

## CHAPTER 17

### Local Improvements

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## ARTICLE I

### In General

#### **Sec. 17-1. Definition.**

The term *real estate* or *property* shall be held to mean all lands, whether platted or unplatted, regardless of lot or land lines. It shall also include in its meaning the franchises of any railroad whose tracks lie either lengthwise or crosswise within any street improved under this Chapter. (1949 Comp., §10.0914)

#### **Sec. 17-2. Description of property.**

Lots, plots, blocks and other subdivisions may be designated in accordance with any recorded plat thereof. Unplatted lands may be described by any definite description thereof and franchises by the name of the corporation owning the same. (1949 Comp., §10.0914)

#### **Sec. 17-3. Make improvements, assess cost.**

The City shall have the power to make local improvements and to assess the cost thereof wholly or in part upon the property especially benefited. (1949 Comp., §10.0901)

#### **Sec. 17-4. Authority; manner of proceeding generally.**

(a) All public improvements shall be constructed in accordance with the Charter and ordinances of the City, which such provisions are hereby declared to supersede the laws of the State in any respect in conflict therewith.

(b) In carrying out the provisions of this Chapter, the City Council shall act by resolution or motion, in all cases, except that the cost of all improvements shall be assessed by ordinance. (1949 Comp., §§10.0901, 10.0902, 10.0932)

#### **Sec. 17-5. Power to order improvements.**

The City Council may, subject to the provisions of this Article, order the grading, curbing, guttering, paving, draining and construction of necessary culverts, crosswalks and sewers, or any one (1) or more of these improvements and the construction or reconstruction of sidewalks upon any street or alley in the City or any combination of such improvements, including storm sewers; and the City Council may thereafter do such further grading as may be necessary in paving or otherwise improving the same area. (1949 Comp., §10.0902)

#### **Sec. 17-6. Information on improvement required.**

The City Council shall adopt full details and specifications for all local improvements, determine the number of installments, the time in which the cost shall be paid, the rate of interest on unpaid installments and the district of land to be assessed for the improvements, and shall cause the City Engineer to make an estimate of the cost of such improvements, exclusive of the per centum for cost of collection and other incidentals and of interest to the time the first installment comes due and a map of the district to be assessed, from which map the approximate share of the total cost that will be

assessed upon each piece of real estate in the district may be readily ascertained. No improvement shall be made at a cost exceeding the total estimate of the City Engineer. (1949 Comp., §10.0903)

**Sec. 17-7. Publication of improvement details.**

The City Council shall, by advertisement for two (2) weeks in a newspaper of general circulation published in the City, give notice to the owners of real estate in the district and to all persons interested generally of the following information:

(1) The kind or kinds of improvement proposed, without mentioning minor details or incidentals.

(2) The number of installments and time in which the cost of the improvement will be payable.

(3) The rate of interest on unpaid installments.

(4) The extent of the district to be assessed by boundaries or other brief description.

(5) The probable cost as shown by the estimate of the City Engineer.

(6) The maximum share of the total estimate per front foot, or per square foot on ordinary lots, specifying the size where to assessment is made according to area, that will be assessed upon any lot or lands in the district. In case the assessment shall be made otherwise than per front foot or per square foot, the maximum share to be assessed upon any lot or lands in the district, or to any person, shall be stated according to the method of assessment adopted in the district.

(7) The time, not less than thirty (30) days after the first publication, when the City Council will consider the ordering of the proposed improvements and hear all complaints and objections that may be made in writing concerning the proposed improvements, by the owner of any real estate to be assessed or any persons interested.

(8) That the map and estimate and all proceedings of the City Council in the premises are on file, and can be seen and examined, at the office of the City Clerk, during business hours, at any time within the period of thirty (30) days by any person interested. (1949 Comp., §10.0904)

**Sec. 17-8. Petition by property owners generally.**

If the owners of a majority of the real estate to be assessed, or the owners of a majority of the frontage to be assessed, shall petition for paving or other improvement, and name the character of improvement and the kind and character of materials to be used therein, then the improvement may be ordered; provided that the City Council shall deem such proposed improvement good and sufficient for the particular locality and that no petition or specification shall name any material from any specified locality, quarry or kiln or of any particular name, make, brand or source. However, in case some article or material specified shall be the only material or article of that nature fitted for the purpose proposed and shall be best suited for the proposed improvement, then and in that case such article or material may be specified, but such specification shall not be binding upon the City Council if in the opinion of the City Council it should not, for any reason, be used. (1949 Comp., §10.0905)

