

Chapter 9-07

SIDEWALK CONSTRUCTION

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Section 9-07-01INSPECTION

It is hereby made the duty of the Commissioner of Public Works to cause an inspection to be made from time to time of the condition of the sidewalks of the City, and when, in his judgment, any sidewalks are dangerous or unsafe for public travel, he shall report his finding to the Council, and it shall cause the sidewalks to be removed, replaced or repaired as occasion may require in order to insure safety for pedestrians. (1922 Code, Sec. 818; 1936 Code, Sec. 9-201; 1952 Code, Sec. 14-801)

Section 9-07-02IMPROVEMENT ORDERS

Upon receiving said report,the Council shall ascertain the necessity of making such improvements, and if in the opinion of the Council, same should be made, an order shall be entered upon its minutes, giving the name of the owner, if known; if not known, it shall be listed to "unknown owners" with the description of the property affected and the nature of the improvement required, which shall designate that the improvement shall be made within thirty (30) days after service or publication of notice as hereinafter provided. (1922 Code, Sec. 819; 1936 Code, Sec. 9-202; 1952 Code, Sec. 14-802)

Section 9-07-03NOTICES

A notice of the contents of the order provided for in Section 9-7-2 shall be served upon the owner of the property adjoining the proposed improvement, and due return of the service of such notice shall be made and placed on file in the office of the Clerk; provided, however, that said notice may be served either by personal service, or by registered mail addressed to the location of the property; provided, further, that when any property is owned by a corporation, association, or stock company, notice shall be served upon the president, secretary, or other managing agent thereof in the same manner as herein provided. (Ord. 1792, Sec. 1; 1952 Code, Sec. 14-803)

Whenever the property adjoining the proposed improvement is unoccupied, and the whereabouts of the owner is unknown, the notice shall be published for two (2) consecutive issues in an official newspaper of the City. If the owner is unknown, it shall be sufficient to designate the owner as "Unknown Owners" with a description of the property proposed to be improved, together with a description of the character of the improvement required, and proof of any such publication shall be filed with the Clerk. (Ord. 1792, Sec. 2; 1952 Code, Sec. 14-804)

Section 9-07-04OWNER'S FAILURE TO COMPLY

In the event of the property owner failing to comply with the terms of the notice within the time hereinbefore specified after the service or publication of same, the City shall be deemed to have acquired jurisdiction to make the improvements and shall proceed to remove, replace, and repair with standard material any such sidewalk according to the specifications of this Chapter, under the supervision and direction of the Commissioner of Public Works, who shall keep an accurate account of the cost and expense of said improvement, and forthwith certify the same to the Council. (1922 Code, Sec. 822; 1936 Code, Sec. 9-205; 1952 Code, Sec. 14-805)

Section 9-07-05ASSESSMENT ROLL

The Clerk shall provide an assessment roll to be known as "assessment roll for sidewalk improvements" which shall contain appropriate columns for the name of the property owner, description of the property and the amount of assessment. The Council shall examine the expenditures certified to by the Commissioner of Public Works, and if found correct, shall order the Clerk to enter same in the assessment roll herein provided, and from and after such entry the amount charged against the property shall be and the same is hereby made a lien thereon to the same extent and in like manner as other special assessments authorized to be levied by the City. (1922 Code, Sec. 823; 1936 Code, Sec. 9-206; 1952 Code, Sec. 14-806)

Section 9-07-06DELINQUENT ASSESSMENTS

The assessment shall bear interest at the rate of seven per cent (7%) per annum from and after the entry thereof in the assessment roll, and the Clerk shall, as soon as may be, after the completion of the assessment roll, give notice to the property owners therein affected, to pay their assessments, as now required by law, and if not paid within the time specified in said notice, same shall become delinquent, and a penalty of ten per cent (10%) shall be added, and the assessment, together with accrued interest and the penalty, shall be certified to the County Tax Collector and be by him placed upon the tax roll for collection, and same shall be collected in the same manner, with like effect and subject to the same penalties, as other City taxes. (1922 Code, Sec. 824; 1936 Code, Sec. 9-207; 1952 Code, Sec. 14-807)

Section 9-07-07CAVE-INS UPON SIDEWALK

In any case where a bank has caved or fallen down upon any sidewalk, the owner of the abutting ground and premises shall forthwith remove the dirt. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor. (1922 Code, Sec. 825; 1936 Code, Sec. 9-208; 1952 Code, Sec. 14-808)

Section 9-07-08FILLING SPACE BETWEEN CURB

The owners of property in front of which, or contiguous to which there has been laid cement sidewalk 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 so to do, so as to make the same correspond with the level of the sidewalk. The material to be used in such filling to be productive and fertile soil, the space thereof to be made uniform and level. (1922 Code, Sec. 826; 1936 Code, Sec. 9-401; 1952 Code, Sec. 14-901)

Boise Municipal Code

Section 9-07-09SIDEWALK SPECIFICATIONS

All sidewalks shall be constructed in accordance with the plans and specifications prepared by the Department of Public Works and on file in the office of the Commissioner. (Ord. 2559)

Section 9-07-10PERMITS; APPLICATION

It shall be unlawful for any person to lay and construct any cement sidewalk or curbing in the City, without having first obtained from the Department of Public Works a permit so to do. (1922 Code, Sec. 848; 1936 Code, Sec. 9-426; 1952 Code, Sec. 14-923)

Applications for permit shall state the exact and correct description of the property in front of which said sidewalk and curb is to be laid, owner of premises, name of applicant for permit and width of sidewalk. The acceptance of a permit by the Department of Public Works to lay and construct a sidewalk or curbing in the City by any person shall be deemed an agreement on the part of such person to construct said sidewalk and curb in accordance with the specifications herein provided for. It shall be unlawful for any person to construct any such sidewalk or curbing in violation of the specifications herein set out. All sidewalks and curbs constructed under permit shall be subject to the supervision and inspection of the Department of Public Works. (1922 Code, Sec. 849; 1936 Code, Sec. 9-247; 1952 Code, Sec. 14-924)

Section 9-07-11STAMPING NAME OF CONTRACTOR

Every person who shall lay or cause to be laid any sidewalks within the Corporate Limits shall plainly stamp or print into said sidewalk the name of the person by whom the sidewalk was laid, together with the year the sidewalk was laid. Letters and figures of not less than one inch (1") in width and of not more than two inches (2") in height shall be used and with spaces of not more than one inch (1") between said letters and figures shall be stamped or printed at each end of any portion of sidewalk constructed at any one (1) time and in case the portion of sidewalk constructed at any one (1) time shall exceed one hundred fifty feet (150') in length the name and date shall be stamped or printed at each end and at intervals of every one hundred fifty feet (150') on said sidewalk. (1922 Code, Sec. 853; 1936 Code, Sec. 9-428; 1952 Code, Sec. 14-925)