

Ordinance Number 1159

AN ORDINANCE OF THE CITY OF SANDPOINT, IDAHO AMENDING TITLE 7, CHAPTER 2, SECTION 2, PROVIDING STANDARDS FOR SIDEWALK ENCROACHMENT PERMITS; PROVIDING THAT VIOLATIONS OF THIS SECTION SHALL BE AN INFRACTION; REPEALING CERTAIN SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Sandpoint:

Section 1: That Sandpoint City Code section 7-2-2 be and the same is hereby amended to read as follows:

7-2-2: PUBLIC RIGHT-OF-WAY OBSTRUCTIONS; ENCROACHMENT PERMITS:

- A. Public Right-Of-Way Obstructions Prohibited: Except as provided in subsections B, D, E and F of this Section, no public street, sidewalk or right of way shall be utilized at any time for the sale or storage of any goods, wares or merchandise of any kind. Any person who shall violate the provisions of this Section shall, upon conviction, be found guilty of an infraction and punished by a fine of not more than one hundred dollars (\$100.00). Each day such violation continues shall be a separate violation.
- B. Encroachment Permits for Sidewalks:
1. An applicant who owns or is leasing property adjacent to and contiguous with the public right of way in a commercial zone within the City limits may encroach upon a public sidewalk, street or right of way by first obtaining an encroachment permit from the Public Works Department of the City.
 2. The Public Works Department's determination of the appropriate nature and extent of such encroachment shall be based on the public health, safety and welfare as affected by the conditions relating to each individual application and shall be based on the provisions of subsections C, D, E and F. All applications shall be made to the Public Works Department for processing, evaluation, determination and granting or denial.
 3. Such encroachment permit may be granted and issued by the Public Works Department.
 - a. Temporary encroachment permits may be issued for encroachments which may be in place during the dates and times specified by the Public Works Department on the encroachment permit.

b. Permanent encroachment permits may be issued for the installation or placing of permanent improvements and encroachments into the public right of way. In all cases of a leaseholder applying for a permit for a permanent encroachment, such applicant shall contemporaneously with the filing of the application, submit to such officer a written, acknowledged consent for the same from all owners of record of the leased property.

c. All permits issued shall be issued to the applicant only but shall be binding upon the owner or owners of the subject real property. If the applicant is a lessee, the permit may be transferred to the lessee's successors, heirs, legal representatives and assigns.

d. Applicants granted a permit shall, in writing, on behalf of the applicant and the applicant's successors, heirs, legal representatives and assigns, indemnify and hold harmless the City from any liability for personal injury, property damage or otherwise that may arise from such encroachment and shall be solely liable and responsible for any damages, claims of damage, legal liability or claim of liability from any person, persons, business, partnership, corporation or any other entity or person injured, harmed or claiming injury or harm from such encroachment.

4. Fees shall be charged to each applicant for each permit pursuant to a schedule established by resolution adopted by the city council.

5. Permits shall not be available as a matter of right and may be refused or revoked with or without cause. Every permit granted and issued under the authority and provisions of this section may be terminated and revoked, after notice and hearing by the city council, upon its determination of violation or abuse of said permit, or any other reason or justifiable cause, or may be terminated as specified in subsections E and F.

C. Pedestrian Configuration in Commercial and Downtown areas: shall be defined by three main zones between the property line and the curb face.

1. The Building Frontage Zone

a. This zone applies when a building front or similar surface is within two (2) feet of the property line; the zone extends a minimum of two (2) feet from such a vertical surface, and shall generally be kept clear of obstructions for building entry and window shopping, and where greater than three (3) feet wide may include seating to enhance the adjoining business.

b. No items placed in this zone may encroach into the Pedestrian Travel Zone, nor shall the intended use of an item in this zone encroach into the Pedestrian Travel Zone.

c. Minimum clear height is eight (8) feet above the right of way.

