

CHAPTER 8-01 SIDEWALKS

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8-01-001-0001 DUTY OF STREET SUPERINTENDENT:

A. It shall be the duty of the Street Superintendent to receive and maintain a record of all complaints regarding sidewalks in bad condition or need of repair. Upon receipt of said complaint the Street Superintendent shall notify the owner or owners of the lot or lots or part of lot or lots adjoining such sidewalk or portion thereof, in writing, to repair or renew the same within thirty (30) days after the service of such notice or as weather permits as determined by the Street Superintendent.

B. Said notice shall constitute constructive or actual notice to the property owner. (Ord. 1610, Amended, 03/07/1989)

8-01-001-0002 SERVICE OF NOTICE:

Such notice shall be by certified mail to the owner of said property as identified in the Records of the Office of the Coconino County Assessor. (Ord. 1610, Rep&ReEn, 03/07/89)

8-01-001-0003 DUTY OF OWNER:

It shall be the duty of the owner or owners of such lot or lots or portions of lot or lots within ten (10) days after the service of such notice as aforesaid, to place the sidewalk or portion of sidewalk in such notice mentioned or described in good condition and repair using therefor material similar in character and dimensions of that with which such sidewalk was originally constructed; provided that such sidewalk shall comply with the provisions and specifications for the laying and constructing of sidewalks as are on file in the Engineering Section of the City.

8-01-001-0004 FAILURE TO CONSTRUCT:

Whenever, within ten (10) days after the service of said notice, the owner or owners so served shall fail to repair the sidewalk or any portion thereof in such notice directed, it shall be the duty of the Street Superintendent to repair the same. (Ord. 185, 6-27-16)

8-01-001-0005 STATEMENT OF EXPENSES:

Whenever the said Superintendent shall repair or renew any sidewalk or portion thereof, as provided in the preceding Section, he shall, within ten (10) days after completion of such repair or renewal, file in the office of the

Clerk a verified, itemized statement of the cost of such repairs or renewal, which statement when so filed shall be deemed and taken as prima facie evidence of the cost of such repairs or renewals, and unless such owner or owners file with the Clerk objections in writing thereto within ten (10) days after the filing of such statement, such statement shall be conclusive evidence of the amount of such cost.

8-01-001-0006 HEARING ON OBJECTION:

The owner or owners so filing objections, as aforesaid, may appear before the Council at its next regular monthly meeting and present evidence in support of their said objections. The Council shall then determine the cost of such repairs or renewals and the said determination shall be conclusive of the amount thereof.

8-01-001-0007 EXPENSES CONSTITUTE LIEN:

The cost of such repairs or renewals, together with all costs and penalties herein provided for, shall constitute a lien upon the lot or lots fronting or adjoining the said sidewalk so repaired or renewed in favor of the City. (Ord. 86, 7-14-03)

8-01-001-0008 PENALTY FOR NONPAYMENT:

If the costs of such repairs be not paid to the Treasurer within ten (10) days after the filing of the statement herein provided for, if no objection be filed as herein provided, or within ten (10) days after the determination of such objections, if same be filed, fifty percent (50%) of the amount of the cost thereof shall be added to the cost and become a charge upon the property in like manner as the original cost. (Ord. 185, 6-27-16)

8-01-001-0009 NOTICE OF SALE OF PROPERTY:

As soon as may be practicable after the attaching of such penalties, the Clerk shall cause to be published in some weekly paper in the City for four (4) consecutive issues thereof, that on the first Monday after the completion of the publication of such notice, and between the hours of ten o'clock (10:00) A.M. and four o'clock (4:00) P.M., of said day, the property (describing it), or so much thereof as may be necessary to realize the amount of such cost, penalty and the cost of publication, will be sold from the front door of the City Hall.

8-01-001-0010 SALE:

On the day fixed for the sale, the Clerk shall sell the property so advertised, or so much thereof as may be necessary to such person as will take the least portion thereof and pay therefor the whole amount due thereon including penalties and cost.

8-01-001-0011 CERTIFICATE:

The Clerk shall, at the request of the purchaser or purchasers, or if the City be purchaser, without request, make, execute and deliver to the purchaser a certificate describing the property, the amount for which it is sold and reciting that at the expiration of six (6) months from the date thereof a deed conveying all the interest of the City in and to said property shall be delivered to the purchaser.

8-01-001-0012 REDEMPTION OF PROPERTY:

The owner or owners of such property so sold may at any time after said sale redeem the same from the Treasurer upon the payment to him of the amount for which the property was so sold, together with thirty percent (30%) penalty thereon, for the benefit of the purchaser or purchasers thereof. Upon the expiration of six (6) months after the date of such certificate, the Clerk shall, upon demand, make, execute and deliver to the purchaser or purchasers a deed to the property so sold, which deed shall vest in the grantee a title in fee to such real estate, and shall be conclusive evidence of title, and that the matters and things therein stated are true, and in case any person shall be in possession of the real estate which may be sold as hereinbefore provided, a writ of

restitution may be issued by any judge or court of competent jurisdiction, placing the purchaser or his assigns in possession. (Ord. 86, 7-14-03)

8-01-001-0013 PRIOR NOTICE REQUIRED:

Nothing herein contained shall be construed as giving any person a cause of action for injuries resulting from a defective sidewalk until it is proven that the Street Superintendent had actual knowledge of such defect and failed to remedy the same within a reasonable period of time. (1960 Code)

8-01-001-0014 CONSTRUCTION SPECIFICATIONS:

All sidewalks hereafter constructed shall be built under the supervision and control of the City and according to the specifications and requirements on file in the office of the Engineering Section, and there maintained at all times for public inspection. (1978 Code)

The Flagstaff City Charter and City Code are current through Ordinance 2019-01, passed February 19, 2019.

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.