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ORDINANCE NO. 489

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND REPAIR OF SIDEWALKS IN THE CITY OF PAYETTE; AUTHORIZING THE CITY COUNCIL TO CONDEMN EXISTING SIDEWALKS AND TO ORDER REPAIR AND/OR CONSTRUCTION OF SIDEWALKS; PROVIDING METHOD AND PROCEEDURE FOR ORDERING REPAIR AND CONSTRUCTION OF SIDEWALKS; PROVIDING THAT ORDER OF THE COUNCIL IS FINAL; AUTHORIZING THE CITY COUNCIL TO REPAIR OR CONSTRUCT SIDEWALKS IF OWNERS FAIL; PROVIDING THAT ESTIMATES OF COSTS OF REPAIR OR CONSTRUCTION SHALL BE FURNISHED BY THE CITY ENGINEER; MAKING THE COST OF REPAIR AND CONSTRUCTION OF SIDEWALKS A LEGAL CLAIM AGAINST THE CITY; REQUIRING THE CITY ENGINEER AND CITY CLERK TO KEEP RECORDS OF COSTS OF REPAIR AND/OR CONSTRUCTION OF SIDEWALKS AND MAKING SUCH COSTS A LIEN AGAINST THE PROPERTY OF THE OWNER; REQUIRING CITY CLERK TO GIVE NOTICE OF LIEN AND PROVIDING THAT COSTS MAY BE COLLECTED AS OTHER MUNICIPAL TAXES; REQUIRING THAT ALL SIDEWALKS REPAIR OR CONSTRUCTION SHALL CONFORM TO SPECIFICATIONS; PROVIDING FOR THE ESTABLISHMENT OF LINES AND GRADES; PROVIDING THAT ALL SIDEWALKS SHALL BE OF CONCRETE; PROVIDING THAT ALL SIDEWALKS REPAIRED OR CONSTRUCTED SHALL BE SO REPAIRED AND/OR CONSTRUCTED UNDER THE SUPERVISION OF THE CITY ENGINEER; PROVIDING THAT SIDEWALKS NOT CONFORMING TO ORDINANCES AND SPECIFICATIONS MAY BE REBUILT OR REPAIRED; FIXING STANDARD SPECIFICATIONS FOR REPAIR AND CONSTRUCTION OF SIDEWALKS AND CURBS; PROVIDING FOR THE ESTABLISHMENT OF THE WIDTH OF SIDEWALKS; MAKING IT UNLAWFUL TO INJURE OR DEFACE SIDEWALKS, CURBING OR PAVING; PROHIBITING OBSTRUCTION OF SIDEWALKS, CURBS, PARKING STRIPS, STREETS OR ALLEYS; PROHIBITING THE TAKING DOWN OR REMOVING OF ANY BARRICADE; REQUIRING OWNERS TO MAINTAIN PARKING STRIPS BETWEEN SIDEWALKS AND CURBS MAKING IT UNLAWFUL TO DEFACE, MARK OR HIT CH ANIMALS OR PLACE PLACARDS ON ANY TREE, POLE OR HYDRANTS ON ANY PARKING STRIP; REPEALING SECTIONS 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 AND 279 OF THE GENERAL ORDINANCES OF THE CITY OF PAYETTE, 1920 BEING SECTIONS 1, 2, 3, 4, 5, 6, 7, 8 AND 9 OF ORDINANCES 156 AND SECTIONS 1, 2, 3, 4 AND 5 OF ORDINANCE 178 AND SECTIONS 1, 2, 3 AND 4 OF ORDINANCE 206 ALL RELATING TO THE REPAIR AND CONSTRUCTION OF SIDEWALKS.

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BE IT ORDAINED BY THE MAJOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO:

Section 1. Right of Condemning. Every sidewalk within the corporate limits of the City of Payette which is not on the grade or line fixed or which may hereafter be fixed by the City Council, or which is in a bad state of repair, or which is or may be dangerous to pedestrians using the same, may be declared a nuisance by the Mayor and City Council and be condemned in the manner set forth herein.