2. The Pedestrian Travel Zone

a. This zone has a minimum width of five (5) feet, beginning at least two (2) feet from a building front. The width may be increased by means of a written variance from the City Engineer for construction sites, street maintenance, or utility work. At the time a permit is issued which restricts the Pedestrian Travel Zone to less than five (5) feet for more than 7 days duration, the City will notify the Downtown Sandpoint Business Association.

b. This zone shall be free of all impediments, including signs, utility poles, seating, tree grate openings, bicycles parked in a bike rack, trash cans, merchandise displays, excessive slope (more than 2% cross slope and 8.3% in the direction of travel), overhanging objects less than eight (8) feet above the surface, or any similar obstructions.

3. The Features and Planting Zone

a. This zone begins at the street side of the Pedestrian Travel Zone and extends to the curb; it must be at least 1' wide next to diagonal parking areas to allow for the overhang of vehicles and will not exist if the Pedestrian Travel Zone abuts the curb.

b. This zone may contain impediments like street trees and grates, utility poles, street signs, seating, bicycle parking, and trash cans.

D. Awnings, Canopies, Marquees and other overhead obstructions:

1. Construction shall comply with applicable building codes. The minimum vertical clearance from the pedestrian surface for any overhead obstruction including an awning valance shall be eight (8) feet.

2. Awnings, canopies or marquees along First Avenue, Fifth Avenue, Cedar Street and Pine Street may require an encroachment permit from the State of Idaho.

3. Signs attached to or printed on awnings, canopies, or marquees require a sign permit and approval from the City of Sandpoint. Signs separate from an awning, canopy, or marquee do not require an encroachment permit (except as noted in subsection D2, above) but do require a sign permit and approval from the City of Sandpoint.

E. Sidewalk Displays: The owner or manager of a business upon abutting property making retail sales to the public may display upon the public sidewalk goods or wares that are being offered for sale inside the business. Sales of merchandise or goods displayed must occur on the abutting privately owned property. Displays shall be removed during those hours that the business is closed. If the display is in place

before sunrise or after sunset, the display must be lighted and readily visible to passing pedestrians.

1. Any location of a sidewalk display shall not reduce or obstruct the Pedestrian Travel Zone to less than five (5) feet of sidewalk width if the display is located in either the Building Frontage Zone or the Planting and Features Zone, and shall not reduce or obstruct the Pedestrian Travel Zone to less than six (6) feet if the display is located in both the Building Frontage Zone and the Planting and Features Zone. Displays must maintain a minimum distance of two (2) feet from the face of the curb. Placement of displays shall be subject to any applicable standards of the Americans with Disabilities Act, and shall not obstruct the entrance of a building, vehicular traffic or parking, or the use of any crosswalk, wheelchair ramp, bus or taxi zone.
2. The display may not contain liquor, tobacco, firearms, munitions, or any item which a minor is prohibited from purchasing by law, or any item restricted by the fire code from direct access or handling by the public.
3. Merchandise vending machines including food and beverages are prohibited, with the exception of newspaper vending machines. Those machines may be coin operated, shall be securely fastened in place in the Building Frontage Zone abutting the property line and may be left in place during non-business hours provided that they are readily visible, day or night, to passing pedestrians on the sidewalk.
 - a. A covered trash receptacle within six (6) feet of each machine or group of machines shall be provided, maintained and emptied as needed by the abutting business, and shall be securely fastened in place.
 - b. Newspaper vending machines and trash receptacles shall not obstruct the Pedestrian Travel Zone, the entrance of the building, any crosswalk or ramp, vehicular traffic, parking space, or any loading zone.
4. Street furniture, including flower pots, bicycle racks, benches, trash cans, and similar items shall, along with the area occupied by the street furniture's intended use, be located entirely in either the Building Frontage Zone or the Features and Planting Zone. Such street furniture shall not obstruct the Pedestrian Travel Zone. A minimum distance of two (2) feet from the face of the curb must be kept free of furniture. Street furniture shall be securely fastened in place if it is left during non-business hours. Such furniture shall be readily visible, day and night, to passing pedestrians on the sidewalk, and must be designed and installed to ensure public safety.
5. The preceding requirements for sidewalk displays are exempted for Sandpoint Downtown Business Association events, permitted public gatherings, annual agreements for the Farmer's market and other events as determined by the City Engineer.

