

EXISTING ORDINANCE

Sec. 25-56. Duty of owner of abutting property.

(a) It shall be the duty of each owner of abutting property to construct or reconstruct, maintain and keep in good repair uniform and substantial sidewalks in front of or abutting upon each parcel of his property within the city when so directed by resolution of the city commission.

(b) It shall be unlawful for the owner or occupant of any lot or part thereof to permit any sidewalk in front of such lot or part thereof to remain in such a condition as to prevent the convenient and safe use thereof by the public.

(c) Sidewalks shall be required in connection with the development of vacant property, redevelopment of developed property or construction of improvements on developed property to the extent of twenty-five (25) percent or more of the replacement value of existing improvements. They shall be constructed on all public streets abutting the plot, except as hereinafter provided. Such sidewalks shall be constructed to standards established by the city engineer and located as determined by the city engineer, generally at the edge of the right-of-way. However, no person shall be required to construct such sidewalks when one (1) or more of the following conditions are found to exist:

- (1) The city commission has not made a determination that sidewalks are desirable;
- (2) The engineering department has determined that a drainage problem exists or will be created by such construction;
- (3) Adjacent properties have not been improved with sidewalks;
- (4) No sidewalks were constructed in the original subdivision development; or
- (5) The adjacent right-of-way is less than fifty (50) feet in width.

(d) The conditions set forth in paragraphs (c)(4) and (5) of this section shall not operate to relieve an owner from such construction requirement if the majority of properties within two hundred fifty (250) feet of the subject property have been improved with sidewalks.

(e) Any person aggrieved by an adverse decision of the city engineer may appeal such decision to the board of adjustment, pursuant to [section 47-31](#)

(Code 1953, §§ 40-4, 40-24; Ord. No. C-71-64, § 1, 9-21-71; Ord. No. C-74-32, § 1, 3-19-74; Ord. No. C-77-62, § 1, 5-3-77; Ord. No. C-80-32, § 1, 5-6-80)

Sec. 25-57. Width, material, grade, etc.

The width of each sidewalk, the material to be used in its construction, the grade thereof, and the method and manner of constructing, reconstructing and repairing the same shall be as prescribed and approved by the city.

(Code 1953, § 40-25)

Sec. 25-58. Determination of necessity for construction or reconstruction.

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The city commission shall determine by resolution all places and sites within the city wherein it is necessary or advisable, by reason of any unsafe, unsanitary or dangerous condition affecting the public health, safety or general welfare of the city or its inhabitants or for any other reason, for sidewalks to be constructed or reconstructed.

(Code 1953, § 40-26; Ord. No. C-71-64, § 2, 9-21-71)

Sec. 25-59. Notice to owners to construct, reconstruct, repair, etc.

Upon determination by the city commission under provisions of [section 25-58](#), the city commission shall give or cause to be given written notice to the owner of the property abutting upon such sidewalk or proposed sidewalk directing such property owner to construct, reconstruct, maintain or repair, as the case may be, the sidewalk or proposed sidewalk in front of or abutting upon such property.

(Code 1953, § 40-27; Ord. No. C-71-64, § 3, 9-21-71)

Sec. 25-60. Contents of notice; service.

The notice required by [section 25-59](#) shall direct the abutting property owner to forthwith commence and, within thirty (30) days after date of such notice, complete the construction, reconstruction or repair work. Such notice shall be mailed to the address of each such property owner, if the address is known to or by reasonable diligence can be obtained by the city clerk; if the address is unknown or cannot be obtained by reasonable diligence or if such notice is returned unclaimed, then a copy of such notice directed to the owner shall be published in a newspaper of general circulation in the county once each week for two (2) consecutive weeks (two (2) publications being sufficient) directing the owner to forthwith commence and, within thirty (30) days after the last publication of such notice, complete the construction, reconstruction or repair work.

(Code 1953, § 40-28)

Charter reference— *Public notices, § 10.03.*

Sec. 25-61. Work done by city; costs.

(a) In the event the abutting property owner shall fail or refuse to do and perform the construction, reconstruction or repair work on any sidewalk or proposed sidewalk within the time prescribed in the notice, under the provisions of [section 25-59](#) hereof, then and in that event, the city commission shall make or cause such work to be done and make the cost thereof a charge and lien against such property of the same extent and character as the lien now granted or which may hereafter be granted to the city by law for special assessments for the cost of local improvements.

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(b)A property owner of a residential single family, duplex, triplex or other residential property, as defined by Chapter 47 of the Unified Land Development Regulations, would have the option to pay the sidewalk repair costs over a period of up to ten (10) years at an annual interest rate of six (6) percent compounded monthly. A property owner electing to finance the sidewalk repairs or portion thereof will repay the fee as part of the regular utility bill and will be subject to collection actions authorized by Code or Florida Statute. Those property owners' homes will be subject to a "voluntary lien," which must be paid in full prior to transfer or sale of property to another owner. An owner who elects to finance the sidewalk repair pursuant to this section shall be required to execute a promissory note secured by a lien on the property prior to the sidewalk repairs being made.

(Code 1953, § 40-29; Ord. No. C-10-03, § 1, 1-20-10)

State law reference— *Foreclosure of municipal tax and special assessment liens, F.S. ch. 173.*]\