Section 2. Right to Order Construction. The construction of new sidewalks where none exist may be ordered in the same manner as is herein provided for the replacement or repair of old sidewalks, in cases where the convenience or safety of the public render the construction of a sidewalk advisable.

Section 3. Committee to File Report of Intention to Order Construction or Repair. Whenever the committee on streets, alleys and sidewalks of the City Council shall deem the removal, repair or reconstruction of old sidewalks or the construction of new sidewalks to be advisable, it shall file with the City Clerk, in writing, a report so certifying, which report shall state:

(a) If a sidewalk exists, the reason or reasons why the same should be repaired, reconstructed, or replaced with a new walk.

(b) If no sidewalk exists, the reason why the construction of a walk is advisable.

(c) The legal description of each lot, parcel or tract of land abutting, fronting or contiguous to the proposed sidewalk.

(d) The name and last known address of the owner of each such lot, parcel or tract of land.

(e) Whether any existing sidewalk shall be repaired, or a new walk constructed in its place.

(f) The amount or proportion of the expense of such repair, construction or reconstruction which will fairly measure the special benefit accruing to the owner of such abutting property.

Section 4. Council to Pass on Report. The City Council may, upon the presentation of such report pass a motion or resolution indicating its intention to repair or construct new sidewalks and/or remove old sidewalks which said resolution shall specify the amount or proportion of the expense of such improvement proposed to be assessed against the abutting property, and shall fix a time and place, not less than ten days, for the hearing of protests against the proposed improvement.

Section 5. Clerk to Give Notice of Hearing. The City Clerk shall issue a notice to each property owner, setting forth the time and place for such hearing and stating the general character of the proposed

improvement as outlined in the committee's report and the resolution of the Council, insofar as the same affects the individual property owner to whom the notice is directed, and shall cause the said notice to be served upon each property owner at least ten days before the time set for the hearing upon the same, in the following manner, to-wit:

(a) If the owner or owners in whose name the property stands on the county records can be found within the City of Payette, by personal service.

(b) If the owner or owners cannot be found within the City of Payette, then upon any agent of the owner that can be found within the City of Payette, by personal service.

(c) If neither owner nor agent can be found within the City of Payette, then upon the tenant or occupant of the premises, by personal service.

(d) If neither owner, agent or tenant can be found within the City of Payette, then by mailing a copy of said notice to such property owner at his last known address, by registered mail, or if no address is known, addressed to such property owner at Payette, Idaho.

(e) If the name of the owner is not known, by publication in one issue of the official newspaper of the City of Payette.

Section 6. Conduct of Hearing. At the time and place fixed by said motion and notice for such hearing, a hearing shall be held before the City Council to determine whether or not existing sidewalk should be condemned, and whether new sidewalk should be constructed, or old sidewalk repaired. Testimony shall be adduced and any property owner or other person in interest may be heard. The proceedings shall be informal.

Section 7. Council to Issue Order. The Council shall, at the conclusion of such hearing, make such order as it deems appropriate. If old sidewalk is condemned, the resolution embodying such order shall so state, and shall order the property owner to remove the same within such

been filed with the City Clerk. The work may be done by the City by day labor, or by contract. No contract shall be entered into for an amount exceeding the estimate of the City Engineer. If the work is done by contract, the contract shall be let upon competitive bids after not less than five days published notice. The work shall be done under the supervision of the overseer of streets and of the City Engineer.

Section 11. Cost of Work Legal Claim Against City. The costs and expense of all work done by or on behalf of the City of Payette pursuant to Section 10, whether by contract or day labor, shall be a legal charge against the City of Payette.