6. A valid certificate of liability insurance naming the City of Sandpoint as additional insured in the amount of \$500,000 and a signed hold harmless agreement are required prior to issuing an encroachment permit for a sidewalk display. The City of Sandpoint assumes no responsibility for the items on display, irrespective of whether the loss occurs through accident, collision, vandalism, theft or otherwise.

7. The display must be removed any time the public works director, chief of police, fire chief or their designee determines that a clear sidewalk is needed and requests removal for use of travel or transportation, street cleaning or maintenance, street utility work, crowd control, a parade, or an emergency.

F. Sidewalk Cafes: A permit application shall be made by the owner or occupant of the abutting property to operate a café or restaurant upon the sidewalk, and shall include a seating and pedestrian routing plan with dimensions and the anticipated periods of use during the year.

1. Sidewalk café location shall be appurtenant and contiguous to the main business location, shall be temporary in nature and designed so that the entire café structure and its appurtenances including but not limited to chairs, tables, fencing, bollards, and planters can be easily removed. Such café shall be separated from the Pedestrian Travel Zone by a barrier which is comprised of railings and/or planters which shall not extend beyond the building frontage face of the restaurant, must be at least thirty (30) inches tall but shall not block visibility above thirty six (36) inches, shall not begin more than six (6) inches above the sidewalk, and shall not reduce or obstruct the Pedestrian Travel Zone to less than five (5) feet of sidewalk width.

2. The design of the sidewalk café shall be consistent with any applicable standards established by the Americans with Disabilities Act. If the sidewalk café causes a change in the pedestrian travel patterns, appropriate modifications to the sidewalk in the immediate vicinity shall be made to assure compliance with said Act at the expense of the café owner. The sidewalk café shall not obstruct vehicular traffic or parking, or the use of any crosswalk, wheelchair ramp or loading area.

3. Sidewalk cafes shall only be used for circulation and dining. Alcohol consumption ordinances, noise and other nuisance ordinances apply. The sidewalk café area must be included in a food-service establishment permit issued by Panhandle Health District, or otherwise authorized by said District. Alcoholic beverages may only be served to patrons who have purchased a meal.

4. The adjacent business owner shall maintained the area by providing, maintaining and emptying trash and tobacco product disposal receptacles for patrons, maintaining a clean sidewalk for pedestrians, and by removal of the sidewalk café during seasons when it is not in use.

5. A valid certificate of liability insurance naming the City of Sandpoint as additional insured in the amount of \$500,000 and a signed hold harmless agreement are required prior to issuing an encroachment permit for a sidewalk café.

6. The sidewalk café must be removed any time the public works director, chief of police, or fire chief determines that a clear sidewalk is needed and requests removal for use of travel or transportation, street cleaning or maintenance, street utility work, a crowd control event or parade, or an emergency.

Section 1:00

7-3-1: PROPERTY OWNERS RESPONSIBLE:

- A. The property owners of the City shall be responsible for the construction and repair of all sidewalks and curbs abutting upon their respective properties, and on corner lots such responsibility shall include the sidewalks and curbs adjacent to each street.
- B. The City Council may, whenever it is deemed necessary or convenient by an order duly made and entered in its minutes, order the construction of a sidewalk or curb on any street of the City, and it may in like manner order the alteration or repair of any sidewalk or curb now or hereafter constructed.

