

**ORDINANCE NO. 302
CITY OF BALTIC, SOUTH DAKOTA**

AN ORDINANCE AMENDING THE BALTIC, SOUTH DAKOTA ORDINANCES REGARDING SIDEWALKS WITHIN THE CORPORATE LIMITS OF BALTIC, SOUTH DAKOTA

WHEREAS, the City Council of Baltic has determined that the public peace, health, and safety would be promoted by enacting certain ordinances regarding the construction and maintenance of sidewalks within the corporate limits of the City of Baltic, South Dakota;

BE IT ORDAINED BY THE CITY COUNCIL OF BALTIC, SOUTH DAKOTA:

Section 1. **PURPOSE.**

The purpose of this ordinance is to clarify the existing ordinances on owners of real property abutting or adjoining a sidewalk within the corporate limits of the City of Baltic, South Dakota.

Section 2. **EFFECT.**

Title IX: General Regulations, Chapter 91: Streets and Sidewalks, Excavation and Construction, of the Revised Ordinances of the City of Baltic is hereby amended by adding the following new four sections shown in red and renumbering the existing ordinances, as follows:

§ 91.15 STREET EXCAVATIONS. [NO CHANGE]

§ 91.16 SIDEWALK CONSTRUCTION SPECIFICATIONS. [NO CHANGE]

All sidewalk construction shall be in conformity with the specifications of the city's engineer. When considered necessary and advisable for the peace, welfare, and safety of the people, the City Council may direct that new sidewalk be constructed and assessed to abutting property owner in accordance with SDCL § 9-46.

(Prior Code, § 6.0207) Penalty, see § 91.99

§ 91.17 PROPERTY OWNER(S) DUTY TO REPAIR AND MAINTAIN SIDEWALK.

Owners of real property abutting or adjoining a sidewalk shall maintain such sidewalk in such a condition that the sidewalk will not endanger persons or property; will not interfere with the public convenience in the use of the sidewalk; and will not create a public nuisance.

(Ord. ___-___, passed ___-__-2022)

§ 91.18 FAILURE TO REPAIR SIDEWALK DEFECTS AND DAMAGE PROHIBITED.

Any owner of real property who fails to keep the sidewalks abutting or adjoining such property properly maintained and in repair creates or maintains a public nuisance, which shall be

unlawful. The owner(s) of such real property shall be liable to the city for any and all damage or injury caused by such neglect and shall be responsible for the costs of abating the public nuisance. Examples of sidewalk defects constituting a public nuisance include, but are not limited to:

- (a) Vertical separations that result in a trip hazard;
- (b) Horizontal separations between panels or cracks to the extent it is a potential danger to the public;
- (c) Holes or depressions in the concrete;
- (d) Excessive spalling (exposed rock causing depressions in the concrete);
- (e) A panel of sidewalk that is cracked to the extent it constitutes a potential danger to the public;
- (f) A panel of sidewalk missing concrete that has broken off to the extent it is a potential danger to the public;
- (g) Missing sidewalk panel(s);
- (h) Pooling of water caused by inadequate drainage;
- (i) Uneven or loose sidewalk panels; and
- (j) Other damage to a sidewalk that presents a dangerous condition to human traffic.

(Ord. ___-___, passed ___-__-2022)

§ 91.19 FAILURE TO ABATE PUBLIC NUISANCE.

Upon failure of owner(s) of such real property to abate a public nuisance by accomplishment of the required repairs or maintenance within the time frame indicated in the written notice provided by the city, city shall have the right to abate the public nuisance by accomplishing the required remediation and pursue full reimbursement from owner(s) pursuant to SDCL § 9-46. The city is authorized to extend the time frame provided for abatement of any and all nuisances addressed in this chapter beyond the period prescribed in the written notice provided by the city; provided, that such extension of time shall be by written notice in order to be valid and effective.

(Ord. ___-___, passed ___-__-2022)

§ 91.20 CITY’S RIGHT TO REPAIR OR MAINTAIN.

Notwithstanding any other provision of this ordinance, the city shall have the right to repair or maintain any existing sidewalk and pursue reimbursement for such repair or maintenance costs from owner(s) pursuant to SDCL § 9-46.

(Ord. ___-___, passed ___-__-2022)

The existing ordinances shall be renumbered as follows:

§ 91.17 BECOMES § 91.21

§ 91.18 BECOMES § 91.22

§ 91.19 BECOMES § 91.23

§ 91.20 BECOMES § 91.24

§ 91.21 BECOMES § 91.25

§ 91.22 BECOMES § 91.26

Section 3. VALIDITY.

All Ordinances or parts of Ordinances in conflict with the foregoing are hereby repealed. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

Section 4. ORDINANCE IN FORCE.

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Adopted this ____ day of _____, 2022.

First Reading:	_____	, 2022
Second Reading:	_____	, 2022
Passage and Adoption:	_____	, 2022
Publication:	_____	, 2022
Effective Date:	_____	, 2022

Mayor

(SEAL)

ATTEST:

Finance Officer