**Sec. 17-9. Acknowledgement in petition.**

The petition for improvements as set out in the preceding Section shall be subscribed and acknowledged in the manner prescribed by law for acknowledgment of deeds of conveyance of real estate, by the owners or their duly authorized agents by power of attorney, or it shall be acknowledged in like manner by a majority of the frontage of the real estate to be assessed for the improvement. (1949 Comp., §10.0905)

**Sec. 17-10. Withdrawal of names.**

No petitioner for improvements as set out in Section 17-8, his or her heirs or assigns, shall be permitted to withdraw his or her name from a petition after the same has been filed with the City Council, unless the City Council fails to order such improvements upon such petition within nine (9) months from the time the petition is so filed. All requests for withdrawal must be subscribed and acknowledged in the manner prescribed for the signing of the petition by the preceding Section. (1949 Comp., §10.0905)

**Sec. 17-11. Railways excluded.**

Railway trackage shall not be considered or computed as assessable frontage in determining the sufficiency of petitions as provided in the preceding Section. (1949 Comp., §10.0909)

**Sec. 17-12. Maximum cost.**

Every petition for improvements as set out in Section 17-8 shall state the maximum cost per front foot or other unit for assessment, exclusive of interest and cost of collection for the entire improvement when completed, and the amount so named shall not be exceeded. (1949 Comp., §10.0905)

**Sec. 17-13. Action by Council on petition.**

All matters contained in the petition, except the naming of the kind of improvement as set out in Section 17-8, and of the maximum cost as set out in the preceding Section, may be disregarded by the City Council, and any one (1) or more of the other improvements mentioned in Section 17-8 may be added by the City Council, if the maximum cost is not exceeded. (1949 Comp., §10.0905)

**Sec. 17-14. Specifications for materials.**

In all specifications for materials to be used in public improvements of every kind, the City Council shall establish a standard of purity, strength and quality to be demonstrated by physical and chemical tests within the limits of reasonable variations, and any and all materials proposed for use shall be approved by the City Council. (1949 Comp., §10.0906)

**Sec. 17-15. Modification of proceedings.**

All the proceedings by the City Council regarding all local improvements may be modified, confirmed or rescinded by the City Council at any time prior to the adoption of the resolution authorizing the improvement; provided that no substantial change in the district, map, details,

specifications or estimate shall be made by the City Council after the first publication of the notice to property owners as required by Section 17-7. (1949 Comp., §10.0907)

**Sec. 17-16. Credit for prior improvements.**

If at the time of the adoption of the resolution of City Council authorized by Section 17-4 authorizing improvements for any district, any piece of real estate in the district has the whole or any part of the proposed improvements already completed, conforming or approximately conforming to the general plan, the City Council may adopt the same, in whole or in part, or make the necessary changes to make the same conform to the general plan, and the owner of such real estate shall, when the assessment is made, be credited with the amount which is saved by reason of adopting or adapting such existing improvements. (1949 Comp., §10.0908)

**Sec. 17-17. Entire street width to be improved.**

Whenever any grading or paving district shall be created under Section 17-5, the City Council shall include in the area to be paved or graded the entire width of street from curb to curb, including the portion of the street occupied by or required for franchise obligations, to be paved by or chargeable or assessable to any railway company whose railroad runs through or across any street in the district. (1949 Comp., §10.0909)

**Sec. 17-18. Utility connection required prior to paving.**

Before paving a street in any district in accordance with this Article, the City Council may order the owners of the abutting real estate to connect, in such manner as the City Council may direct, their premises with the water mains or with any other commodity in the street or alley, adjoining their premises and upon default of the owners for thirty (30) days after such order to make such connection, the City may make or cause to be made such connection at such distance, under such regulations and in accordance with such specifications, as may be prescribed by the City Council, and the whole cost of such connection shall be assessed against the premises with which the connection is made. The proceedings shall be as required in this Article, the cost shall be assessed and collected in the same manner as is provided in Sections 17-22 to 17-44, and upon default in the payment of any assessment, the real estate may be held as provided in Section 17-43. (1949 Comp., §10.0913)

