

CHAPTER 4 Maintenance and Construction of Sidewalks and Curbs

SECTION:

- 6-4-1: Duty of Property Owners
- 6-4-2: Order for Construction or Maintenance
- 6-4-3: Special Assessment
- 6-4-4: Construction Specifications
- 6-4-5: Permit for Trap Doors
- 6-4-6: Openings in Sidewalks
- 6-4-7: Coverings upon Sidewalks
- 6-4-8: Sidewalk, Hail, Snow, Sleet and/or Ice Removal Required
- 6-4-9: Obstruction of a City Sidewalk, Street, Easement, Right-of-Way, or Other Public Way with Snow or Ice is Prohibited
- 6-4-10: Installation of Mailboxes within Public Rights of Way
- 6-4-11: Penalties

6-4-1: **DUTY OF PROPERTY OWNERS.** Every person who owns or leases real property within the City shall have a duty to i) remove any obstruction or dangerous condition situated upon any public sidewalk immediately abutting property owned or leased by such person, and ii) install, construct or maintain the sidewalk immediately abutting property owned or leased by such person, as may be required by the provisions of this chapter or the City Subdivision Ordinance.

(Ord. 181-04-14, 3/25/2014).

6-4-2: **ORDER FOR CONSTRUCTION OR MAINTENANCE.** The Public Works Division may issue a Notice of Noncompliance to any person who fails to perform his or her duty under the preceding section upon making a finding that such sidewalk, curb and gutter have not been constructed or maintained in accordance with the provisions of this chapter or Code. The notice shall advise such person of the nature of the condition needing correction and shall be served upon such owner or lessee by depositing the same into the United States mail, certified mail, return receipt requested, postage prepaid and addressed to the owner at the last known address or address shown on the assessment rolls of Bonneville County. Such notice shall advise such person that if

the obstruction or dangerous condition upon the sidewalk is not removed or otherwise rectified or if the sidewalk is not installed, or maintained in accordance with the provisions of this Code, within twenty (20) days after the date of such notice, the City may order that such work be accomplished and the costs thereof be assessed against the real property adjacent to such sidewalk and curb and gutter.

(Ord. 181-04-14, 3/25/2014).

6-4-3: **SPECIAL ASSESSMENT.** In the event any property owner fails to install or maintain the sidewalk and curb and gutter adjacent to his or her property within twenty (20) days after a notice is mailed to him in accordance with the preceding section, the City Council may cause the work to be accomplished and charge the reasonable costs therefor against the owner of such property. Upon completion of the work, the City Council shall send a Notice of Assessment to the property owner advising him or her of the amount of the costs incurred in performing such work and advising the owner that if such amount is not paid within thirty (30) days after the date of such notice a special assessment will be made against such property in the manner permitted by law, and that twenty-five percent (25%) of the amount thereof will be added to such amounts as a penalty. Such notice shall be mailed to the property owner in the manner set forth in the preceding section. In the event the property owner fails to pay such amount prior to expiration of thirty (30) days from the date the notice was mailed, the City Engineer shall certify to the City Council the amount of such costs incurred, and the Council may then order the City Treasurer to cause a special assessment to be levied and assessed against the property in the amount of such costs, together with the twenty-five percent (25%) penalty, in the manner set forth in Idaho Code Section 50-1008.

(Ord. 181-04-14, 3/25/2014).

6-4-4: **CONSTRUCTION SPECIFICATIONS.** Except as otherwise provided in this City Code, including but not limited to Section 10-1-14, the construction of all sidewalks and curbs and gutters shall be in accordance with the Standard Specifications, as that term is defined in Section 10-1-3 of this City Code. One copy of the Standard Specifications, as defined in Section 10-1-3 hereof, shall be duly certified by the City Clerk and kept on file at the office of the City Clerk.

(Ord. 181-04-14, 3/25/2014); (Ord. 235-12-19, 12/17/2019).

