

## Chapter 12.16 - SIDEWALK MAINTENANCE REPAIR AND CONSTRUCTION

### Sections:

#### 12.16.010 - Definitions.

"Deteriorated sidewalk" means any sidewalk that is heaved, cracked, spalled or broken as described in this section. The following conditions constitute deteriorated sidewalk:

1. Vertical separations equal to three-fourths inch ( $\frac{3}{4}$ " ) or more;
2. Horizontal separations equal to three-fourths inch ( $\frac{3}{4}$ " ) or more;
3. Holes or depressions equal to three-fourths inch ( $\frac{3}{4}$ " ) or more;
4. Spalling over fifty (50) percent of a single square or panel of sidewalk with one or more depressions equal to one-half inch ( $\frac{1}{2}$ " ) or more;
5. A single square or panel of sidewalk in such a manner that no part of it has a piece greater than one square foot, or is cracked in such a manner that it constitutes danger or potential danger to the public;
6. A sidewalk with any part of it missing to the full depth;
7. A deviation from the staked or constructed grade equal to three-fourths inch ( $\frac{3}{4}$ " ) or more;
8. A sidewalk covered in whole or in part with weeds or other plants, tree branches, garbage, junk, rubbish, debris, solid waste, bird or animal droppings or any nuisances, obstructions or hazards that make or tend to make pedestrian travel either dangerous or impractical.

"Extraordinary repairs" means sidewalk construction the cost of which exceeds ten (10) percent but is less than or equal to fifty (50) percent of the cost of laying a new concrete sidewalk over the same frontage in order to replace deteriorated sidewalk.

"Front or frontage" means the portion of a property which is adjacent to or traversed by a public way. For purposes of this chapter, each front or frontage of a corner lot is a separate frontage.

"New work" means sidewalk construction the cost of which exceeds fifty (50) percent of the cost of laying a new concrete sidewalk over the same frontage either to replace deteriorated sidewalk or to construct sidewalk at a location where none has existed before.

"Ordinary repairs" means sidewalk construction the cost of which is less than or equal to ten (10) percent of the cost of laying a new concrete sidewalk over the same frontage in order to replace deteriorated sidewalk.

"SID" means "Special Improvement District," as defined by applicable state law.

"Spalling" consists of breakup, crumbling, deterioration, etc. upon the surface of a sidewalk which creates an uneven surface and depression.

(Ord. 2005-03 (part): Ord. 2003-01(part))

#### 12.16.020 - Nuisance.

Deteriorated sidewalk and sidewalk covered in whole or in part with weeds or other plants, tree branches, garbage, junk, rubbish, debris, solid waste, bird or animal droppings or any nuisances, obstructions or hazards that make or tend to make pedestrian travel either dangerous or impractical are declared a public nuisance.

(Ord. 2005-03 (part): Ord. 2003-01(part))

12.16.030 - Duty to maintain and repair sidewalk.

- A. It shall be the duty of all persons to keep the sidewalks in front of the premises owned, occupied or controlled by them, as well as the land that lies between the back of the curb and the right-of-way on the side of the street on which their premises are located, in good repair, to repair any deteriorated sidewalk and to keep the public right-of-way free and clear of all weeds or other plants, tree branches, garbage, junk, rubbish, debris, solid waste, bird or animal droppings or any nuisances, obstructions or hazards that make or tend to make pedestrian travel either dangerous or impractical.
- B. The person shall notify the public works department of any deteriorated sidewalk on the front of the premises; the person shall take such temporary steps as needed to protect the public from any dangerous condition until the condition is repaired; and the person shall correct the problem utilizing any of the options provided in this section.
- C. Where deteriorated sidewalk is caused by a tree root or roots, the owner of the premises shall have the duty to repair the sidewalk, to remove the tree as provided in Section 12.52.060 or, if it can be safely done, and after consultation with the city's supervisor of trees, to cut the root.

(Ord. 2005-03 (part); Ord. 2003-01(part))

12.16.040 - Public works inspection.

