

CHAPTER 8
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Article 2. Sidewalks

§8-201 SIDEWALKS; MAINTENANCE.

It shall be unlawful for the owner or occupant of any lot or lots, or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. All sidewalks within the business district shall be cleaned within five (5) hours after the cessation of a storm, unless the storm or fall of snow takes place during the night, in which case the sidewalk shall be cleaned before eight-thirty o'clock (8:30) A.M. the following day. All sidewalks within the residential district shall be cleaned within twenty-four (24) hours after the cessation of a storm or fall of snow.

§8-202 SIDEWALKS; KEPT CLEAN; NOTICE.

If the requirements of City Code 8-201 are not complied with, notice to remove snow, sleet, mud, ice or other substance from any lot(s) or vacant lot(s) within the corporate limits shall be made to the occupant or owner. The notice shall be made by the Public Works Director or his/her agent either verbally, by telephone, posting, or mail service, and complete documentation on the notice given shall be maintained. The notice shall contain the location of the violation and the occupant or owner shall be allowed twenty-four (24) hours in which to comply. If the notice is not complied with, the Public Works Director or his/her agent shall order the substance removed from the sidewalks, and the cost, as adopted as City policy, will be assessed to the property. If the costs are not paid and are deemed delinquent, the Municipality may file a lien against the property and they shall be collected in the manner as provided by law.

§8-203 SIDEWALKS; MAINTENANCE.

Every owner of any lot, lots, or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots, or pieces of land, as the case may be, in good and proper repair, and in a condition reasonably safe for travel for all travelers thereon. In the event that the owner or owners of any lot, lots, or lands, abutting on any street, avenue, or part thereof shall fail to construct or repair any sidewalk in front of his, her, or their lot, lots, or lands, within the time and in the manner as directed and required herein after having received due notice to do so, they shall be liable for all damages or injury occasioned by reason of the defective or dangerous of the defective or dangerous condition of any sidewalk, and the Governing Body shall have power to cause any such sidewalks to be constructed or repaired and assess the costs thereof against such property.

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§8-204 SIDEWALKS; REPAIR.

The Public Works Director may require sidewalks of the Municipality to be repaired. Notice to the owners of property upon which such sidewalks in disrepair are located shall require within five (5) days from issuance notice said owners to make arrangements to have the sidewalk repaired. Said repairs shall be completed within thirty (30) days after issuance of said notice. No special assessment shall be levied against the property unless said owner shall neglect or refuse to repair within the time prescribed and in the event that such owner fails to repair, the Municipality shall cause the repairs to be made and assess the property owner the expense of such repairs. In the event the property owner is a nonresident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

§8-205 SIDEWALKS; CONSTRUCTION BY OWNER.

Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit. Said owner shall make application in writing for a permit and file such application in the office of the Public Works Director. The permit shall give a description of the lot, or piece of land along which the sidewalk is to be constructed. The Public Works Director shall issue the desired permit unless good cause shall appear why said permit should be denied; provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Public Works Director shall submit the application to the Governing Body who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed said sidewalk at any other location, grade, or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade, or elevation, and if there is no established grade, then on the grade or elevation indicated by the Public Works Director.

§8-206 SIDEWALKS; CONSTRUCTION; MATERIALS TO BE USED.

All sidewalks, on either side of the streets and avenues of this City, in front of or along any lot, lots or lands abutting upon the same, which shall be hereinafter constructed, reconstructed or replaced, shall be of concrete.

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No person shall construct, reconstruct or replace any sidewalk of any other material within the limits of this City without the written permission of the Mayor and Council.

§8-207 SIDEWALKS; WIDTH AND DISTANCE FROM LOT LINE.

All sidewalks shall be of such width as the Mayor and Council in each case by resolution fix. Sidewalks shall be located at a distance of eighteen inches (18") from the lot line, unless otherwise authorized by the Mayor and Council. Whenever possible they shall correspond in width to sidewalks already built to which they are adjacent or adjoin.