Section 12. City Engineer to Keep Record of Cost. The City Engineer shall keep a true and accurate record of the cost and expense of the work done and performed by virtue of Section 10, and shall file with the City Clerk a statement of the cost and expense chargeable against each property owner, which said statement shall state separately, as to each owner:

- (a) The description of the lot, lots or tract to which the estimate pertains.
- (b) The cost of the material.
- (c) The cost of labor.
- (d) The cost of supervision, including the pro-rata portion of any per diem or other compensation due to the City Engineer.
- (e) The cost and expense of serving any notice herein required to be served, and collecting the assessment.
- (f) The amount or proportion of the total cost which the council has ordered assessed against the property.

period as the Council may deem reasonable, not less, however, than two days. If the repair of an existing sidewalk be ordered, the nature of the repairs shall be set forth, and the property owners shall be ordered to make such repairs within such period as the Council may deem reasonable, not less, however, than two days. Provided, however, that if the Council finds that any sidewalk constitutes an immediate hazard to the safety of pedestrians using the same, the removal or repair of the existing sidewalk may be ordered to be done forthwith, either by the property owner or by the City. If the construction of a new walk be ordered, the property owner may be ordered to complete the construction of the same within such period as the council may deem reasonable, not less, however, than twenty days. Further, the City Engineer shall be required to estimate the cost of each and all of the proposed improvements and repairs.

Section 8. Council Order Final. The order made upon such hearing shall be final and binding, subject only to the right of any person aggrieved to appeal to the district court of the state of Idaho within twenty days from the time said order is entered.

Section 9. City to Construct or Repair if Owner Fails. If the property owner shall fail, neglect or refuse to remove old sidewalk, repair old sidewalk, or construct new sidewalk as required by said order, then the City of Payette may proceed to remove, repair or construct the same at any time within a period of one year from the date on which the property owner was ordered to have completed such work, and the cost and expense of such work, or such amount or proportion thereof as the Council deems just, shall be assessed against the property as herein provided.

Section 10. City Engineer to File Estimates. No work shall be done by the City of Payette until the estimates of the City Engineer have

Section 13. City Clerk to Keep Record of Costs. The City Clerk shall enter the information contained in the engineer's report in a book to be kept for that purpose, and from the date of such entry, the amount of such expense chargeable against the property shall be and constitute a lien upon the premises and property therein described prior to all other liens, except general taxes.

Section 14. Notice of Lien to Owner. Within five days after entering such liens, the City Clerk shall mail a notice of the total amount of the lien, together with a description of the property, to the owner of the property at his last known address, or if the owner is not known, to his agent, or if no agent is known, then to the tenant or occupant of the premises. Within ten days after the mailing of such notice, any party in interest may file with the City Clerk a written protest against said assessment. If a protest is made, the City Council shall fix a time and place for hearing the same, give reasonable notice of such hearing to the party protesting, and may upon such hearing revise, reform or correct such assessment, and approve the same as corrected. If no protest is made, the assessment shall be approved and confirmed by the Council as entered by the Clerk. An order confirming any assessment hereunder shall be subject to an appeal to the courts within twenty days from the date of the order. No appeal shall lie thereafter.

Section 15. Costs May be Collected as Taxes. Such assessments may be collected as other municipal taxes and assessments are collected, and may be certified to the county tax collector for collection and be entered upon the tax rolls, or the City of Payette may collect the same by a civil suit, or by an action to foreclose its assessment lien in any court of competent jurisdiction with all such legal rights and remedies as may now be or hereafter permitted by law. The City's cause

of action shall be deemed to have accrued upon the confirmation of said assessment as is set forth in Section 14. Such assessments, if certified to the county tax collector for collection shall draw interest and penalties for non-payment at the rate now or hereafter specified for non-payment of general taxes, and if not so certified to the county tax collector, shall draw interest at the rate of six per cent (6%) per annum from the date of confirmation of said assessment until paid.

Section 16. Construction to Conform to Specifications. All sidewalk construction herein contemplated, whether by the City or property owners, shall conform to such specifications as are now prescribed by ordinance or other regulation by the City of Payette, and of the State of Idaho, or may hereafter be prescribed.

