

## TITLE II – TRANSPORTATION (Chapters 9-19)

**CHAPTER 14****SIDEWALK CONSTRUCTION, RECONSTRUCTION AND REPAIR**

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**14.01 PERMANENT SIDEWALKS.**

The Warren County Board of Supervisors may, by resolution, order the construction of permanent sidewalks parallel to any street in a rural subdivision in the County, following receipt of a petition of the majority of adjoining property owners requesting same or at the request of the homeowner's association, if said association is composed of elected representatives from residents of the subdivision. The Board shall regulate the grade of the sidewalk and may order assessment of the cost of the sidewalk construction against the property, with the amount of the assessment certified by the Warren County Auditor.

**14.02 SPECIAL ASSESSMENT.**

If the owner of any property along or across which said improvement is ordered pursuant to this chapter shall fail or neglect to have the sidewalk constructed and finished within a reasonable time limit fixed by the resolution, the Board may cause the sidewalk to be constructed, by contract to the lowest responsible bidder. The cost thereof shall be assessed and collected as a special assessment on the property of the adjoining landowner.

**14.03 PERMISSION REQUIRED.**

No person shall remove, reconstruct or install a sidewalk unless such person has obtained permission from the County Engineer and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the County for such work. Any person securing permission as required above shall agree to hold the County free from all liability for damages arising from injuries sustained by anyone through the negligence of such person or such person's agents or employees in making the sidewalk improvements, or by reason of such person's failure to properly guard the premises.

**14.04 CONSTRUCTION STANDARDS.**

The Board shall have on file in the office of the Auditor full and complete plans and specifications for the construction of sidewalks. All sidewalks, whether constructed by the owners of the adjoining property, or by contract, shall be constructed under the supervision

and inspection of the County Engineer and shall be in strict compliance with the plans and specifications as approved by the Board and on file in the office of the Auditor.

**14.05 GRADES AND LOCATION.**

The County Engineer shall check the sidewalk grades prior to the placement of any concrete. All sidewalks in residential areas shall be located one (1) foot outside the lot line, toward the street, and the finished grade of the sidewalk shall be six (6) inches above the curb of the street parallel to the sidewalk.

**14.06 RESPONSIBILITY FOR MAINTENANCE.**

It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

**14.07 FAILURE TO MAINTAIN.**

If the abutting property owner does not maintain or repair defective sidewalks as required and action is brought against the County for personal injuries alleged to have been caused by its negligence, the County may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of alleged facts from which the cause arose, that the County believes that the person notified is liable to it for any judgment rendered against the County, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the County against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to liability of the County to the plaintiff in the first named action, and as to the amount of the damage or injury. The County may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the County in the suit.

**14.08 CONDEMNATION.**

The Board may, by resolution, condemn any sidewalk now or hereafter existing or order a sidewalk replaced or repaired with the same remedies available as for the initial construction of a sidewalk under the terms of this chapter in a rural subdivision, which sidewalk is constructed or repaired contrary to the provisions of this chapter or is dangerous or unsafe.

**14.09 CONDUCTING RAINWATER ONTO SIDEWALKS.**

It is unlawful to cause or permit any waterspout, trough or gutter to discharge or conduct water upon the surface of any sidewalk, but all such water shall be conducted in accordance with plans and specifications of the Board or County Engineer.

**14.10 REMOVAL OF SNOW, ICE AND OTHER ACCUMULATIONS.**

It shall be the responsibility of the abutting property owners to promptly remove snow and/or ice accumulations from the sidewalks. In the event that snow, ice or accumulations are permitted to remain on the sidewalks for more than 48 hours, then the County shall have power to have the sidewalks cleared and to assess the actual cost thereof against the property.

**14.11 SEVERABILITY CLAUSE.**

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, paragraph, provision, or part thereof not adjudged invalid or unconstitutional.