§8-208 SIDEWALKS; MANNER OF CONSTRUCTION.

- (1) All concrete sidewalks shall be constructed according to the following specifications:
 - (a) Cement. The cement shall be a standard Portland cement.
 - (b) Water. The water shall be clean, free from oil, acid, strong alkalis or vegetable matter.
 - (c) Sand. The sand shall be clean, coarse, hard, durable, free from loam, vegetable or other deleterious matter.
 - (d) Sub-base. The sub-base shall consist of a layer of sand one inch (1") thick, well tamped.
 - (e) Sub-grade. All soft or spongy places shall be removed, and all depressions filled with suitable material, which shall be thoroughly compacted by flooding and tamping in layers not exceeding six inches (6") in thickness.
 - (f) Deep Fills. When a fill exceeding one foot (1') in thickness is required to bring the walk to grade, it shall be made in a manner satisfactory to the Commissioner. The top of all fills shall extend beyond the walk on each side at least one foot (1'), and the sides shall have a slope of not less than one to one and one half (1 to 1 1/2).
 - (g) Proportions of Materials. The proportions shall not exceed one (1) part cement and four (4) parts of gravel and sand. All sidewalks shall be float-finished.
 - (h) Measuring. The method of measuring the materials for the concrete, including water, shall be one which will insure separate uniform proportions at all times.
 - (i) Mixing. The ingredients of the concrete shall be thoroughly mixed dry, sufficient water added to obtain the desired consistency, and mixing continued until the materials are uniformly distributed and the mass is uniform in color and homogeneous.

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- (j) Slabs. The slabs shall be four feet (4') square, except in the business district, where the size of the slabs shall be determined by the Street Commissioner before the construction of the walk.
 - (k) Thickness. The thickness of the slabs for the Residential District shall not be less than four inches (4") and for the Business District not less than five inches (5").
- (2) Sidewalks shall be laid upon a grade of one-fourth (1/4) of an inch to the foot above the curb grade, unless otherwise authorized by the Mayor and Council. All sidewalks shall conform to the specifications adopted by the City as to the quality of work and materials. The whole work of grading and laying of said sidewalk, whether done by the City, or by the owner of the respective lot, lots, or parcels of land abutting upon the same, shall be under the supervision of the Public Works Director, and subject to his approval. All sidewalks shall conform to the grade, where established, and on streets where no grade is yet established, then on a grade established by the Engineer or Public Works Director with relation to the particular points between which said sidewalk is to be built. The Public Works Director shall assist the Engineer in establishing grades on streets where the same have not yet been run.
- (3) Sidewalks shall be built on a grade or level with the surface of the ground as near as can be. When ordered by the Council, any property owner shall rebuild or reconstruct his sidewalk to conform to the grade thus established. It shall be the duty of the Engineer to furnish sidewalk grade when requested by the Public Works Director.

§8-209 SIDEWALKS AND DRIVEWAYS; EXPANSION JOINTS.

All concrete sidewalks and driveways hereafter constructed, reconstructed or repaired within the limits of the City, that shall abut on City streets with concrete curbing or pavement shall be constructed with, of one inch (1") between sidewalk and concrete a minimum expansion joint, of approved design and materials curbing, or pavement, and a minimum expansion joint, of approved design and materials, of one inch (1") between driveway and curb or apron, which shall be located a minimum distance of four feet (4') from the edge of pavement or street and a maximum distance from edge of pavement or street of ten feet (10'), or at the edge of existing sidewalk, where such exists at a lesser distance from the edge of pavement or street.

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§8-210 SIDEWALKS; CONSTRUCTION NOT IN ACCORDANCE WITH REGULATIONS.

In case any lot owner or the owners of a piece of land within the corporate limits of this City, under notice given or otherwise, shall construct a sidewalk in violation of this Article, the Public Works Director may stop the work of such construction and order the same to be constructed in accordance with said Article and the work already done to be changed, and on the failure of such owner to change any such work, the Public Works Director or other officer shall forthwith change said work, and the expense of the same shall be assessed and taxed to said lot and collected as if taxed, as provided by law.

