

CHAPTER 42 SIDEWALKS

- 4.90. Definitions. For the purpose of this Chapter, the following terms shall have the following meanings:
- (1) PUBLIC STREET: the entire width between the boundary lines of every public right-of-way open to vehicular traffic.
 - (2) SIDEWALK: that portion of a public street between the curb lines and the adjacent property lines intended for the use of pedestrians.
 - (3) CONSTRUCTED/PAVED SIDEWALK: a concrete or asphalt sidewalk, possibly including gravel sections.
 - (4) BUSINESS HOURS: hours between 8:00 a.m. and 6:00 p.m. on any day not a Sunday or holiday; hours between 12:00 noon and 5:00 p.m. on a Sunday or holiday.
 - (5) BUSINESS DISTRICT: C-1, C-2, O-1, I-1, I- 2, I-3.
 - (6) RESIDENTIAL DISTRICT: parcels zoned R-1A, R-1B, R-2A, R- 2B, R-3, MHP, AG.
- 4.91. Construction and Maintenance. It shall be the duty of all owners and occupants of any lot or parcel of land fronting or being upon or along any public street in the Village of Manchester under the supervision of the Superintendent of Public Works of the Village to build, keep in repair and rebuild sidewalks in the said public street adjacent to and abutting upon each lot or parcel of land at such time, in such manner, and of such material as the Village Council may direct.
- 4.92. Order to Construct. Whenever the Village Council shall deem it expedient or necessary that a sidewalk should be constructed in and along the line and side of any public street in the Village or, the same having been constructed, shall deem that the same be repaired or rebuilt, the Village Council shall so declare by resolution which resolution shall state the place where each sidewalk is required to be built, repaired or rebuilt, and the kind of material with which the same is to be done, the width of the same, and the time in which the same is to be completed and that the Village of Manchester will pay from the appropriate Village fund for the cost of materials necessary for the same not to exceed fifty (50%) per cent of the total cost including labor and all other expense incidental thereto to build, repair or rebuild such sidewalk as shall be determined by the Superintendent, and thereupon it shall be the duty of all owners or occupants of all land affected thereby to proceed within the time mentioned therein to do the work and make the improvements required thereby and in the manner and of the kind of material therein mentioned.
- 4.93. Notice to Owner. After the passage by the Village Council of any such resolution mentioned in the preceding section, it shall be the duty of the Village Clerk to prepare to prepare copies thereof and to attach thereto a notice directed to each of the owners or occupants of all the land upon which such improvements would be a charge informing them that unless the improvement specified in such resolution shall be made and completed by them within the time, in the manner and of the material

therein mentioned then and in that case the said Village will make and complete such improvements of which one-half (1-/2) of the cost and expense thereof shall be assessed to the owner or occupant of the land affected thereby and will become a lien on such land as hereinafter provided. Copies of said resolutions and notices shall be served by the Chief of Police by delivering the same to each owner personally if found within the Village or by certified mail by the Village Clerk. If the owner is not found in said Village or said mail is not delivered, then the same shall be served by posting the same in some conspicuous place on such premises and the Chief of Police or Clerk shall make due return of said service and the time and manner thereof which returns shall be filed in the office of the Village Clerk.

4.94. Construction by Village. If the owner or occupant of any lot or parcel of land adjoining or along any public street where any such improvement shall or may be ordered shall neglect or refuse to make or complete the same in accordance with, or within the' time required, by any such resolution (such resolution and notice having been properly served) then it shall be the duty of the Superintendent of Public Works to proceed forthwith to make and to complete such improvements and the Superintendent shall immediately after the same shall be completed by him, render to the Village a complete, full and certified statement of all of the costs of such improvements and also the length of time expended by him in superintending the same together with a particular description of all of the lots or parcels of land fronting upon or adjoining to which such improvements shall have been made by him and also the name or names of all of the owners or occupants of all such lots or parcels of lands as far as can be ascertained by him which certificate and statement shall be filed in the office of the Village Clerk.

4.95. Assessment to Owner. When any such certificates or statement shall be filed in the office of the Village Clerk the owner's share of the cost shall be assessed as provided in Chapter 3 of this Code.

4.96. Construction by Owner. If the owner or occupant of any lot or parcel of land or owners or occupants of any lots or parcels of land adjoining or along any public street within the Village shall desire to construct , repair or rebuild a sidewalk and have the benefits of this Chapter, as herein provided, such owner or occupant shall first signify his intention so to do to. the Village Council of this Village in writing, at one of its regular sessions thereof, stating therein the lot or parcel of land and the street along which he proposes to build such walk, the length and width of said walk and the kind of material with which the same is to be done and if the Village council shall deem it expedient or necessary to construct, repair or rebuild such sidewalk, then the Village Council shall so declare by appropriate resolution in like manner as set forth in section 4.92.

4.97. Removal of Snow and Ice. The occupant of any premises, or the owner of any unoccupied premises or real property, is required to keep the constructed sidewalks in front of, or adjacent to such premises cleared from snow and ice which will impede passage on such sidewalks.

(1) Except as provided in subsection (3) hereof, snow and ice shall be so removed from sidewalks in all business districts by four (4) business hours after the

- cessation of any fall of snow, sleet, or freezing rain, or by the beginning of business hours of the next day following such fall, whichever period is shorter.
- (2) Except as provided in subsections (3) or (4) hereof, snow and ice shall be so removed from all residential sidewalks within twenty-four (24) hours after the cessation of any fall of snow, sleet, or freezing rain.
 - (3) In the event snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person responsible for its removal shall, within the time requirements of subsections (1) or (2), have enough sand or other abrasive put on the sidewalk to make travel thereon reasonably safe. Snow and ice shall then be removed as soon as it can be accomplished without the likelihood of damage to the sidewalk.
 - (4) Exemptions. In residential districts only, persons who, for reasons of infirmity, believe compliance with subsections (2) and (3) would cause undue hardship, may file a request for exemption with the Village Clerk. The Clerk shall approve or disapprove the request according to guidelines adopted by Council. If approved the Village may then remove snow and ice from these sidewalks at a cost to be established by council resolution, based on length, in feet, of sidewalk.
 - (5) Failure to Comply. If the person responsible for the removal of snow and ice fails to comply with the requirements of this Section, then the village may remove the snow and ice, and the cost thereof may be collected as a single lot assessment under Chapter 3, Section 1.85 of this Code. Further, such responsible party shall be liable to the Village for all losses to the Village or recoveries from the Village for damages to person or property of others caused by the failure of such responsible party to so remove all snow and ice accumulations in accordance with this Section.