**Sec. 17-19. Sale of bonds generally.**

All local improvements shall be paid for in cash out of the proceeds derived from the sale of the public improvement bonds of the City, of such date and in such form as will be prescribed by the City Council, the bond bearing the name of the district improved and payable to bearer in a sufficient period of years to cover the period of payments, but subject to call as provided for in Section 17-21 in convenient denominations of not more than one thousand dollars (\$1,000.00) each. All such bonds shall be issued by the City Council in sufficient amount to provide funds to pay for the local improvements, expenses, necessary interest before the first assessment can be collected and rights-of-way contemplated by this Article, and the City Treasurer shall preserve a record of the same in suitable book kept for that purpose. The bonds shall be subscribed by the Mayor, attested by the City Clerk, under the seal of the City and registered by the City Treasurer, the bonds to be payable only out of the moneys collected on account of the assessments made for the improvements respectively,

and all moneys collected on account of the assessments for any improvement shall be applied to the total payment of the bonds, and the City Council shall, at public or private sale, upon such terms and conditions as it may determine, sell sufficient of the bonds to raise the funds required to carry out the provisions of this Chapter. (1949 Comp., §10.0929)

**Sec. 17-20. Sale of bonds; form; interest rate; place payable.**

All bonds issued to pay for local improvements shall bear interest at the rate of not more than ten percentum (10%) per annum, as ordered by the City Council, payable annually or semiannually as the City Council shall determine; the interest to be evidenced by coupons, attested by facsimile of the signatures of the Mayor and the City Clerk. All such bonds, principal and interest shall be payable at the City, but if the City Council so orders they may also be payable at a bank or trust company to be designated by the City Council, and in all such cases the bonds and coupons shall recite the place of payment and when payable; and the City Treasurer is hereby authorized to remit the funds necessary for their payment with exchange, to the institution so designated, always assuring himself or herself that such institution is then perfectly solvent. (1949 Comp., §10.0930; Ord. 575, §1; Ord. 725, §1)

**Sec. 17-21. Redemption.**

Whenever considered prudent by the City Treasurer, he or she may, and whenever funds may be in his or her hands to the credit of any improvement district, exceeding six (6) months' interest on the unpaid principal, he or she shall, by advertisement for one (1) week, in some newspaper of general circulation published in the City, call in a suitable number of the bonds of such district for payment. At the expiration of thirty (30) days from the first publication of the notice, the interest on the bonds so called shall cease. The notice shall specify the bonds so called by numbers and all bonds shall be paid in their numerical order. The holder of any bonds may at any time furnish his or her post office address to the City Treasurer, and in such case, a copy of the advertisement shall be mailed by the City Treasurer to the holder of the bonds called, at his or her address, on the first day of publication. (1949 Comp., §10.0931)

**ARTICLE II**

**Assessments**

**Sec. 17-22. Method generally.**

The cost of any local improvement, except as otherwise provided in this Article, shall be assessed upon all assessable property in the improvement district in accordance with benefits, to be determined by the City Council by one (1) of the following methods:

(1) In the same proportion that the frontage of each lot or tract of land bears to the frontage of all the lots and lands improved. The sides of corner lots which abut on the street improved are regarded as frontage.

(2) In the same proportion that the area of each lot or parcel of land in the district bears to the area of all assessable land in the district.

(3) The real property adjacent to the street improved to be divided into from two (2) to six (6) parallel zones, each zone to be assessed with such proportion or percentage of benefits as may be determined by the City Council. (1949 Comp., §10.0910)

**Sec. 17-23. Intersections.**

In case of the improvements of any street or alley, except as otherwise provided in this Article, the cost of the improvement in each street intersection or street and alley intersection, except the share to be paved by street or other railway companies, shall be assessed upon all the frontage on the street or alley improved, and on the intersecting streets or alleys within one-half (½) block in each direction from such intersection in proportion to the frontage of each piece of real estate on the street or alley improved, or on any intersecting or alley within one-half (½) block. (1949 Comp., §10.0911)

**Sec. 17-24. Odd-shaped property.**

When any real estate is "V" shaped or of irregular form, the City Council may make such readjustment or change in the assessment worked out under Sections 17-22 and 17-23 thereon as to it may seem equitable and just, or may refuse to make any such adjustment or change. (1949 Comp., §10.0912)