§8-211 SIDEWALKS; MUNICIPAL CONSTRUCTION.

- (1) The Governing Body may, by resolution, order the construction of a sidewalk on any lot or piece of ground within the Municipality. Notice of the Governing Body's intention to construct said sidewalk shall be given by the Municipal Clerk by publication of notice one (1) time in a legal newspaper of general circulation in the Municipality.
- (2) A copy of said notice shall be personally served upon the occupant in possession of such property, or, when personal service is not possible, said notice shall be posted upon such premise ten (10) days prior to the commencement of construction. The notice required in this Section shall be prepared by the Municipal Attorney in accordance with the provisions of this Section. Such service shall include a form of return evidencing personal service or posting as herein required.
- (3) Said notice shall notify the owner of the premise of the passage of the resolution ordering him to construct or cause to be constructed a sidewalk within thirty (30) days after the date of publication and further that if he fails to construct the sidewalk or cause the same to be done within the time allowed, the Municipality will cause the sidewalk to be constructed and the cost thereof shall be levied and assessed as a special tax against the premise; provided, the notice shall contain the official estimate of the cost of said construction and no special assessment in excess of this estimate shall be assessed against the property. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident property owner. The last known address shall

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be that address listed on the current tax rolls at the time such required notice was first published.

§8-212 SIDEWALKS; MUNICIPAL CONSTRUCTION; COST OF INTERSECTIONS.

In case of corner lots, such lots shall not be charged with the costs of so much additional walk between the outer edge of the sidewalk line and the curb line as was required to be laid for the intersections of the walks abutting the frontage of such lots, but such work of construction shall be done by the City, unless otherwise ordered by the Mayor and Council. The City shall construct all crossings and crosswalks from curb line to curb line in all streets.

The cost of the construction, widening or rebuilding of any sidewalks shall be levied upon the lot or lots or parcel of ground fronting and adjoining which such sidewalks are laid, widened or rebuilt by resolution, which resolution shall specify the street upon which such walk has been so constructed, widened or rebuilt, the length and width of each walk constructed, widened or rebuilt fronting on any lot or piece of ground. Such assessment shall be made by the Council at a special meeting by resolution, fixing the valuation of the lots assessed, taking into account the benefits derived, or injuries sustained, in consequence of such improvements, and the amount charged against the same, which, with the vote thereon, by "yeas" and "nays," shall be spread upon the minutes. Notice of the time and place of holding such meeting and the purpose for which it is to be held shall be published in a legal newspaper published and in general circulation in the City, at least four (4) weeks before the same shall be held, or in lieu thereof, personal service may be made upon the person owning the property to be assessed. All such assessments shall be known as "Special Assessments for Improvement" and shall be levied and collected as a separate tax in addition to the tax for general purposes to be placed upon the tax roll for collection, subject to the same penalties and collected in like manner as other City taxes. Whenever any such special tax is levied, the Clerk shall forthwith deliver a certified copy of such resolution to the County Clerk who shall place the same on the tax list to be collected by law as in such cases made and provided.

§8-213 SIDEWALKS; PERMITTED ENCROACHMENTS AND OBSTRUCTIONS; REQUIREMENTS; RENEWAL.

- (1) No encroachment or obstruction of any kind, except those of a temporary nature due to loading or unloading, are allowed upon any sidewalk located on any public right-of-way unless a permit for the encroachment or obstruction is applied for and granted by the City. Permits issued pursuant to this section are a

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unique, personal privilege and may not be transferred to another legal entity or location. Permit holders do not acquire any right, title, or interest in the space permitted to be used.