6-4-5: **PERMIT FOR TRAP DOORS.** It shall be unlawful to construct, maintain or operate any trap door, opening, grating or other opening within or upon a public sidewalk, without a permit issued by the Council.

(Ord. 181-04-14, 3/25/2014).

6-4-6: **OPENINGS IN SIDEWALKS.** It shall be unlawful for any person to fail or neglect to maintain any trap door, opening or grating approved by the Council, or to fail or neglect to keep the same securely closed while any doors covering the same are not in use, or to take all reasonable and necessary safety precautions to prevent harm and injury to person or property. All openings for elevators, coal chutes, or service entrances or openings of any kind within a public sidewalk shall be constructed and installed in such manner as to prevent entry of storm waters or floods from the street or sidewalk.

(Ord. 181-04-14, 3/25/2014).

6-4-7: **COVERINGS UPON SIDEWALKS.** All sidewalk doors, coal chutes and coverings and supports therefor shall be made of steel or cast iron, shall be placed flush with the sidewalk surface, shall have a corrugated surface or other finish that will prevent slippage thereupon, and shall be so constructed as to support a load of not less than 200 pounds per square foot.

(Ord. 181-04-14, 3/25/2014).

6-4-8: **SIDEWALK, HAIL, SNOW, SLEET AND/OR ICE REMOVAL REQUIRED.**

(A) Definitions: For the purposes of this Section, the following terms shall have the meanings ascribed below:

AGENT: Any person under a legal or contractual obligation to remove hail, snow, sleet and/or ice on a Sidewalk for an owner or lessee of property within the City, whether or not for compensation.

PRECIPITATION EVENT: Any product of the condensation of atmospheric water vapor (including hail, snow, sleet and ice) that falls under gravity within City limits, the cessation of which is determined by the National Weather Service Station at the Idaho Falls Regional Airport.

SIDEWALK: Any concrete, asphaltic paving or brick material adjacent to a City street, easement, right-of-way or other public way, whether within a public right-of-way or on private

property, designated and/or used by pedestrians for travel.

- (B) Duty to Remove Hail, Snow, Sleet and/or Ice Promptly.
 - (1) Unless otherwise provided in this Section, it shall be unlawful for an owner, agent or lessee of real property to fail to remove or fail to cause to be removed hail, snow, sleet, and/or ice, from the entire length and breadth of the Sidewalk immediately adjacent to such owner's, agent's or lessee's property in the City, within the twenty four (24) hour period immediately following the cessation of a Precipitation Event, as determined by the National Weather Service, Idaho Falls Regional Airport.
 - (2) The duty imposed in this subsection (B)(1) shall not include snow placed onto Sidewalks by snow removal equipment of the City or its designee after it has been removed following a Precipitation Event.
- (C) Exemptions. The following persons shall be exempt from the duty imposed by subsection (B) of this Section:
 - (1) A person who is physically or mentally impaired in such a manner that they are unable to perform the duty imposed by sub-section (B) of this Section;
 - (2) A pregnant person;
 - (3) A person who is eighty (80) or more years of age; and
 - (4) A lessee who occupies a unit of a multi-family dwelling unit owned by another person or entity and who is not an agent of the owner or a lessee having a legal and/or contractual duty to remove hail, snow, sleet, and/or ice from the Sidewalk.

(Ord. 181-04-14, 3/25/2014).

6-4-9: OBSTRUCTION OF A CITY SIDEWALK, STREET, EASEMENT, RIGHT-OF-WAY, OR OTHER PUBLIC WAY WITH SNOW OR ICE IS PROHIBITED.

- (A) It shall be unlawful to place snow or ice removed from private property (including a Sidewalk) upon any public sidewalk, street, easement, right-of-way, or other public way, alleyway or Sidewalk.
- (B) It shall also be unlawful for any private citizen or entity to place snow or ice removed from Sidewalks, private driveways, driveway approaches, or other public places in or upon a public Sidewalk, street, easement, right-of-way or other public way, alleyway or Sidewalk in a manner that causes a hazard or obstruction to vehicular or pedestrian traffic. Nothing herein shall prevent, impair or impede the removal, relocation or placement of snow or ice upon such public ways by maintenance crews employed or hired by the City to remove snow and ice from a public street or way.