**Sec. 17-25. Railroads.**

The City Council shall charge to, assess and collect that proportion as provided in this Article of the cost of the improvement set out in the preceding Section from a railroad company or companies which occupy or are required by franchise to pave the streets to which improvements are to be made in case of abutting property. The City Council shall issue bonds, which shall be issued and made payable in like manner as bonds issued for the improvement to be assessed against the real estate to be specially benefited. In the meaning of this Section, in the absence of a franchise obligation to grade or pave, a railway shall be held to occupy and shall be liable for the grading and paving of that part of the street lying between the rails of each track and two (2) feet outside of each rail, and every railway company, whether street railway or otherwise, shall be assessed for the cost of the paving and grading of any part or parts of any street or alley occupied by or required by franchise obligation to be paved by it, and the assessment levied for the cost of the improvements chargeable to a railway company shall be a first and prior lien against the entire franchise and property of the company within the district and also without the district but within the limits of the City, subject to general taxes only. All the terms, conditions and provisions of this Article relative to the collection of the amounts chargeable against assessed frontage or other unit for assessment, shall be applicable in the enforcement and collection of assessment against such railway company, and the property of such railway company shall, in case of default in payment of such assessment, be sold as in cases of default in payment of general taxes levied thereon. (1949 Comp., §10.0909)

**Sec. 17-26. Statement by Council.**

Upon the completion of any local improvement, or in the case of sewers, upon completion of any part or parts thereof, which afford complete drainage for any part or parts of the district, and which have been accepted by the City Council, or whenever the total cost of any such improvement, or any such part or parts of any sewer can be definitely ascertained, the City Council shall prepare a statement showing the whole cost of the improvement or such parts thereof, including not to exceed

six percent (6%) additional for costs of collection and other incidentals and including interest to the next succeeding date upon which general taxes or the first installment thereof are by the laws of this State made payable. The statement shall apportion the whole cost upon each lot or tract of land to be assessed as provided in this Article, and shall cause the same to be certified to the Mayor and filed in the office of the City Clerk. (1949 Comp., §10.0915)

**Sec. 17-27. Notice of hearing.**

The City Clerk shall publish once each week for three (3) consecutive weeks in a newspaper of general circulation published in the City notifying the owners of the real estate to be assessed and all persons interested, generally and without naming such owners or persons, that improvements have been or are about to be completed and accepted, specifying the whole cost of the improvements and the share so apportioned to each lot or tract of land or person. Said notice shall also specify that any complaints or objections that may be made in writing by such owners or persons to the City Council, and filed with the City Clerk, on or before a date specified in the notice (which date shall be no earlier than the fourth day after the last publication of said notice) will be heard and determined by the City Council at its first regular meeting after the last day for filing objections and before the passage of any ordinance assessing the cost of the improvements. (1949 Comp., §10.0916; Ord. 725, §2)

**Sec. 17-28. Hearing modification.**

At the meeting specified in the notice given of assessment of the costs of local improvement under the preceding Section or any adjournment thereof, the City Council shall hear and determine all such complaints and objections. The City Council may thereupon make such modifications and changes as to it may seem equitable and just or may confirm the first apportionment. The City Council shall thereupon, by ordinance, assess the cost of the improvements against all the real estate in the improvement district and against such persons respectively, in the proportions as set out in Section 17-22. (1949 Comp., §10.0917)

**Sec. 17-29. Constitutes a lien; amendment.**

All assessments made pursuant to this Article, together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same, shall, from the date of the final publication of the assessing ordinance, constitute a perpetual lien on a parity with the tax lien for general state, county, city, town or school taxes, and no sale of such property to enforce any general state, county, town or school tax or other lien shall extinguish the perpetual lien of such assessments. As to any subdivisions of any land assessed in pursuance of this act, the assessment shall in each case be a lien upon all the subdivisions in proportion to their respective areas. No delays, mistakes, errors or irregularities in any act or proceeding authorized by this Article shall prejudice or invalidate any final assessment, but the same may be remedied by subsequent amending acts or proceedings, as the case may require, and when so remedied, the lien shall take effect as of the date of the original act or proceeding. (1949 Comp., §10.0918)

**Sec. 17-30. Action when court sets aside.**

If in any court of competent jurisdiction any final assessment made in pursuance of this Article be set aside, then the ordering authority may, upon notice as required in the making of an original

assessment, make a new assessment in accordance with the provisions of this Article. (1949 Comp., §10.0918)

