

**ORDINANCE NO. II-1-6**  
**SIDEWALK AND DRIVEWAY APPROACH CONSTRUCTION**

**BE IT ORDAINED BY THE CITY OF DE SMET, SOUTH DAKOTA:**

**Section 1. Responsibility.**

The construction of a permanent sidewalk fronting or abutting all streets, highways and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential and commercial buildings within the City.

**Section 2. Supervision.**

The building and construction of all sidewalks and driveway approaches within the City shall be done under the supervision of the city engineer or the City's zoning official.

**Section 3. Removal or damage to sidewalk.**

No person without proper authority shall tear up, break, or injure any pavement, crosswalk, sidewalks or other improvement in any street or public ground. Any pavement, sidewalk, or other improvement in any street or public ground removed, torn up or injured shall be replaced at the builder's, owner's or developer's sole cost.

**Section 4. Specifications.**

The construction of all sidewalks and driveway approaches, whether to be done by direct contact with the City or by contract with the abutting property owners, shall be done strictly in accordance with the City's specifications for sidewalks. The City engineer or zoning official shall have full power to condemn work and material not in accordance with the requirements of such specifications.

**Section 5. Permit required.**

(a) Before any sidewalk or private driveway approach is constructed within the right-of-way by any contractor or person for the owners of abutting property, the contractor or person must first secure a permit therefore from the City.

(b) Any person installing or constructing a sidewalk within the right-of-way and in front of or along property owned by him shall obtain a permit. The sidewalk shall be constructed in accordance with City specifications. If

the City determines that the sidewalk was not constructed in accordance with City specifications, it shall be replaced by the property owner.

**Section 6. Width of sidewalks.**

The width of all sidewalks shall be determined according to the specifications adopted by resolution of the City Council.

**Section 7. Requirements for barrier-free curbs and sidewalks.**

Whenever any person makes any installations of sidewalks, curbs or gutters, or improves or replaces existing sidewalks, curbs or gutters, in both business and residential areas, they shall install ramps at crosswalks, to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs and for blind persons.

**Section 8. Permit Fee.**

Any person seeking a permit for construction or removal of a sidewalk, gutter or driveway approach shall pay a permit fee to the City Finance Office in the sum of \$15.00 per application.

Dated this 11<sup>th</sup> day of August, 2004.

**CITY OF DE SMET**

**Gary Wolkow, Mayor**

**ATTEST:**

**Eileen Wolkow, Finance Officer**

Passed First Reading: August 11, 2004  
Passed Second Reading: September 8, 2004  
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