

ORDINANCE NO. 265

AN ORDINANCE DECLARING RESPONSIBILITY AND  
LIABILITY FOR MAINTENANCE OF SIDEWALKS.

THE CITY OF MORO ORDAINS AS FOLLOWS:

Section 1. Definitions.

In this ordinance unless the context otherwise requires:

- A. "Good repair" means a state of being free of patent and latent defects.
- B. "Safe condition" means a state of being free of snow, ice, obstructions, or any other condition causing a hazard to persons or vehicles using public right-of-way.
- C. "Sidewalk" means any paved area in that part of the public right-of-way located between the curb lines or the lateral lines of a roadway and the adjacent property lines; any culvert located in such part of the public right-of-way.

Section 2. Owner responsibility and liability.

- A. It shall be the duty of the owner or owners of the real property abutting or adjoining the streets within the City limits to maintain the sidewalks extending along, in front of, or abutting, such streets, in good repair and safe condition.
- B. The City of Moro shall be exempt from liability for damage, injury, or loss to any person or property sustained as a result of a defective condition of any sidewalk. The owner of the real property abutting a sidewalk is liable for any such damage, injury, or loss that occurs because of the real property owner's failure to maintain the sidewalk in good repair or safe condition.
- C. If the City is required to pay damages for damage, injury, or loss caused by the failure of a real property owner to maintain a sidewalk in good repair or safe condition, such owner shall reimburse the City for the amount of the damages thus paid, and for the attorney fees and costs of defending against the claim for damages. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

Section 3. Notice of disrepair.

When the City Council determines that a sidewalk is in need of construction, alteration, or repair, it shall by resolution direct the city administrator to give notice of such condition to the owner or owners of the real property abutting the sidewalk by personal service or mailing a written notice by verified or registered mail/return requested. If, after diligent search, the proper address of the owner or owners is not discovered, the City shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service. Such notice shall require that the defective condition(s) be repaired or rebuilt so as to make the sidewalk safe and serviceable no later than thirty (30) days after delivery of said notice. Any repair of the sidewalk shall conform to the rules, regulations or requirements determined by the City, and may be monitored by the City to ensure compliance. In addition, all plans for repair or replacement of said

sidewalks must be approved by the appropriate City officials in writing prior to the commencement of any work.

Section 4. City repair – Lien.

If, within the time fixed in the notice described in Section 3 above, the sidewalk has not been rebuilt or repaired as required, then the City Director of Public Works may cause such sidewalk to be rebuilt or repaired and placed in good condition to meet the standards required by the City. The City shall then cause the costs of such repair to be assessed against the real property abutting such sidewalk and these costs shall become a lien against the real property abutting said sidewalk. Such lien shall be executed as listed in ordinance 264 ‘Process to Lien’.

Submitted to the Council and read in full the first time on the 6th day of December, 2016.

Read in full the second time and passed by the following vote on this 3rd day of January, 2017.

Submitted to the Mayor for approval on this 3rd day of January, 2017.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest