

CHAPTER 10-1 SIDEWALKS AND ALLEYS - GENERAL

10-1-1

CLEANING SIDEWALKS, STREETS AND ALLEYS

It shall be the duty of the occupant of any lot or parcel of land in this City, abutting on any alley, street or sidewalk, to keep such sidewalk, and also to keep such street and alley to the center thereof free from all filth, unwholesome matter, manure, straw, paper or rubbish of any kind whatsoever. A twenty-four hours notice, given by the police chief or City Finance Officer or City attorney, which is either written or oral, shall be deemed sufficient notice for the purpose of this section. Failure to comply with the provisions of this section within said time limit shall subject said occupant or owner to the penalties hereinafter provided.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-30-2.

10-1-2

DUTY OF OWNERS

It shall be the duty of all non-resident owners to have all lots, or parts of lots owned by them, and all sidewalks, streets and alleys abutting on said lots kept free from all rubbish. Failure to do so is hereby declared a public nuisance.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-30-2.

Cross Reference:
Ordinance 7-2 SDCL Ch. 21-10.

10-1-3

OBSTRUCTING SIDEWALKS

No person shall place any goods or merchandise for sale or exhibition upon any sidewalk, or suspend any goods over the same for show, or cause or suffer to be deposited thereon any cask, barrel, case, box or package, except as provided for the next sections.

Legislative History:
1990 Revisions

Authority:
SDCL Chapter 9-30 generally

Opinions of the Attorney General:
Removal of gas pumps from sidewalks,
Report 1931-32, p. 528.

10-1-4

REBUILDING AND REPAIR

Whenever the City Council deems it necessary to construct, rebuild or repair any sidewalk in the City of Brandon, the Council shall follow the applicable procedures of the law of the State of South Dakota and the ordinances of the City of Brandon.

Legislative History:
1990 Revisions

10-1-5

SIDEWALKS

Concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with applicable standard specifications of the City, provided however, that the City Council, by resolution, may waive the sidewalk requirement when requested by the owner of the property.

Legislative History:
Ordinance No. 23, §59,
12/9/74; Ordinance No. 108,
§1, 9/8/81.

Authority:
SDCL Ch. 9-30; Also See
§9-32-1 in avoidance of
injuries.

Cross Reference:
The Brandon City Code, Title 17, Zoning.

10-1-6

RAMPS AT CROSSWALKS

Whenever any person, firm or corporation makes new installations of sidewalks, curbs or gutters, or improves or replaces existing sidewalks, curb or gutters, in both business and residential areas, it shall be required that they install ramps at crosswalks, so as to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs and for blind persons. All such ramps shall be constructed or installed in accordance with design specifications according to the most current American National Standards Specifications published by the American National Standards Institute.

Legislative History:
Ordinance No. 109, 10/5/81.

Authority:
SDCL Ch. 9-30, § 9-46-1.1;
See Also § 9-32-1 in avoidance of injuries.

10-1-7

STREET IMPROVEMENT COST ASSESSMENT

Whenever an arterial or collector street, including sidewalks, has been constructed for which the cost has not been apportioned against the property located outside the city limits, but which abuts an arterial or collector street constructed with City funds or by special assessments and which benefits the property located outside the city limits, the property shall pay its proportionate share of the cost of such construction, without interest, according to the benefits to accrue to such property. Costs shall be apportioned and administered pursuant to the following:

1. If the owner dedicates for public use all right-of-way and easements required by the city for construction of the arterial or collector, and receives no direct access to the street, no costs will be due. Otherwise, the City will set the costs after consideration of the amount of the City's expenditure, the number of property owners benefitted, and the value to the property owner.
2. Recovery costs required by this subsection shall be paid prior to platting or replatting for development.
3. The recovered costs shall be deposited in a city street fund.
4. The cost recovery shall be reviewed annually and adjusted as necessary to reflect the actual costs of construction.

Legislative History:
Ordinance No. 432, 1/14/09.

Authority:
SDCL 9-45-20, 9-45-28, 9-45 general.