

ORDINANCE NO. 154

AN ORDINANCE PROVIDING FOR SPECIFIC RESPONSIBILITIES, USE AND CONDITION FOR SIDEWALKS, RIGHT-OF-WAYS AND ALLEYS.

The city of Lakeside ordains as follows:

Section 1. Reference to Other City Ordinances. The following current city ordinances pertain to this ordinance either as a reference or for clarity: #7, #17, #43 and #147.

Section 2. Purpose. The purpose of this ordinance is to establish specific responsibilities, use and maintenance for the captioned property. This ordinance is undertaken for the general welfare, safety and quality of life of the citizens of Lakeside. The further purpose of this ordinance is to place sole liability and responsibility for maintenance of public sidewalks, rights-of-way and alleys upon the adjoining property owners and to absolve the city of all liability and obligations relating to same.

Section 3. Definitions. For the purpose of this ordinance the following definitions shall apply:

(1) Sidewalk. A pedestrian way, usually paved, where vehicular traffic is excluded.

(2) Right-of-way. The area between the street or other easement and the property owners property line.

(3) Alley. A public thoroughfare or easement through a block or any portion thereof generally giving access to the rear of lots or buildings.

(4) Adjacent or Adjoining Landowner. Any person, persons or entity owning land with a sidewalk, right-of-way or alley constructed or existing in front of, along or abutting said land within the city or jurisdiction of the city.

Section 4. Sidewalks. Sidewalks shall be maintained in a safe condition by the adjacent property owner. Sidewalks shall remain free of hazards, debris, ice and snow and shall be kept in a good repair. Repairs and maintenance are the sole responsibility of the adjacent property owner and shall be promptly made. Pedestrian traffic shall be unimpeded except for reasonable periods for repairs and maintenance.

Section 5. Right-of-way. It shall be the sole responsibility of the adjacent property owner(s) to maintain the right-of-way in a safe condition. Placement of any item or structure, excluding mail or newspaper boxes, in a right-of-way is prohibited. Weeds and grasses shall be controlled or cut to eliminate fire and other hazards. Unless otherwise posted, temporary automobile/motorcycle parking is allowed in the right-of-way. In no case, however, will motor homes, trailers or disabled vehicles or objects be parked or

placed in the right-of-way except for a reasonable time for loading or unloading same. Drainage provisions (ditches) will remain to be the responsibility of the city, as specified in Resolution No. 85-8.

Section 6. Alleys. Adjacent property owners shall be solely responsible to maintain alleyways in a safe and clean condition. Where an alley runs between land owned by separate owners, each adjacent owner shall be responsible for one-half of the alley's width for so far as the alley adjoins the owner's land. Weeds and grasses shall be controlled or cut to eliminate fire and other hazards. Alleys shall not be used for storage. Nor shall pets or animals be maintained therein. Out-buildings or intrusions of adjacent buildings is expressly prohibited.

The city hereby grants a one year grace period, from enactment of this ordinance, for enforcement of this section of the ordinance.

Section 7. Remedial Action. Where noncompliance with this ordinance is brought to the attention of the city council, remedial action may, in the council's discretion, be initiated without the city assuming any liability for the noncomplying condition. The city may undertake such remediation as is necessary to alleviate the noncomplying condition and the responsible party owner shall pay the city for all reasonable expenses incurred in remediation of the noncomplying condition.

Section 8. Landowner Liability, City Exoneration, Indemnification. It is not only the duty of all owners of land within the city to keep in good repair and to so maintain all sidewalks, right-of-ways and alleys constructed or existing in front of, along or abutting their respective lots, but all such owners are hereby declared to be liable for all damages to any person or entity for any damage sustained as a result of any condition of or existing within or without any sidewalk, right-of-way or alley within the city's jurisdiction. Said liability rests solely with the property owner(s) whose land adjoins the condition giving rise to the particular cause of actin or hazard, and not with the city, regardless of whether or not the city has notice of noncomplying condition or hazard.

Section 9. Access. The city of Lakeside retains full access to the areas defined and may at any time use the aforementioned land for the general benefit of the city.

Section 10. Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court or competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Passed by the council and approved by the mayor March 17, 1993.