

ORDINANCE NO. _____

**AN ORDINANCE TO ENACT AND AMEND CITY OF LINCOLN'S REGULATIONS
ON SIDEWALKS.**

WHEREAS, the City of Lincoln seeks to require new construction within the City of Lincoln to put into place conforming pedestrian sidewalks;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN,
BURLEIGH COUNTY, NORTH DAKOTA:

To amend and enact the following ordinance in the Code of Ordinances of Lincoln, North Dakota:

9-03-14. Sidewalk Construction

1. "Sidewalk" as referenced in this code and section means that improved portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.
2. As of March 1, 2019, all newly constructed residential, commercial, industrial, or public properties shall include the installation of sidewalks unless specifically waived by the City.
3. The owner of any lot or parcel of land adjoining any street or where a sidewalk has been mandated shall construct, reconstruct and maintain in good repair such sidewalks along the street or adjacent to the lot or parcel of land as have been constructed or ordered.
4. Sidewalks must be made and constructed of concrete or other such designated materials as determined by the City Engineer, and must meet the following conditions:
 - a. Sidewalks must be designed and constructed in compliance with Title II of the Americans with Disabilities Act (ADA).
 - b. Unless otherwise designated by the City Engineer, sidewalks must be sixty (60) inches in width (5 feet).
 - c. When constructed along improved commercial, industrial or school lots, sidewalks must be a minimum of seventy-two (72) inches in width (6 feet).
 - d. All sidewalks' lateral edge shall be offset twelve (12) inches from the street right of way.
5. The owner of any lot or parcel of land abutting any sidewalk shall be in compliance

with N.D.C.C. Chapter 40-29 and shall:

- a. Keep the sidewalk clean and unobstructed at all times.
- b. Remove snow and ice within 24 hours after the snow falls or ice forms, and keep the sidewalk free of ice and snow. Sand or a non corrosive environmentally safe ice melt may be used to make the area safe for pedestrian travel if removal of ice is impracticable.
- c. Should snow and ice not be removed as required, the City may remove the snow and ice at its discretion and assess the costs of removal to the abutting property owner.
- d. Preserve and keep clear from obstruction all survey monuments.

COUNCIL FIRST READING: ON THE ____ day of _____, 2019

COUNCIL SECOND READING AND FINAL PASSAGE: on the ____ day of _____, 2019

ATTEST:

CITY OF LINCOLN, NORTH DAKOTA

City Auditor

Mayor or Council President