

ORDINANCE 2017-8

AN AMENDMENT AND RESTATEMENT TO ORDINANCE 2015-2 AN ORDINANCE REGARDING SIDEWALK REPAIR AND CONSTRUCTION

WHEREAS, the Town Council of the Town of Parker City, Randolph County, Indiana did adopt Ordinance 2015-2 on August 6, 2015 entitled An Ordinance Regarding Sidewalk Repair and Construction.

WHEREAS, the Town Council of the Town of Parker City, Randolph County, Indiana, now desires to Amend and Restate Ordinance 2015-2.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Parker City, Randolph County, Indiana as follows.:

1. UNSAFE SIDEWALK DEFINED

For purposes of this chapter, a sidewalk shall be deemed unsafe if it is settled or pushed up as to be uneven, cracked, or broken to such extent that this condition creates a significant likelihood that a pedestrian would trip and fall because of this condition. It shall also include a sidewalk that has a curb that is broken, crumbling, or placed so low that the sidewalk can be easily driven upon.

2. SIDEWALK REPAIR AND CONSTRUCTION

(A) Responsibility for the repair, maintenance, and upkeep of the curbs and sidewalks shall be borne by the abutting property owners, abutting to either the sidewalk or the property in which the sidewalk is located on, unless otherwise specified. It shall be unlawful to remove or modify any existing sidewalk without obtaining written permission from the Town Board of Parker City. All such requests will be presented in writing to the Town Board of Parker City, and shall include the description and location of the sidewalk to be removed or modified, as well as the reason for removal or modification.

(B) Whenever the Town Board of Parker City shall desire to improve, construct, or repair any sidewalk within the Town, the Town Board of Parker City shall, by resolution, declare the necessity therefore, and adopt a final resolution therefore; and therein order and require the owner of the abutting property to improve, construct, or repair the sidewalk; or designating in such resolution the kind of walk to be constructed or the repairs required; the description of the lots or parcels of ground in front of which the walk is proposed to be constructed or repaired; the names of the owners of the abutting properties as they appear on the books of the Randolph County Assessor, and shall cause notice of the passage of such resolution to be given by the Town Board of Parker City to the abutting property owners, in person or by mail; provided that it shall be sufficient in the notice to give the names of the abutting property owners as they appear on the books of the Randolph County Assessor. If any such property owners shall not be found, the Town Marshal shall post a copy of such notice on the land of such property owners, at or near the places where the walk is to be built, improved, or repaired; the giving of such notice as above-provided shall be deemed sufficient as the notice required by law to be given. Such property owners shall have 30 days from the date of notice within which to construct such walk or make the repairs required by the resolution and notice. Should any property owner fail to construct a walk or make such repairs within the allotted time set forth in this section, the

Town of Parker City, by and through its proper officers and agents, may cause such walk to be constructed or repaired by an independent contractor, without notice to any person, or any further order from the Parker City Town Board. The entire cost for the improvement herein provided may be assessed against the lots or parcels of land abutting such walk, and collected as special assessments in the manner provided by law. The amount of the assessment, if less than the cost of the improvement, shall be determined by the Parker City Town Board.

(C) Such notice shall fix a time, not less than ten days after the service or posting of the notice as above-provided, when the owner(s) of such land(s) may appear before the Town Board and remonstrate against the construction, improvement, or repair of such sidewalk. Such remonstrance shall be in writing and signed by such property owner(s).

3. OWNER'S LIABILITY TO CITY

(A) A property owner(s) neglecting to comply with the notice in Section 2 to build or repair a sidewalk shall be liable to the town for all damages which shall be recovered against the city for any accidents or injuries occurring by reason of such neglect.

4. SIDEWALK WIDTH AND GRADE

(A) All new sidewalks shall be a minimum of four feet in width. If the sidewalk under construction is a gap between already constructed sidewalks in the same block or subdivision, it shall conform with the standard four feet in width and a minimum of 4 inches in thickness. The surface of any walk when completed shall have a slope of 2.00% (To meet ADA Requirements) towards the center of the street.

NOW THEREFORE BE IT FURTHER ORDAINED, by the Town Board of the Town of Parker City, Indiana, the following:

1. The Town of Parker City, Indiana, hereby establishes a Sidewalk Non-Reverting Fund.
2. The Town Board of the Town of Parker City, Indiana, may, in its discretion, appropriate funds to the Sidewalk Non-Reverting Fund.
3. In a manner determined by the Town Board of Parker City, the Sidewalk Non-Reverting Fund shall be used for expenses associated with the repair or installation of sidewalks in the Town of Parker City, Indiana, which include, but are not limited to, tree and vegetation removal. The fund may be used to partially reimburse property owners or the Town for up to 50% of the material expenses incurred with the repair or installation of sidewalks.

This Ordinance shall be in full force and effect from and after its approval and is duly published in accordance with the laws of the State of Indiana.

ALL OF WHICH IS ORDAINED, PASSED, AND OTHERWISE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PARKER CITY, RANDOLPH COUNTY, INDIANA.

ON THIS 18th DAY OF November, 2017

TOWN COUNCIL OF THE
TOWN OF PARKER CITY, INDIANA

Pat D. Ambler

Alan St...

Joe Ru...

ATTEST:

Kim Walker Cecil

Kim Walker-Cecil, Clerk/Treasurer
Town of Parker City, Indiana

ORDINANCE 2015-2

An Ordinance Regarding Sidewalk
Repair and Construction

WHEREAS, the Town Board of Parker City, Indiana has determined that the public health and safety would be best served if the sidewalks of the community were maintained in good condition and repair;

WHEREAS, the Town Board of Parker City desires to establish a non-reverting sidewalk fund to help the citizens of Parker City defer some of the costs of the installation of new sidewalks;

NOW THEREFORE, BE IT ORDAINED by the Town Board of Parker City, the following:

1. UNSAFE SIDEWALK DEFINED

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2. SIDEWALK REPAIR AND CONSTRUCTION

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NOW THEREFORE BE IT FURTHER ORDAINED, by the Town Board of the Town of Parker City, Indiana, that any prior Ordinances or Resolutions that are in conflict with this Ordinance are hereby expressly repealed and replaced with this Ordinance.

This Ordinance shall be in full force and effect from and after its approval and is duly published in accordance with the laws of the State of Indiana.

Duly passed by the Town Council of the Town of Parker City, Indiana, this 6th day of August, 2015.

TOWN COUNCIL OF THE
TOWN OF PARKER CITY, INDIANA

R. D. Amburn
Chris Styer
Mike Huston

ATTEST:

Kim Walker-Cecil
Kim Walker-Cecil, Clerk/Treasurer
Town of Parker City, Indiana