

Sec. 58-57. – Sidewalk, Curb, and Gutter improvements required as a result of certain new building construction and/or alterations exceeding \$150,000.00 in value or \$15,000.00 in value or exceeding 600 750 square feet in floor area.

- (a) Sidewalks, curbs and/or gutters shall be constructed, reconstructed or repaired when any commercial, multi-family, mixed use, or industrial property located within the corporate limits is improved, altered or modified by the construction, reconstruction, renovation, remodeling or repair of any type of building, structure, or parking facility exceeding \$150,000.00 in value or \$15,000.00 in value, or when such building to be constructed, reconstructed, renovated, remodeled or repaired exceeds 600 750 square feet in floor area, for which a building permit is required. The value threshold in this section shall be adjusted on an annual basis, on January 1st of each calendar year, according to the Engineering News-Record, Construction Cost Index. The requirements set forth in this section shall not apply to Single Family Residential or Duplex properties.
- (b) The public works director shall notify the applicant/qualifier for the building permit by noting on the approved plans that all sidewalks, curbs, and/or gutters adjacent to the lot or parcel to be improved, altered or modified, shall be constructed, reconstructed or repaired. Sidewalks, curbs and gutters shall be constructed in accordance with public works department standards. In the event that the surface of any sidewalk, curb and/or gutter is uneven, cracked, broken or marred, these portions of the sidewalk, curb and/or gutter shall be replaced by the applicant/qualifier.
- (c) The public works director is hereby directed to withhold or withdraw the certificate of occupancy or use until such sidewalk, curb and/or gutter are properly constructed, reconstructed or repaired as provided in subsections (a) and (b) of this section.
- (d) The public works director is hereby authorized to approve deferment of construction and allow variations and deviations from the above requirements of constructing, reconstructing or repairing the sidewalks, curbs and/or gutters, as he/she determines necessary, based on the conditions of the terrain and the existing sidewalk, curb and/or gutter, immediately adjacent to the property involved; provided that the property owner furnished the city with a properly executed covenant to run with the land in which the property owner agrees to construct or pay the cost of constructing the sidewalk, curb and/or gutter construction when such construction is required by the department of public works.
- (e) If the property owner fails to construct, reconstruct or repair the sidewalks, curbs and/or gutters as required by the public works department, the director of public works shall notify the applicant in writing that the applicant has 30 days in which to construct the sidewalks, curbs and/or gutters. If the sidewalk, curb and/or gutters are not constructed within the 30-day period, the public works director is authorized to cause the construction of the sidewalk, curb and/or gutter by either city personnel or by award of a contract under the provisions of this Code. An accounting of the total cost of sidewalks, curbs and/or gutters, certified by the director of public works, shall be recorded in the public records and thereafter shall constitute a lien against the property involved. The total cost shall include the construction cost, a ten percent fee for engineering services for the public works department, and any incidental expenses.

(Code 1958, § 28-25.1; Code 1991, § 22-55; Code 2006, § 54-89; Ord. No. 2765, § 1, 1-26-1988)