(Ord. 181-04-14, 3/25/2014).

6-4-10: **INSTALLATION OF MAILBOXES WITHIN PUBLIC RIGHTS OF WAY.** Mailboxes for receipt of United States mail may be installed within the public right-of-way, subject to the following restrictions and standards

- (A) Mailbox structures may be installed within the public right-of-way at any point along the nearest edge of the graveled surface or asphalt roadway paralleling the owner's front property line. Notwithstanding the foregoing, no mail box shall be installed within the triangular area adjacent to a corner lot, the sides of which are bounded by three corner points, one of which is the point of intersection of the edges of the paved or graveled roadway surfaces running parallel to such corner lot and the other two corner points being located at a distance of fifteen feet from such intersection and running along each edge of the road way surface forming such intersection.
- (B) All mailbox receptacles shall be permanently and securely affixed on the top of a vertical metal pipe, bar or wood post. The bottom of the mailbox shall be located at a height no greater than forty-eight inches (48") as measured from the surface of the roadway. The front edge of the mailbox receptacle shall maintain a set back of not less than eight inches (8") as measured from the vertical projection of the edge of the graveled or paved roadway. The metal pipe or bar shall not exceed two inches (2") in diameter or two inches (2") on a side if rectangular. The wood post shall be square and not exceed four inches (4") on any side. The depth of the pipe, bar or wood post below grade shall not exceed twenty-four (24"). Private mailbox receptacles may be grouped upon one (1) support, not to exceed two (2) per grouping per property frontage.
- (C) Community mailboxes comprised of more than four (4) receptacles may be installed only at a location approved in writing by the Public Works Director or the City Council. Such mailboxes shall be provided by the U.S. Postal Service or be of a design approved by the U.S. Postal Service.
- (D) The supporting pipe, bar, or wooden post for private mail boxes and/or community mailboxes shall be securely planted in the soil with cement or asphalt surrounding the supporting pipe, bar or post. Barrels, cans, buckets, stones, masonry or any other similar above-ground receptacles or structures are prohibited.
- (E) Spikes, decorations, metal works or other items shall not protrude from the structure in a manner which creates an unreasonable risk of bodily injury or harm to pedestrians. No mailbox receptacle or supporting structure shall be installed in a manner or at a location which creates an unreasonable risk of bodily injury or harm to pedestrians or which impedes the safe and efficient flow of vehicular traffic, including, without limitation, snow plows, maintenance vehicles and sanitation trucks.
- (F) A permit for public right of way construction pursuant to section 8-3-2 of this Code shall not be required for the installation of a mailbox structure within the public right of way, provided such installation conforms to the provisions of this section.

- (G) All non-conforming, existing mailbox receptacles or supporting structures located within the public right of way shall be brought into conformity with the provisions of this section within one hundred twenty (120) days after the effective date of the ordinance adopting this section, except mailbox structures which do not comply with subsection (E) hereof shall be brought into conformity within ten (10) days after such effective date.

(Ord. 203-03-2016, 03/15/2016).

6-4-11: **PENALTIES.**

- (A) Any person who fails to perform his or her duty under Section 6-4-1 of this Chapter within the time frames set forth in Section 6-4-2 of this Chapter, shall be guilty of an infraction for every twenty-four (24) consecutive hour period of his or her failure to comply with the duty imposed by such sections.
- (B) Any person who violates Section 6-4-8 of this Chapter is guilty of an infraction for every twenty-four (24) consecutive hour period of his or her failure to comply with the duty imposed by such sections.
- (C) Any person who violates Section 6-4-9 of this Chapter is guilty of an infraction.

(Ord. 181-04-14, 3/25/2014); (Ord. 203-03-2016, 03/15/2016).