

Sidewalk Construction and Maintenance

An Ordinance providing for the construction, repair, and maintenance of sidewalks, and for the removal of obstructions therefrom, defining the manner in which sidewalks shall be constructed, repaired and maintained, and providing for the payment thereof and for the collection of costs of same by taxation or otherwise.

The City of Caspian ordains:

All sidewalks hereafter constructed within the City of Caspian shall conform to the grade, quality and specifications established by the City Manager.

The City Commission shall by resolution duly adopted at any meeting of the Commission and to be made of record in the minutes of the proceedings thereof, decide and declare where any sidewalks shall be constructed within the City, and make assessment for the cost of construction of any sidewalk, in accordance with the requirements of the City Charter.

In making any assessment with regard to the cost of construction of sidewalks within the City, the City may either assess costs of all materials to the property owner (s), or assess 50% of all costs related to the construction of a sidewalk, to the property owner(s) abutting same. After making an assessment of construction costs upon the property owner(s), the City may however, that the City may, at its discretion and option, await payment of the assessed amount before proceeding with the construction of the sidewalk. Nothing herein shall be construed to obligate the City to pay costs of sidewalk construction, unless the construction is ordered by the City pursuant to this Ordinance.

It shall be the duty of the owner or owners of the lots or premises abutting upon any of the streets of the City of Caspian upon which the sidewalks are in need of repair, to immediately cause the same to be put in repair and in proper condition, upon notice from the City Manager of the City of Caspian to that effect. If the owner or owners fail to repair sidewalks within 10 days of receiving notice to that effect, the City may proceed to make repairs assessments for the costs of repairs, as hereinbefore described. If such sidewalks are in such condition so as to require substantial replacement, the City may, in its discretion, undertake construction and make assessment for the costs of the construction, as provided in Sections 2 and 3 above. It shall be the duty of such owner or owners or occupant or occupants of the lots or premises abutting upon any of the streets of the City to keep such sidewalks free from any and all obstructions and to remove any and all obstructions from such sidewalks within forty-eight (48) hours after receipt of notice given by the City Manager of the City of Caspian, and in case of noncompliance with such notice, said official may move or cause to be moved, said obstruction, at the cost and expense of such owner or owners or occupant or occupants, which costs and expense may be collected by an action at law against the owner or owners or occupant or occupants, or which may be assessed against the property abutting such sidewalk or sidewalks and be collected according to law as other special assessments.

In case any sidewalks within Caspian hereafter to be constructed, maintained or repaired, are constructed, maintained, or repaired contrary to this Ordinance and the specifications then in effect, then and in such case said sidewalks shall be torn up by order of the Commission of said City and constructed according to this Ordinance, with tearing up, construction, and assessment of costs of construction to proceed as provided for construction in Sections 2 and 3 above.

Nothing herein shall be construed in any fashion to limit the right of the City of Caspian to subcontract construction, maintenance, or repair work with regard to sidewalks.

Nothing herein shall be construed as imposing any duties or obligations upon the City of Caspian with regard to sidewalk construction, repair, and/or maintenance.

Any person refusing, and/or neglecting to comply with any and/or all of the provisions of this ordinance shall be deemed to have committed a civil infraction, for which infraction the City may, in an action at law, collect all costs of sidewalk construction, repair, and/or maintenance, from that abutting owner and/or owners, including costs of materials and labor expended on said construction, repair, and/or maintenance, plus all costs of prosecution, plus a fine of \$25.00.

Codified April 29, 1986.