**Sec. 17-31. Assessment rolls prepared.**

The City Treasurer shall, from the statement required by Section 17-26 and the assessing ordinance required by Section 17-28, prepare a local assessment roll, in book form, showing in suitable columns each piece of real estate assessed, the total amount of the assessment, the amounts of each installment of principal and interest, if in pursuance of Section 17-38 the same is payable in installments and the date when such installments will become due, with suitable columns for use in case of payment of the whole amount or of any installment or penalty. (1949 Comp., §10.0919)

**Sec. 17-32. Delivered for collection.**

After the lapse of thirty (30) days from the final publication of the assessment ordinance required by Section 17-28, the City Clerk will deliver the assessment rolls required by the preceding Section to the County Treasurer for collection. The assessment rolls shall be certified by the City Clerk under the seal of the City, with his or her warrant for the collection of the same. The City Treasurer shall charge the amount of the assessment roll to the County Treasurer, who shall receipt to the City Treasurer for the same. (1949 Comp., §10.0919)

**Sec. 17-33. Duties of collector; errors.**

The County Assessor shall provide in the assessment roll of general taxes a column wherein the County Treasurer may make memoranda of special assessments made under Section 17-31. The County Treasurer shall make suitable memoranda in such column showing any unpaid special assessments levied before the receipt of the assessment roll, upon the property referred to in such memoranda. On request for the amount of the taxes against any property, the County Treasurer shall include in his or her statement special assessments. No error, failure, neglect or default on the part of the County Assessor or the County Treasurer in complying with the provisions of this Section shall invalidate any tax or assessment or affect the lien thereof. (1949 Comp., §10.0919)

**Sec. 17-34. Receipt of payment.**

The County Treasurer shall receive payments of all assessments against any real estate appearing on the assessment roll prepared under Section 17-31 and delivered to him or her for collection under Section 17-32 with interest. (1949 Comp., §10.0925)

**Sec. 17-35. Payment of part interest.**

The owner of any divided or undivided interest may pay his or her share of any assessment levied under this Article. (1949 Comp., §10.0927)

**Sec. 17-36. Accounting for collections.**

All collections made by the County Treasurer upon the assessment roll prepared under Section 17-31 and delivered for collection under Section 17-32 in any calendar month shall be accounted for to

the City Treasurer on or before the tenth day of the next succeeding calendar month with separate statements of all such collections for each improvement. (1949 Comp., §10.0928)

**Sec. 17-37. When payable.**

All assessments made pursuant to this Article shall be due and payable within thirty (30) days after the final publication of the assessing ordinance, as required by Section 17-7, without demand. (1949 Comp., §10.0920)

**Sec. 17-38. Election for installment payments.**

All assessments made pursuant to this Article may, at the election of the owners, be paid in installments with interest, as provided in the following Section. Failure to pay the whole assessment within the period of thirty (30) days shall be conclusively considered an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installments shall be conclusively considered as consenting to improvement payments, and such election shall be conclusively held and considered as a waiver of any and all rights to question the power or jurisdiction of the City to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings or the validity or correctness of the assessment. (1949 Comp., §10.0920)

**Sec. 17-39. Method of payment; interest.**

In case of election to pay in installments as provided in the preceding Section, the assessments in all cases shall be payable in not less than two (2) or more than twenty (20) annual installments of principal, with interest in all cases on the unpaid principal, payable annually at a rate not exceeding ten percent (10%) per annum. The number of installments, the period of payment and the rate of interest may be determined by the City Council. (1949 Comp., §10.0921; Ord 575, §2)

**Sec. 17-40. Time payable.**

All installment payments elected under Section 17-38 of assessments, both of principal and interest, shall be payable at such times as may be determined in and by the assessing ordinance. (1949 Comp., §10.0922)

**Sec. 17-41. Acceleration, right to redeem.**

Failure to pay any installment payment elected under Section 17-38 when due, either of principal or interest, shall cause the whole of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one percent (1%) per month, or fraction of a month, until the day of sale as provided in Section 17-44. At any time prior to the day of sale the owner may pay the amount of all delinquent installments with interest at one percent (1%) per month, or fraction of a month as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay installments in the same manner as if the default had not been suffered. (1949 Comp., §10.0923)

**Sec. 17-42. Unpaid principal and interest paid.**

(a) The owner of any piece of real estate not in default as to any installment payment elected under Section 17-38 may at any time pay the whole unpaid principal with the interest accrued.