- (2) Except for sidewalk café permits, no sidewalk right-of-way permit shall be issued unless the following requirements are met:
- (a) Such encroachment or obstruction shall not pose a hazard to pedestrians or others using the sidewalk.
 - (b) Such encroachment or obstruction shall not hinder or interfere with the normal use of the sidewalk by pedestrians or others.
 - (c) No more than thirty percent (30%) of the sidewalk is obstructed at any one time and the unobstructed area of the sidewalk is, in any Commercial or Industrial District, at least six feet wide or, in any Residential District, at least four feet wide.
 - (d) Proof of liability insurance naming the City of Crete as an additional insured is provided under such terms and in such amounts as reasonably determined by the City.
 - (e) Any other special requirements as determined by the City that are reasonably related to special conditions of the property or to the specific use or design of the building, structure, or property.
- (3) All sidewalk right-of-way permits shall expire on the thirtieth day of September following issuance. Annual renewals of such permits may be made for one year by application to the City, and all permit fees shall be due and payable on the first day of October of each year.

(Ord. 1609 (2004); Ord. 2110 (2020))

§8-214 SIDEWALKS; SIDEWALK CAFÉS.

- (1) The record owners of commercial or mixed use property abutting sidewalk right-of-way in areas zoned C-1 Central Commercial District may apply for and obtain a permit to use so much of the sidewalk right-of-way abutting their property as the City determines is not needed for the use of the general public for sidewalk cafés. Any record owner that desires to authorize another to occupy the sidewalk right-of-way shall file with the City a copy of the lease or other agreement covering the abutting property prior to the issuance of the permit. Permits issued pursuant to this section are a unique, personal

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privilege and may not be transferred to another legal entity or location. Permit holders do not acquire any right, title, or interest in the space permitted to be used.

- (2) Application for a sidewalk café permit shall be made to the City upon a form to be furnished by the City, which application shall include all of the information and any plans or drawings required by the City. Incomplete applications shall not be considered until all deficiencies are remedied to the satisfaction of the City.
- (3) The use of sidewalk right-of-way for a sidewalk café shall continually conform with the requirements of this section and any applicable standards imposed by ordinance, resolution, or order of the City Council, including, but not limited to:
 - (a) A clear, unobstructed passageway not less than five feet in width shall be maintained between the sidewalk café area and the curb line, unless the City shall find special circumstances involving site characteristics or the flow of pedestrian traffic that requires a passageway greater than five feet.
 - (b) Except for permit areas that are not intended for exclusive use, the permit area shall be separated from the pedestrian passageway with a fence or other rigid barrier that meets the specifications required by the City.
 - (c) All umbrellas, canopies, or similar devices and all furnishings, including the number and type of tables and chairs to be provided, are subject to approval by the City and may not be modified or substituted.
 - (d) The permit area shall be kept clean and free of any litter deposited on or in the vicinity of it and any fixtures or furniture contained therein shall be kept and maintained in good condition.
 - (e) The permit holder shall conduct all activities within the permit area in an orderly fashion and in such a manner as to protect the public health and safety and shall comply with all health, sanitation, and building safety regulations.
- (4) All permit holders shall be required to obtain and maintain public liability insurance in the form of a commercial or comprehensive general liability policy naming the City as an additional insured under such terms and in such amounts as reasonably determined by the City.

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- (5) Any person issued a sidewalk café permit shall pay to the City an annual permit fee in an amount determined by the City Council. All sidewalk café permits shall expire on the thirtieth day of September following issuance. Annual renewals of such permits may be made for one year by application to the City, and all permit fees shall be due and payable on the first day of October of each year.
 - (6) Any sidewalk café permit may be suspended or revoked by the City after due notice for any of the following causes:
 - (a) Fraud, misrepresentation, or false statements contained in the permit application.
 - (b) Violation of any of the provisions of this section, the requirements imposed by the City, or any other local, state, or federal law.
 - (c) Conducting business in an unlawful manner or in such a way as to constitute a menace to the health or safety of the public.
 - (d) Upon demand of the City Council.
- (Ord. 2110 (2020))*