the date and place the notice was posted, if posting is required.

**Section 6. Expense - Repair Requirements - Time Limits.** All sidewalk repairs shall be made at the expense of the landowner responsible for making the repairs, and all repairs shall be made in accordance with the requirements set forth in the Sidewalk Repair Permit or the sidewalk repair notice, and within the time limited therefore. Time limits for making sidewalk repairs may be extended by the Columbia City Council on application of the landowner or his or her lawful agent, and on good cause being shown for the granting of the extension.

**Section 7. Repair by City.** If any landowner responsible for making sidewalk repairs fails to make such repairs in the manner and within the time required by either the Sidewalk Repair Permit or the notice of repairs, then the Columbia City Council may direct the City Administrator/Recorder to make such repairs, or the Council may, if it elects, let a contract for making such repairs. After the costs of making such repairs have been determined, the City Administrator/Recorder shall report the same to the City Council, and the Council shall, by resolution, assess the property with the costs of the repairs plus ten (10) percent for administrative fees. A copy of the resolution assessing the cost of the work shall be mailed to the property owner by registered or certified mail, return receipt requested. The mailing shall include a notice specifying that the assessment will become a lien against the property unless paid within thirty days of the date of the notice. The lien shall bear interest at the rate of 9 percent per annum from the date the lien is recorded with the Columbia County Clerk.

**Section 8. Penalty.** Violation of a provision of this Ordinance is punishable by a fine not to exceed \$500. Each day's violation shall constitute a separate punishable offense.

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[Section 9. Severability.]

Passed by the Council on February 3, 2005 and approved by the Mayor on February 4, 2005.