It is the duty of the public works department to receive and act upon reports made by owners or others of deteriorated sidewalks or other dangerous conditions by performing an inspection, notifying property owners of repair options and causing necessary abatement or repairs to be made. In addition, the public works department shall be responsible to conduct a regular inspection of the condition of sidewalks throughout the city and to cause all deteriorated sidewalks and other dangerous sidewalk conditions to be abated or repaired in accordance with this chapter subject to the availability of funds.

(Ord. 2005-03 (part): Ord. 2003-01(part))

12.16.050 - Notice of extraordinary repairs.

When after inspection by the public works department, the public works director or designee determines that sidewalk requires extraordinary repairs, the property owner shall be notified that repairs are needed. The notice shall specify that the repairs have been determined to be extraordinary, as defined in this chapter, will set forth the owner's options to repair, in accordance with this chapter, and will provide the owner with an estimate of the costs of repair. The notice shall be served upon the owner of record as listed upon the tax records of Salt Lake County. Notice may be served by delivering the notice personally to the owner or by mailing the notice by certified mail, return receipt requested.

(Ord. 2005-03 (part); Ord. 2003-01(part))

12.16.060 - Extraordinary repairs, options and costs.

After notice is given to the property owner as required in Section 12.16.050, repair of the deteriorated sidewalk at the front of the premises, constituting extraordinary repairs, shall be accomplished as follows:

- A. If the property is an owner-occupied residence, the owner may employ a contractor or act as a contractor to make the required repair. The repair must be done according to city specifications, to the satisfaction of the city engineer. The owner shall first obtain a permit for the work. The work shall be completed within sixty (60) days of receiving notice from the city. Election by the owner to proceed under this subsection shall be voluntary and the repair costs shall not be deemed an assessment by the city.

- B. If the adjacent property is a single-family residence, the city may agree with the owner in a contract approved by the city, to share the cost of repair with the owner by way of a formula in which the city provides the labor needed to make the repair and the owner pays only for the cost of all materials needed. This formula is equivalent to the resulting benefit to the property. The city may either perform the labor or hire a contractor to perform the labor.
- C. When the property is a multiple-family dwelling, business or any use of property other than a single-family residence, the owner shall pay one hundred (100) percent of the cost of repair of the deteriorated sidewalk. This formula is equivalent to the resulting benefit to the property. At the option of the owner, the repair may be performed by a contractor hired by the owner or may be performed by the city. If done by a contractor, the work will be done to city specifications, to the satisfaction of the city engineer, after first obtaining the necessary permit and shall be completed within sixty (60) days of receiving notice from the city. If done by the city, payment for one hundred (100) percent of the work will be made before work commences.
- D. The owner of the property, regardless of the use of the property, may give a written consent to have the property included in a special improvement district.
- E. An owner's share of the costs of repair of deteriorated sidewalk shall be uniform and based upon the amount of the benefit conferred upon the property by the improvement. However, when the owner of a single-family residence has a combined family income at or below the levels established by the Department of Housing and Urban Development in its "Income Limits for Housing and Community Development, Section 8 Program for Salt Lake City and Ogden, Utah SMSA," as amended from time to time, the cost of the entire repair may be paid by the city, subject to the availability of funds budgeted by the city for this purpose. To participate in this option, the owner must make the proper application to the city
- F. The owner shall notify the public works department of the option selected within ten calendar days of receipt of the notice of the need for extraordinary repairs.
- G. This section shall not preclude payment being made by the city for repair of deteriorated sidewalk adjacent to the property of a single-family residence under special conditions, such as the city receiving a federal grant for repair or a low income abatement, as provided in subsection (D) of this section. Before making an agreement with a property owner or owners for the city to pay in excess of the cost of labor for the repair, the city shall, by executive order of the Mayor, first establish a policy concerning the percentage it will pay.

(Ord. 2005-03 (part): Ord. 2003-01(part))