

Chapter 30

Sidewalks and Driveways

Section 30-1 Sidewalk construction.

Sidewalks shall be constructed in such areas as the city council shall deem necessary. No sidewalks shall be constructed or repaired unless they conform with the provisions of this ordinance. (SDCL 9-46-1)

Section 30-2 Sidewalk specifications.

- A. All sidewalks shall be of such height so as to keep them all uniformly symmetrical. No sidewalks shall be built or maintained by anyone, which are higher at one point than the remainder of the sidewalks on any one block. The sidewalks shall be constructed or maintained so that there is not a step-up to or along any sidewalk at the ends of the lot line of any property owner.
- B. All sidewalks constructed or repaired shall be of cement, properly constructed and safely surfaced. No sidewalks shall be constructed unless they are so constructed to make them uniformly symmetrical as to size, height, and construction with adjoining sidewalks, making the sidewalk safe, and taking into account proper drainage. (SDCL 9-46-1)
- C. All sidewalks constructed or repaired, except those in business blocks, shall be ten (10) inches from the inside of the sidewalk to the line of the lot.
- D. Anyone building or repairing any sidewalks within said city, shall during the course of such construction, keep up and maintain proper warning signals to the traveling public.

Section 30-3 Width of sidewalks.

- A. **Business District** - All sidewalks along Fifth Street, which is commonly known as the business district, shall be twelve (12) feet in width. In the business district, sidewalks shall be constructed from the curb line to the property line.
- B. **Residential District** - All sidewalks in residential districts shall be four (4) feet in width.

Section 30-4 Damaged sidewalks.

Whenever any sidewalks shall become broken, damaged, or unsafe for travel, the owner of the property shall immediately repair or rebuild the same as the case may be, all in compliance with the provisions of this ordinance.

Section 30-5 Notice to owners.

Whenever the city council shall deem it necessary to construct, rebuild, or repair any sidewalk, it shall notify all owners of lots adjoining such sidewalk to construct, rebuild, or repair the same at their own expense within a time designated.

Such notice shall be in writing and either be served personally or by return receipt mail, on each owner or by publication once a week for two consecutive weeks. It shall set forth the character of the work and the time within which it is to be done. Such notice may be general as to the owners but must be specific as to the description of such lots. (SDCL 9-46-3)

Section 30-6 Construction or repair by city.

If such sidewalk is not constructed, reconstructed, or repaired in the manner and within the time prescribed, the city council by resolution may cause the same to be done. (SDCL 9-46-4)

Section 30-7 Assessment of sidewalk costs against abutting property.

The cost thereof shall be assessed against the lots fronting or abutting upon the sidewalk so constructed, reconstructed, or repaired, as provided in this section or hereinafter provided. In estimating such assessment the entire cost of the improvement fronting on the property to be assessed shall be divided by the number of feet fronting or abutting on the same, and the quotient shall be the sum to be assessed per front foot against each lot so fronting or abutting. (SDCL 9-46-5)

Section 30-8 Liability of owner for failure to make repair – Notification of nonresident owner.

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

The duty of the municipality to notify the nonresident owner does not affect the liability of the owner for any injury proximately caused by the negligent construction or repair of the sidewalk. The failure of the municipality to notify the nonresident owner does not result in any liability on the part of the municipality for any injury proximately caused by the negligent construction or repair of the sidewalk. (SDCL 9-46-2)

Section 30-9 Drainage standards for driveways.

Property owners shall not construct driveways for access to their property that will obstruct the free flow of water within the city. Driveways shall be constructed with a dip for drainage. If a dip for drainage is not suitable, then property owners may use a culvert for drainage that is of sufficient size to allow the free flow of water across their property. However, in no event shall a culvert be used that has a capacity less than a twelve (12) inch round culvert or a twelve (12) inch by twelve (12) inch box culvert.