

GRANGEVILLE CITY ORDINANCE NO. 949

AN ORDINANCE OF THE CITY OF GRANGEVILLE PROVIDING FOR THE AMENDMENT OF CHAPTER 1 OF TITLE 8 OF THE MUNICIPAL CODE OF THE CITY OF GRANGEVILLE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE ORDINANCE BECOMING EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GRANGEVILLE, IDAHO COUNTY, IDAHO, AS FOLLOWS:

Section 1: Chapter 1 of Title 8 of the Grangeville Municipal Code shall be renamed Sidewalks, Curbs and Gutters, and amended to read as follows:

8-1-1: SIDEWALK INSPECTION:

- A. The Public Works Director may inspect the condition of the sidewalks located in the City of Grangeville and may report to the Mayor and City Council when the construction of a new sidewalk is necessary. The Public Works Director may report to the Mayor and City Council also in all cases where there is no sidewalk and, where in his/her judgment, the construction of a new sidewalk is necessary. The City Council may, after considering the recommendation of the Public Works Director, order an existing sidewalk to be repaired or a new sidewalk constructed, according to the terms and conditions the City Council deems necessary.
- B. When any sidewalk is ordered to be constructed, reconstructed or repaired pursuant to the provisions of Section 8-1-1(A), the Public Works Director shall serve a notice in writing upon the property owner or any agent of the property owner, directing such sidewalk be constructed, reconstructed or repaired using the materials and according to the specifications in force, if any, in the zone where such sidewalk is to be constructed, reconstructed or repaired.

8-1-2: CITY COUNCIL MAY ORDER CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS; PROVIDING MANDATORY INSTALLATION REQUIREMENTS:

- A. For all construction valued in excess of seventy five thousand dollars (\$75,000.00), pursuant to the valuation formulas and rules set forth in the building code, and for which a building permit is required, the applicant for such building permit, before its issuance, shall provide reasonable plans for construction of and be required to install sidewalks, curbs, and gutters. Additionally, at the discretion of the City of Grangeville Public Works Director the applicant may be required to reconstruct and/or repair the existing sidewalks, curbs, and/or gutters, on the property. The City Council may waive the requirement for construction, reconstruction and/or repairs of

sidewalks, curbs, and gutters in any case where the council deems the construction, reconstruction and/or repairs of sidewalks, curbs, and/or gutters to be inappropriate or impractical on a petition for waiver being submitted to the city council in writing.

1. Residing, reroofing, and/or new windows when considered alone or in combination with each other, shall not be included in the calculated value of a building permit for purposes of the requirements of this section.
 2. The City shall provide within its building permit form notification to the applicant for a building permit of the sidewalk, curbs, and gutter requirements under this section.
- B. In all cases where sidewalks, curbs, and gutters have been required as a part of the building permit conditions set forth herein, the permittee or the property owner shall construct, reconstruct, or repair the sidewalks, curbs, and gutters within nine (9) months of the date of the application of such permit. In the event of abandonment of the principal project prior to the initiation of any construction, the requirements of this chapter shall be waived upon written notice to the City.
- C. In the event the permittee or property owner should fail to construct, reconstruct or repair the sidewalks, curbs, and/or gutters as required by this section, such permittee or property owner shall be subject to suit as follows:
1. The City shall first notify the permittee and/or the property owner of the failure to comply with the terms of the building permit, which notice shall demand the immediate commencement of performance and substantial completion of the construction, reconstruction or repair of sidewalks, curbs, and gutters within thirty (30) days of the date of such notice. Said notice shall be served either personally or by certified mail, return receipt requested.
 2. If substantial completion of the construction, reconstruction or repair of sidewalks, curbs, and gutters is not made within such thirty (30) days, then the City may file suit in the District Court for Idaho County seeking a court order for the completion of the requisite sidewalk, curb, and/or gutter construction, reconstruction, or repair.
 3. Alternatively, the City may elect to complete construction, reconstruction or repair of the sidewalk, curb, and/or gutters as set forth in Section 8-1-3 herein.

8-1-3: CITY AUTHORIZED TO DO WORK WHEN OWNER FAILS TO DO SO:

- A. In the event the permittee or property owner should fail to construct, reconstruct, or repair any sidewalk, curb or gutter as required in this Chapter, then the work may be performed by the City of Grangeville Public Works Director under the general

direction and supervision of the City Council. The property owner shall hold the City harmless from all suits, actions and damages of every nature resulting from such construction by the City.

- B. Upon the completion of the construction, reconstruction, or repairs as authorized in section 8-1-3(A) by the City, the cost thereof shall be paid out of any unappropriated money in the general fund of the City or such other fund as may be designated by the Mayor and City Council. The Public Works Director shall deliver to the owner of such property an itemized statement of the cost of such construction, reconstruction or repair. If the cost thereof remains unpaid, after five (5) days the Public Works Director shall deliver a copy of such itemized statement to the City Attorney, who shall proceed to collect the same.
- C. The City Attorney may bring suit in any court having jurisdiction for the recovery of money expended by the City in the construction, reconstruction or repair of any sidewalk, curb, or gutter and/or shall file a lien upon the property.

8-1-4: CONSTRUCTION TO GRADE REQUIRED:

All construction required by this Chapter shall be constructed to an established grade; provided, that a property owner desiring to construct any sidewalks by private subscription may obtain a permit from the City Council to construct such sidewalks upon specifications approved by the City Council.

8-1-5: SIDEWALKS TO BE MADE OF CEMENT; SPECIFICATIONS FOR CURBS AND GUTTERS:

All sidewalks required by this Chapter shall be constructed of cement in accordance with the specifications for such construction on file in the Office of the City Clerk. All curbs and gutters required by this Chapter shall be constructed under the direct supervision of the Public Works Director and in accordance with specifications on file in the Office of the City Clerk.

8-1-6: AMERICAN DISABILITY ACT COMPLIANCE REQUIRED:

All sidewalks, curbs, and gutters required by this Chapter must comply with the American Disability Act Accessibility Guidelines (ADAAG), and or the uniform federal accessibility standards (UFAS).

8-1-7: REMOVAL OF SNOW AND ICE FROM SIDEWALKS REQUIRED:

The owner of any premises abutting or adjoining any public sidewalk shall remove all snow and/or ice from such sidewalks. The City may give notice to any owner of any property located within the City to remove snow and/or ice by registered mail to the last known address of such property owner. The owner shall have not more than twenty four (24) hours from their receipt of

such notice to remove the snow and/or ice as set forth in said notice. Upon the failure of the property owner to comply with the provisions of this section, the City may remove such snow and/or ice and pay the cost thereof out of any unappropriated money in the general fund of the City or such other fund as may be designated by the Mayor and City Council. The Public Works Director shall deliver to the owner of such property an itemized statement of the cost of such snow and/or ice removal. If the cost thereof remains unpaid, after five (5) days the Public Works Director shall deliver a copy of such itemized statement to the City Attorney, who shall proceed to collect the same. The City Attorney may bring suit in any court having jurisdiction for the recovery of money expended by the City for the removal of the snow and/or ice and/or shall file a lien upon the property.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3: This ordinance shall become effective upon its passage, approval, and publication in the Idaho County Free Press.

This ordinance passed under a suspension of the rule requiring three readings on separate days at a regular meeting of the City Council held on the 6th day of July, 2021.

WES LESTER, Mayor

ATTEST:

TONYA KENNEDY, City Clerk