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Rapid City, SD Code of Ordinances

CHAPTER 12.08: SIDEWALK CONSTRUCTION AND REPAIR

Section

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12.08.010 Liability of property owner for failure to repair.

Any owner of real property who shall fail to keep in repair the sidewalks in front or along the property if he or she resides thereon, or if he or she does not reside thereon, to repair the same forthwith when notified, shall be held liable to the city for any damage caused by the neglect.

(Ord. 5793 (part), 2012)

12.08.020 When required—Notice to property owners.

Whenever the Common Council shall deem it necessary to construct, rebuild or repair any sidewalk, it shall notify all owners by return receipt mail of lots adjoining the sidewalk to construct, rebuild or repair the same at their own expense within a time designated. The notice shall be in writing and either be served personally on each owner or by publication once each week for 2 consecutive weeks. It shall set forth the character of the work and the time within which it is to be done. The notice may be general as to the owners, but must be specific as to the description of the lots.

(Ord. 5793 (part), 2012)

12.08.030 Work by city.

If a sidewalk is not constructed, reconstructed or repaired in the manner and within the time prescribed in the notice given pursuant to § 12.08.020, the Common Council, by resolution, may cause the same to be done and the cost thereof assessed against the lots, plots or parcels of land fronting or abutting upon the sidewalk so constructed, reconstructed or repaired, as provided in SDCL Chapter 9-46.

(Ord. 6139 (part), 2016: Ord. 5793 (part), 2012)

12.08.040 Specifications.

The construction of sidewalks, whether done by the owner of the fronting or abutting property or by the city, direct or through a contractor, shall be according to the current editions of the City of Rapid City Standard Specifications for Public Works Construction and the Infrastructure Design Criteria Manual. All sidewalk construction and repair shall be of concrete or other material approved by the City Engineer.

(Ord. 6139 (part), 2016: Ord. 5793 (part), 2012)

12.08.050 Width.

A. The width of all sidewalks, except in the business district described in subsection B. of this section, shall be a minimum of 4 feet on lane, place and local roads and a minimum of 5 feet on all other roads. Sidewalks shall be constructed in the right-of-way 1 foot from the property line abutting a street, unless otherwise directed or approved by the City Engineer. However, in any block in which the majority of the sidewalks have been constructed at a greater width, all newly constructed sidewalk shall be constructed at the same width as those existing sidewalks. Sidewalks to be constructed adjacent to the curb in accordance with the Infrastructure Design Criteria Manual (current edition) shall be a minimum of 5 feet in width for lane, place and local roads and a minimum of 6 feet for all other roads. Any proposed sidewalk to be constructed which will abut an existing wider sidewalk shall be constructed to provide a transition between the different widths as approved by the City Engineer.

B. In the business district which consists of the area between Rapid Street, Nikko Street, and Apolda Street on the north and Kansas City Street on the south and between East Boulevard and West Boulevard, sidewalks shall be constructed from the curb line to the property line.

(Ord. 6139 (part), 2016: Ord. 6037 (part), 2015: Ord. 5793 (part), 2012)

12.08.060 New and existing developments.

A. *Conformance with sidewalk requirements—Exceptions.* The construction of a permanent sidewalk fronting or abutting all streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or existing buildings within the city, except in the following circumstances:

1. When the Common Council, pursuant to Chapter 17.50 of this code, approves a planned unit development or planned residential development incorporating a sidewalk plan unique to the development;
2. When the lot has a frontage in excess of 200 feet per dwelling unit located on the lot and is in the General Agricultural Zoning District; however, if the lot abuts or is adjacent to a lot with existing sidewalk, this exception shall not apply;

3. When the property has frontage along an interstate highway, a sidewalk will not be required along the interstate;

B. *Variances granted by Council.* The Common Council, in its sole discretion, may approve a variance from sidewalk requirements.

1. Unless otherwise provided by the Common Council in approving the variance, a variance under this section remains valid only until such time as a building permit is sought to construct an additional structure or parking lot on the property, to enlarge by 20% or more an existing structure or parking lot on the property, or to increase the occupant load by 20% or more. If such a building permit is sought, then sidewalks must be provided or a new variance must be approved.

2. For the purposes of determining what constitutes an expansion or enlargement of 20%, any additions or increases since the variance was granted are considered cumulatively.

3. If no work is completed or improvements made on the property within 2 years of receipt of a variance, or if the development plan submitted with the variance request is replaced or abandoned, then the variance expires.

4. The granting of a variance does not limit the City Council's ability to order the installation of sidewalk in accordance with the provisions of § 12.08.020.

C. All property with existing development on the effective date of these regulations which is not in compliance with the provisions of these regulations shall be considered nonconforming and allowed to continue until such time as a building permit is granted to construct a new structure or parking lot on the property, to enlarge by 20% or more an existing structure or parking lot on the property, or to increase the occupant load by 20% or more. Nothing in this section shall limit the City Council's ability to order the installation of sidewalk in accordance with the provisions of § 12.08.020.

D. *Inspection prerequisite to certificate of occupancy—Bond.* No certificate of occupancy shall be issued nor shall a water meter be released until a final inspection by the Building Official confirms that the sidewalks were installed pursuant to this chapter, a variance was granted, or security in an amount equal to the estimated cost of construction of the sidewalk was provided, whereby the sidewalk will be constructed without cost to the city in the event of default by the builder, owner or developer of the property. All bonds and other methods of guarantee shall be approved by the City Attorney.

E. *Application for variance.* Any person aggrieved by any decision of the Building Official under this section may apply in writing to the Common Council for an exception from the requirements of this section.

(Ord. 6139 (part), 2016; Ord. 5793 (part), 2012)