(b) Payments may be made to the City Treasurer at any time within thirty (30) days after the final publication of the assessing ordinance required by Section 17-28. The payments will include an allowance for the per centum added for cost of collection and other incidentals, and for the interest from the date of payment to the time the first installment comes due. (1949 Comp., §10.0924)

**Sec. 17-43. Sales of property in default generally.**

In case of default in the payment of any installment elected under Section 17-38 of principal or interest when due, the County Treasurer shall advertise and sell any and all real estate concerning which such default is suffered, for the payment of the whole of the unpaid assessments thereon. The sale and advertisements shall be made at the same time or times, in the same manner, under all the same conditions and penalties and with the same effect as are provided by general laws for the sale of real estate in default of payment of general taxes. (1949 Comp., §10.0925)

**Sec. 17-44. Purchase and resale.**

At any sale by the County Treasurer of any real estate in the City, for the purpose of paying any special assessments for local improvements which are in default, the City Treasurer may purchase any such real estate without paying for the same in cash, and shall receive a certificate of purchase in the name of the City; such certificates shall be received and credited at their face value, with all interest and penalties accrued, to the City Treasurer on account of the assessments in pursuance of which the sale was made. The certificates may thereafter be sold by the City Treasurer at their face value, with all interest and penalties accrued, and by him or her assigned in the name of the City and the proceeds credited to the fund created by ordinance for the payment of such assessments respectively; such assessments shall be made without recourse upon the City in any event, and the sale and assignment shall operate as a lien in favor of the City and of the holders of such certificates, as is provided by law in the case of sales of real estate for default in payment of general taxes. (1949 Comp., §10.0926)

**ARTICLE III**

**Construction or Repair of Sidewalks, Gutters, Curbs and Curbwalks**

**Sec. 17-45. Abutting property owner responsible.**

All sidewalks in the City and the necessary grading for the same shall be constructed, widened, repaired and, when necessary, rebuilt by the owner of the property fronting or abutting on the same, at the expense of such owner. The necessary grading for sidewalks shall be deemed and included as a part of the construction of the sidewalks. (1949 Comp., §10.0701)

**Sec. 17-46. Obstruction prohibited.**

No obstructions shall be erected, kept or maintained on any sidewalk (as defined in Section 25-1(a)) or any portion of the public right-of-way, except if a Revocable Permit shall have previously

been approved and issued for encroachments in the public right-of-way and upon the sidewalk by the City. (1949 Comp., §10.0702; Ord. 950, §2)

**Sec. 17-47. Notice to City of construction.**

No sidewalks or sidewalk areas shall be constructed, widened, repaired or rebuilt in the City without notice to the City Manager or his designee and under the supervision of the Director of Public Works or City Engineer, who shall be by the owner notified thereof. In case the same is not provided for by ordinance, the Director of Public Works or City Engineer shall designate the width and grade upon which and how the same shall be constructed. (1949 Comp., §10.0702; Ord. 828; Ord. 1058, §2)

**Sec. 17-48. Resolution to construct.**

Whenever it shall appear to the City Council, by petition or otherwise, that a sidewalk should be constructed, widened, repaired or replaced within the City, it may, by resolution, order the construction, widening, repair or reconstruction of the same by the owner of the property fronting on the same at the owner's expense. (Ord. 609, §1)

**Sec. 17-49. Time limitation.**

Whenever the City Council shall direct or order the construction, widening, repairing or reconstruction of any sidewalk by resolution as set out in Section 17-48, it shall state therein the period of time within which the owner shall construct, widen, repair or reconstruct such sidewalk, which period shall be not less than thirty (30) nor more than one hundred twenty (120) days from the date of the passage of such resolution. (Ord. 609, §1)

**Sec. 17-50. Notice to owner.**

The City Clerk shall immediately notify all owners of property adjoining the sidewalk, their agents or person occupying or having charge of such property, in writing of the order of the City Council to construct, widen, repair or reconstruct the same, so stating therein the period of time within which the owner shall construct, widen, repair or reconstruct such sidewalk. The notice may be served upon the owner, agent or person having charge of such property, in case such property is occupied, either personally or by certified mail, or in case the owner, agent or person having charge of such property is absent or is unknown, such notice may be served by posting the same in a conspicuous place on such lot or premises and the posting of such notice as above provided shall be deemed and held to complete the service of the same. (Ord. 609, §1)

