

CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

- 6-1-1: Sidewalks
6-1-2: Bicycles, Riding On Sidewalks

6-1-1: **SIDEWALKS:**

A. Construction:

1. Inspection; Order To Construct: The mayor shall, as soon as may be, inspect all sidewalks where any sidewalks are so damaged or defective as to require, in his judgment, the construction of a new walk, and, in all cases where there is no sidewalk, and in the judgment of the mayor a sidewalk is necessary, the mayor shall report such fact to the city council with his recommendations, and if, after considering such report and recommendation, the mayor and city council deem it necessary, they shall order such sidewalk to be constructed.

2. Notice To Property Owner: When any sidewalk is ordered to be constructed or reconstructed, under the provisions of this section, the city clerk shall, as soon as may be, serve notice, in writing, upon the property owner, or any resident agent of the property owner, directing such sidewalk to be constructed, or reconstructed of the materials and according to the specifications in force in the district where such walk is to be constructed, or reconstructed and describing the premises adjacent to which such construction is to be made. The service of such notice may be made by delivery of a copy thereof to the owner or his agent, or if neither is to be found within the city, by mailing a copy thereof to the owner at his last known address. Service by mail shall be deemed complete upon the expiration of five (5) days from the date of the mailing of such notice.

3. Failure To Comply; Work Done By City: If the work of building such sidewalk in accordance with the notice served by the city clerk is not begun within ten (10) days after the serving of such notice, or if, after having been begun, the same is not completed within a reasonable time thereafter, the city may thereupon proceed with said work and recover the cost thereof as hereinafter provided.
- B. Repairs: When any sidewalk within the city is in such condition, as in the judgment of the mayor, to require repairs to be made, the city clerk shall serve upon the owner or his agent written notice to make such repairs, describing the same in general terms, which notice may require the repairs to be made within such reasonable time, not exceeding ten (10) days after the service of such notice as may, in the opinion the mayor, be deemed necessary and, if such repairs be not made within the time required by such notice, the same shall thereupon be made by the city.
- C. Work Done By City; Costs:
1. Statement: Upon the completion of the construction or repairs, the costs thereof shall be paid out of any unappropriated monies in the general fund of the city, or such other fund as may be designated by the city council. As soon as may be thereafter, the city clerk shall serve upon the owner of such property, or his agent in the same manner as the notice to construct sidewalks is authorized to be served, an itemized statement of the costs of such construction, reconstruction or repair, and if the costs thereof be not paid within five (5) days after such service, the city clerk shall deliver a copy of such itemized statement to the city attorney who shall proceed to collect the same.
 2. Action By City Attorney: Upon the receiving of any such statement, the city attorney shall, as soon as may be, bring suit in any court having jurisdiction, for the recovery of the monies expended by the city in the construction, reconstruction or repair of sidewalk, or shall file a lien upon the property abutting upon such walk. Such lien shall be verified and shall be filed and foreclosed as in the case of other liens under the general laws of the state of Idaho and amendments which may hereafter be made thereto and, from the date or the filing of the same, the costs of such construction, maintenance and repair shall be and remain a lien upon the property described as in the case of other liens.
- D. Petition For Revocation Of Order: Any time after the service of the notice to construct, reconstruct or repair, as hereinbefore provided,

and before the expiration of the time specified therein, the owner or agent upon whom such service was made may appear before the mayor and city council at any general or special meeting and show cause why the order for such construction, reconstruction, or repair should be revoked. The city council shall hear and determine such application informally and such application shall not extend the period within which such work is to be begun unless otherwise ordered by the city council. (Ord. 32, 7-12-1954; amd. 2010 Code)

6-1-2: **BICYCLES, RIDING ON SIDEWALKS:**

- A. Prohibited: It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon the sidewalks within the city limits.

- B. Violation; Penalty: Every person violating this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 76, 10-12-1964; amd. 2010 Code)