Section 17. Establishment of Line and Grade. Persons desiring to construct walks or curbs shall make written application to the City Clerk, upon blanks supplied by the City, for the establishment of line and grade. This application shall state the exact location of the proposed construction, the name of the person applying, the name of the firm or individual doing the work and the date on which it is desired to start construction. The City Clerk shall deliver the application to the City Engineer without delay. The City Engineer shall establish the desired line and grade at the earliest possible date, and shall notify the applicant when said work will be completed.

Section 18. All sidewalks hereafter built within the corporate limits of the City of Payette, shall be constructed of concrete.

Section 19. Supervision of Construction. Provided, that all sidewalks and curbs constructed within the corporate limits of the City of Payette shall be constructed under the supervision of and subject to the inspection of the City Engineer and the street authority committee and in conformity with the standard specifications herewith outlined in this

ordinance and the lines and grades laid out on the ground by said Engineer. Stakes set by said City Engineer shall be preserved by the owner and the contractor doing the work.

Section 20. Non-conformity to Ordinance. Provided that where sidewalks or curbs have been constructed or repaired without first having obtained a grade and line therefor from the City Engineer, or where the same have not been constructed in conformity with the established grade and line or not in conformity with the standard specifications of the City of Payette relative to concrete sidewalks and curbs, said sidewalks and curbs shall be rebuilt or repaired at the owner's expense to so conform as provided in Ordinance Number 21.

Section 21. Standard Specifications. The Standard Specifications governing the construction of concrete sidewalks and curbs in the City of Payette shall be as follows, to-wit:

CONCRETE SIDEWALKS AND CURBS

1. Cement. All cement used in the construction of concrete sidewalks and curbs shall be of some well known and reliable brand and shall conform to the Standard Specifications of the American Society of Testing Materials.

2. Sand, Gravel or Crushed Rock. All sand, gravel or crushed rock used in the construction of concrete sidewalks and curbs shall be clean and well graded within the sizes stipulated. All fine aggregate shall be clean sand or rock screenings - passing a $\frac{1}{4}$ inch screen. Coarse aggregate shall be crushed rock or gravel. For sidewalk construction the coarse aggregate shall be retained on a $\frac{1}{2}$ inch screen.

3. Foundation. The space over which the sidewalk or curb is to be built shall be excavated to the proper subgrade and thoroughly compacted by rolling, ramming or tamping. To assure a subgrade of uniform bearing power all soft and spongy places must be dug out and the holes filled with solid material, thoroughly tamped, and exceptionally hard compacted spots must be loosened and tamped. Fills must be packed

solidly. Material for fills shall be placed and tamped in 6 inch layers. Muck, soft clay or spongy or perishable material shall not be used for fills. The tops of all fills shall be extended out level at least one foot beyond the edges of the sidewalk or curb and then sloped. Subgrades shall be drained by tile where necessary. The finished subgrade shall have a uniform surface.

4. Mixing. Concrete shall be mixed in a batch mixer of approved type and capacity. The mixing must continue for a full minute after all materials are in the drum. Sufficient water shall be added to the dry materials to insure a concrete that works readily and does not honeycomb but not enough that an excess amount of water comes to the top of the concrete after being placed in the form. The quantity used should range between 4 gallons per sack of cement, when both sand and gravel are wet, and 6 gallons when both are dry. The drum must be completely emptied before receiving the materials for the succeeding batch. When it is necessary to mix by hand, the cement, fine aggregate and coarse aggregate shall be mixed dry on a watertight platform until the mass is of uniform color. Water is then added and the whole mass mixed to a smooth, plastic mortar.

CONCRETE WALKS

5. Type and Dimensions. All concrete sidewalks and crosswalks shall be of the type commonly known as one course. All sidewalks shall be of the width designated by ordinance and full four inches in depth. The top width of all crosswalks shall conform to the width of abutting sidewalks. In addition, an additional sloping apron one foot in width shall be built on either or both sides of the crosswalk where deemed necessary by the City Engineer. All crosswalks shall have a full depth of at least six inches.

