

Chapter 203. Streets and Sidewalks

Article X. Care of Sidewalks

§ 203-25. Repair; liability; permit required.

[Amended 4-7-1998 by L.L. No. 2-1998]

- A. All owners or agents of owners with property abutting or fronting upon any plaza, street or alley within the corporate limits of the City are required to and shall have the duty to keep sidewalks, curbs and gutters abutting their property in good order and repair.
- B. The owner or the agents of owners with property so abutting shall be liable for any injury or any damage caused to any person or property caused wholly or in part by the failure of said owner or agent to so maintain and repair said sidewalks, curbs and gutters. Each such owner shall be liable to the City for all losses to the City or recoveries from the City for damages to person or property of others caused by his failure or that of his agents to repair and keep in good order and reasonably safe condition all such sidewalks, curbs and gutters abutting or fronting his property.
- C. The City may, at its discretion, through the Commissioner of Public Works, notify such owner that repairs are necessary to put such sidewalk, curb or gutter in good order, and such owner shall, within 10 days after such notification, under the supervision of the Commissioner of Public Works, complete such repairs as specified in such notice. If the person fails to make the required repairs, the City may repair the same and the owner shall be liable to the City for the cost of the repairs, and said liability shall be incurred immediately upon completion of the repairs by the City. Where the full amount due the City is not paid by such owner within 90 days after the correction of such violation as provided in Subsections **A** and **B** above, the City shall cause to be filed in the office of the City Clerk a sworn statement showing the cost and expense incurred for the work, the date the work was completed and the location of the property by section, lot and block on which said work was done and the name of the reputed owner thereof. The filing of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus the cost of court, if any, for collection, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty at the legal rate of interest in the event that the same is not paid in full on or before the date the tax bill upon which such charge appears becomes delinquent. Sworn statements filed in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and successfully done and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated and described in the statement and that the same is due and collectible as provided by law.
- D. A permit shall be required to make repairs pursuant to this section. However, there will be no charge for such a permit unless it is proposed to make a change in the grade, location or dimensions of the sidewalk, curb or gutter.