**Sec. 17-51. City action, lien on property.**

If the property owner or owners or their agents or persons occupying or having charge of such property abutting the sidewalk to be constructed, widened, repaired or reconstructed shall not construct, widen, repair or reconstruct the same according to the requirements of the resolution of the City Council under Section 17-48 within the time specified after the service of notice upon them under Section 17-50, the City Council may cause such sidewalk to be constructed, widened, repaired or reconstructed by the City Manager, and assess the costs thereof against the property fronting upon such sidewalk. The amount so assessed shall be the cost of construction, widening, repairing or

reconstruction of such sidewalk adjacent to the property, and shall include the cost of service of notice and all expenses incurred as a result of these proceedings, interest at the rate of ten percent (10%) per year upon the costs to the City and the amount so assessed shall constitute a lien upon the property from the date of the commencement of the work until paid. (Ord. 609, §1; Ord. 1058, §2)

**Sec. 17-52. Apportionment of cost; notice; hearing.**

The statement of the City Manager of the cost and expense of the sidewalk required to be constructed, widened, repaired or reconstructed, as apportioned by him or her, shall be accepted as correct; and in case such assessment shall not be paid within ten (10) days after making the same, the City Clerk shall cause a notice of such assessment to be given to the owners and all other person interested in such property by publication in a newspaper published in the City for ten (10) days (once each week for three [3] successive weeks). Such notice shall state the amount assessed against each lot or other subdivision of property and designate a time and place when the City Council will hear any objections such owner or other person interested in such property shall make, and the City Council may correct and perfect any such assessment incorrectly or improperly made. (Ord. 609, §1; Ord. 1058, §2)

**Sec. 17-53. Default in payment of assessment.**

If any assessment made under this Section is not paid within ten (10) days after the time fixed for hearing such objections, the City Clerk shall certify such assessment to the County Treasurer, or other proper assessing officer then having possession of the tax list, to be placed by him or her upon such tax list for the current year, to be collected in the same manner as other taxes are collected, with ten-percent penalty thereon to defray the costs of collection and with interest on the total sum at the rate of ten percent (10%) per year from the date due until certified to the County Treasurer for collection. (Ord. 609, §1)

**Sec. 17-54. Owner to repair sidewalk.**

In addition to proceedings by the City Council specified in Section 17-48, in all cases where a sidewalk, once constructed, shall have become broken, worn or defective, or the same, as constructed, does not conform to the specifications provided in this Code or by the ordinances of the City, the City Engineer or the City Manager is authorized and directed to give written notification thereof to the owner, agent or person occupying or having charge of such property adjoining the sidewalk, served in the manner provided in Section 17-50, and ordering the necessary repairs or reconstruction to be made within a time period stated in the notice; which shall be not less than thirty (30) and not more than ninety (90) days from the date of the notice. (Ord. 609, §1; Ord. 1058, §2)

**Sec. 17-55. City action, property lien.**

If the property owner or owners or their agents or persons occupying or having charge of such property abutting the sidewalk to be repaired or reconstructed shall not repair or reconstruct the same according to the requirements of the notification and order of the City Engineer or City Manager, pursuant to Section 17-54, the City Engineer or City Manager may cause the sidewalk to be repaired or replaced by the most expedient means available, using either such employees of the City or private persons or contractors as the City Engineer or City Manager shall determine. The cost of any such repairs or reconstruction, the cost of service of notice, and all expense incurred as a result of these

proceedings, and interest at the rate of ten percent (10%) per year upon the costs to the City, as apportioned by the City Engineer or Superintendent, shall constitute a lien upon the property from the date of the commencement of the work and the same shall be established and assessed, perfected and certified to the County Treasurer and collected in the manner and according to the procedures specified in Sections 17-52 and 17-53. (Ord. 609, §1; Ord. 1058, §2)

**Sec. 17-56. Right to enforce lien.**

If the City Council so elects, it may bring suit in any court of competent jurisdiction to enforce the lien and collect such assessment created by the failure of the owner of abutting property to construct, widen, repair or reconstruct a sidewalk when ordered to do so by the City Council under Section 17-50. (1949 Comp., §10.0706)