6. Proportions. The concrete shall be mixed as follows: one (1) part Portland cement, two (2) parts sand and three (3) parts crushed rock or gravel. The relative proportions of sand and gravel can be varied to obtain the best mix but the proportion of one (1) part of cement to five (5) parts of aggregate must be maintained. The proportions shall be measured by volume on the basis that one sack of cement contains one cubic foot. All materials must be accurately measured. A measuring box shall be kept on the job for the purpose of checking measurements.

7. Forms. Sidewalk forms may be of wood or metal. They must be held firmly to line and grade with the upper edge of the form corresponding to the finished grade of the walk. Form shall be of such size that the finished walk shall have a full depth of four inches. When forms are in place a template shall be passed over the tops of the forms for the purpose of checking the elevation and uniformity of the subgrade. Unless changed by the Engineer the forms shall be set to allow for a cross slope of the walk of $\frac{1}{4}$ inch to the foot toward the curb.

8. Joints. Expansion joints shall be placed at intervals of about 50 feet throughout the length of the walk. They shall consist of strips of premoulded bituminous material $\frac{1}{2}$ inch thick and as wide as the thickness of the sidewalk. Where walks end against curbs, a $\frac{1}{2}$ inch expansion joint must be installed to prevent the walk from breaking or overturning the curb. When the sidewalk fills the space between the curb and the building or a wall, a $\frac{1}{4}$ inch expansion joint shall be placed between the sidewalk and the curb or between the sidewalk and the building or wall.

9. Placing. The concrete after being placed in the forms shall be tamped and struck off with a template riding on the side forms.

The material shall be placed a little high so that the template will compress the concrete and bring it to the required elevation and contour. Retempering of concrete will not be permitted. No concrete shall be laid when the temperature at any time of the day or night falls below 36 degrees F.

10. Finishing. After the concrete has been struck off with the template it is smoothed with the float, leveling high spots and filling depressions and working the excess water over the side forms. The surface will then be thoroughly worked with a wooden float to a uniform but roughened surface. The wearing surface must by then be creased or grooved in squares to the width of the walk, a crease to be directly over an expansion joint. To allow for contraction every third crease of the walk shall be cut down through the concrete as far as possible. The edges of the walk and where the same abutts on the curbs shall be smoothed and slightly rounded with an edger. Grooves in wide walks shall conform to grooves of abutting walks in so far as possible.

11. Curing. After the walk is finished it shall be protected from the elements, if necessary, by the placing of canvas, burlap, sand or earth on the surface. The surface shall be kept well wet for at least forty-eight (48) hours and then be sprinkled or wet down at necessary intervals for an additional five days.

12. Removing Forms. Forms shall not be removed until the wearing surface is sufficiently set to preclude injury to the same by such removal. Dirt backfill placed against the sidewalls of the walk after the removal of the forms shall be kept damp during the time of curing.

CONCRETE CURB

13. Type and Dimension. All concrete shall be of one mixture throughout. The curb shall be six (6) inches in width at the top, eleven (11) inches in width at the bottom and fifteen (15) inches in depth

edger. As soon as possible the form boards shall be removed and the front face of the curb floated to a uniform but slightly roughened surface. The front face of the curb shall be marked off with a jointer in lengths of five (5) feet. Retempering of concrete will not be permitted. No concrete shall be poured when the temperature at any time falls below 36 degrees F.

18. Curing. After the curb is finished it shall be protected from the elements. As soon as possible the curb shall be wet down and shall be sprinkled or wet down at necessary intervals for a period of seven days.

Section 22. All sidewalks laid within the corporate limits of the City of Payette, under the provisions of ordinances of said city, shall conform in width and distance from property line established on the street where such work is to be done; provided, however, that in the construction of new sidewalks the city council shall, by ordinance, establish the width of such new sidewalks and the distance they are to be constructed from the property line, and provided, further, that the width of any sidewalks to be constructed or repaired may, be changed by the City Council, by ordinance.

