



ORDINANCE NO. 1019

AN ORDINANCE TO PROMOTE THE GENERAL HEALTH, WELFARE AND SAFETY OF ALL PERSONS TRAVELING OVER OR UPON, OR OTHERWISE USING THE PUBLIC SIDEWALKS WITHIN THE CITY OF REXBURG, IDAHO; TO INSURE FREE AND UNRESTRICTED ACCESS OF THE PUBLIC TO THE PUBLIC SIDEWALKS AND THOROUGHFARES, RESIDENCES AND BUILDINGS ABUTTING THE SAME; PROVIDING FOR EXCEPTIONS; PROVIDING STANDARDS AND SPECIFICATIONS SET FORTH IN THE CURRENT EDITION OF THE IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION AND SUPPLEMENTAL CONDITIONS – STANDARD DRAWINGS AND SPECIFICATIONS AS THE CITY OF REXBURG'S MINIMUM STANDARD DRAWINGS AND SPECIFICATIONS AND ANY ADDITIONS, AMENDMENTS OR ADDENDA THERETO ESTABLISHED BY THE CITY ENGINEER; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, it is the desire of the City Council to promote the general health, welfare, and safety of all persons traveling upon public sidewalks, and

WHEREAS, public sidewalks may become hampered with snow, ice or other obstructions, and

WHEREAS, the standards and specifications for sidewalks are set forth in the Idaho Standards for Public Works Construction and Supplemental Conditions, and

WHEREAS, the City of Rexburg's Engineer is responsible for the application of sidewalk design specifications and sidewalk construction within the City of Rexburg;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO:

ARTICLE I. SIDEWALK ACCESS

SECTION A: All persons, firms, or corporations owning or occupying premises within the corporate limits of the City of Rexburg shall maintain safe and traversable sidewalks adjacent to said premises consistent with the applicable standards set forth by the City of Rexburg.

SECTION B: It shall be unlawful for any person to obstruct any street, alley or public sidewalk within the corporate limits of the City of Rexburg.

SECTION C: (1) It shall be unlawful for any person or persons, firm or corporation owning or occupying premises within the corporate limits of the City of Rexburg, to suffer or permit rubbish or debris to be or remain on the sidewalks adjacent to their respective premises.

(2) Any person or persons, firm or corporation owning or occupying premises within the corporate limits of the City of Rexburg, shall be responsible for the removal of snow from any sidewalks adjacent to their premises. It shall be unlawful to fail to remove snow from designated

sidewalks within (24) hours after being notified by the City of a declaration by the Mayor or the Public Works Director of a “Pedestrian Safety Snow Emergency” in accordance with the then existing policies of the city. If the responsible party fails to remove the snow, or notifies the City of an inability to remove the snow, the City shall have the right, but not the obligation, to cause the snow to be removed at the owner’s expense, as part of the public utility function provided by the City. The occupant or owner of the property who has been assessed a snow removal fee can appeal the assessment to the City Council.

SECTION D: It shall be unlawful for any person to store, install, maintain or operate any material, vehicle, structure, fixture or business upon any public sidewalk within the City of Rexburg, except as permitted by Section F below.

SECTION E: It shall be unlawful to sell, display or advertise the sale of any goods, wares, merchandise, food or beverage upon or from any cart, rack, structure or vehicle situated upon any public sidewalk within the City of Rexburg, except as permitted by Section F or G below or as allowed in any subsequently approved sign ordinance, or upon fulfilling the requirements set forth by the City of Rexburg with respect to such placement.

SECTION F: Notwithstanding Sections A, B, C, D and E above, the City Council may by resolution duly passed and adopted, declare a day or days in the commercial areas of the City of Rexburg during which licensed merchants may display and sell goods, wares and merchandise in front of their respective places of business. The merchandise so displayed shall be confined within an area extending from the store front toward the street line no more than ½ the total width, and under no circumstance shall the display area extend any closer than five (5) feet from the street line, and shall not cover any more than a total of one half (1/2) of the total area of sidewalk in front of the business. Nothing herein contained shall allow for placement of merchandise in such a manner as to require, or encourage pedestrians to walk upon the street.

SECTION G: Any licensed merchant or other person conducting a lawful business in the commercial area, may for the purpose of displaying goods, wares and merchandise, petition the City of Rexburg for permission to engage in such conduct on a regular basis provided that said merchant, shall first be required to indemnify the City of Rexburg from any and all liability by reason thereof to the extent of \$500,000.00 for any one accident and to file proof with the City of such liability insurance indemnifying the City of Rexburg, and the same restrictions as set forth above in Section E shall apply as to placement. Provided that any such display of merchandise shall be removed at the end of each business day or during any period when the adjacent business is not open for business.

SECTION H: At any location in the commercial area where the sidewalk is less than six (6) feet in width, then the clear space for pedestrian passage shall not be reduced to less than four (4) feet.

ARTICLE II. SIDEWALK STANDARDS AND SPECIFICATIONS

SECTION A: The City of Rexburg reserves the right to place on hold/shut down any sidewalk project due to a springtime thaw.

SECTION B: Within the Corporate limits of the City of Rexburg there is a requirement for a 7' Landscape Strip behind curb and gutter followed by a 5' Wide Portland Cement Concrete Sidewalk on both sides of a street at all locations. The sidewalk must be constructed per the current City of Rexburg Standard sidewalk drawings and compliant with ADA Standards.

SECTION C: Notwithstanding Sections A, and B above, the City Council may by resolution, duly passed and adopted, amend or modify the standards and specifications for sidewalks in the City of Rexburg as detailed in Appendix A.

ARTICLE III. PENALTIES AND EFFECTIVE DATE

SECTION A: Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor, and be punishable by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. In addition, the City shall have the right to remove the obstruction at their discretion, and the cost of so doing shall be added to the monthly utility billing sent out by the City to the appropriate property owner or account holder.

SECTION B: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 1st day of April, 2009.

Shawn Larsen, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