Section 23. Injuring or Defacing. Any person, firm or corporation who shall injure or impair or mark or deface, or cause to be injured or impaired, marked or defaced, any sidewalk, curbing or paving surface of any street or alley shall be deemed guilty of a misdemeanor.

Section 24. Obstruction. Any person, firm or corporation who shall obstruct or cause to be obstructed any of the sidewalks, curbs, parking strips, streets or alleys of the City of Payette, without the written permission of the commissioner of streets, which permission shall specify the time such obstruction shall continue, shall be deemed guilty of a misdemeanor.

with equal batter on both sides. The edge of the curb next to the street shall be rounded to a radius of one (1) inch.

14. Proportions. The concrete shall be mixed as follows: one (1) part of Portland cement, two (2) parts sand and three (3) parts crushed rock or gravel. The relative proportions of sand and gravel can be varied to obtain the best mix but the proportion of one (1) part of cement to seven and one-half ($7\frac{1}{2}$) parts of aggregate must be maintained. The proportions shall be measured by volume on the basis that one sack of cement contains one cubic foot. All the materials must be accurately measured. A measuring box shall be kept on the job for the purpose of checking measurements.

15. Forms. Forms may be of metal or wood and shall extend to the full curb depth of 15 inches. If of wood, form boards must have a thickness of two (2) inches. Forms shall be set accurately to line and grade and rigidly braced. The full cross sectional area and vertical position of the curb must be maintained for the entire length of the curb. Special forms satisfactory to the City Engineer must be used on all curves. The inside surface of the form must be kept clean and if necessary, oiled.

16. Expansion Joints. Expansion joints shall be placed at intervals of twenty-five (25) feet throughout the length of the curb and at the tangent points of all curves. They shall consist of strips of premoulded bituminous material $\frac{3}{8}$ inch in width and shall extend through the curb and at right angles thereto.

17. Placing and Finishing. As the concrete is being placed in forms, care must be taken to flush the mortar to both faces of the by careful spading, so as to secure a smooth surface and eliminate pockets. The top of the concrete will be troweled to a smooth, un- surface true to line and grade, the outside edge being rounded wit

Section 25. Taking Down Barricades. Any person, firm or corporation who shall take down or remove any barricade placed on any sidewalk, street or alley by any department of the City of Payette shall be deemed guilty of a misdemeanor.

Section 26. Parking Strips; Filling in Space Between Curb and Walk. The owners of property in front of which, or contiguous to which there has been laid cement sidewalks and curbing shall fill or level off the space between the outer edge of the sidewalk and the inner edge of the curb wherever and whenever it may be necessary to so do, so as to make the same correspond with the level of the sidewalk and the top of the curbing. The material to be used in such filling to be productive and fertile soil, the surface of the fill to be leveled and uniform in appearance.

Flowers, shrubs, grass and trees may be planted in the parking strips, provided that trees and high shrubs shall not be planted at the corners of street intersections and that all trees shall be planted on a line indicated by the City Engineer. Any person failing to comply with the provisions of this section or violating any of the provisions of the same shall be deemed guilty of a misdemeanor.

Section 27. Protection of Trees. It shall be unlawful for any person to deface or mark or to tie or hitch horses to or place bills or placards on any trees or poles, or hydrants placed on said piece of ground lying between the curb lines and the property lines.

Section 28. That Sections 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279 of the General Ordinances of the City of Payette, 1920 being Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Ordinance 156 and Sections 1, 2, 3, 4 and 5 of Ordinance 178 and Sections 1, 2, 3 and 4 of Ordinance 206 be and the same

are hereby repealed.

Passed by the Council this 15th day of April 1946.

Approved by the Mayor this 15th day of April 1946.

J. M. Mearns
Mayor

Attest:

Alice Bulmer
City Clerk