Section 2:00

7-3-2: ORDER FOR CONSTRUCTION OR REPAIRS:

- A. Whenever the construction or repair of any sidewalk or curb is ordered, the order therefore shall state the material of which the same shall be constructed or repaired and the date on or before which the same shall be completed, and in case of new sidewalks or curbs to be constructed, the order shall contain complete specifications thereof as to width, grade, length and position.
- B. Whenever any sidewalk or curb is ordered constructed or repaired, the City Clerk shall prepare a notice to be served upon the owner or owners of the property abutting upon the sidewalk or curb to be constructed or repaired, directing such owner or owners to construct or repair such sidewalk or curb within the time set forth in the notice and report the completion to the Public Works Director. Such notice shall be served by the Chief of Police or any other designee of the City by delivering a written copy thereof to the owner or owners of the abutting property or his agent if such owner or agent can be found within the City, but if not to be found within the City, then if his place of residence be known, by mailing a copy of the notice to such owner at his place of residence. If such owner or agent cannot be found within the City, and his place of residence is not known, such notice shall be served by the publication of a copy thereof for two (2) successive weeks in some newspaper published within the City, the last publication of which

must be at least twenty (20) days before the expiration of the time mentioned in the notice for the completion of the construction or repair of the sidewalk therein mentioned.

Section 3:00

7-3-3: COUNCIL TO ADVERTISE FOR BIDS:

If, after the expiration of personal service, mailing or first publication of first notice, any sidewalk, sidewalks and/or curb ordered to be constructed or repaired is not completed according to the order therefore, the City Council shall proceed to advertise for sealed bids for the construction or repair thereof by publication in one issue of a newspaper of general circulation in the City, stating in such notice the particular piece or pieces of sidewalk to be constructed or repaired and referring to the original order for such construction or repair for the specifications thereof, and proceed to let the contract for such construction or repair to the lowest bidder, unless in the judgment of the City Council such bid is too high; provided, however, that whenever the estimate of the cost of construction of any piece of sidewalk and/or curb or the repair thereof, does not exceed Twenty five thousand dollars (\$25,000.00) to any one property owner, the same may be constructed under the direction of the Public Works Director without advertising for bids, but in compliance with Idaho Code Provision 50-341 as the same now exists or may hereafter be amended.

Section 4:00

7-3-4: COLLECTION OF COSTS FOR REPAIR OR CONSTRUCTION:

- A. After any sidewalk or portion of sidewalk and/or curb has been constructed or repaired as provided in Section 7-3-3 of this Chapter, the City Council shall declare the owner or owners of the abutting property delinquent and the City Clerk shall at once give such delinquent owner or owners notice in the manner provided for the service of notice for construction or repair, that he is delinquent, stating the amounts and that unless the same is paid, together with the costs of service, if served by publication, within thirty (30) days from the date of the notice, that twenty five percent (25%) will be added to the amount of the delinquency as a penalty.
- B. At the expiration of the time set forth in the notice served, provided the same has been served, mailed or published at least twenty (20) days previously, the City Council shall proceed to add twenty five percent (25%) to the amount of such delinquency as a penalty and assess the actual cost of sidewalks and/or curbs constructed or repaired together with the charges for publication, if any, and publication against the property abutting thereon, and the City Clerk shall forthwith certify the action of the Council, together with a description of the property, with the assessment and the amount thereof to the County Auditor, who

shall place the amount of such delinquency together with the penalty and costs of publication on the current tax roll.

If such property is not liable for other taxes on such roll, he shall enter the name of the delinquent owner for the amount of such delinquent sidewalk tax, together with the penalty and costs of publication, on the tax roll as an individual item. The same shall be collected at the time and in the manner provided by law for the collection of other real estate taxes and the amount so collected turned to the City Treasurer the same as other City taxes.

Section 5:00

7-3-5: EXTENSION OF TIME (Rep. by Ord. 1083 5-21-2003)

7-3-6: SUPERVISION OF CONSTRUCTION:

All sidewalks and curbs constructed within the corporate limits of the City shall be constructed under the supervision of and subject to the inspection of the Director of Public Works or the Director's designee in conformity with the plans and specifications approved by said Director and the lines and grades laid out on the ground or approved by said Director. Stakes set by the Director shall be preserved by the owner and the contractor doing the work. Such specifications of the Director shall be adopted by resolution of the City Council.

Section 6:00

7-3-7: NONCONFORMITY TO PROVISIONS:

Where sidewalks or curbs have been constructed or repaired without first having obtained a grade and line therefore from the Public Works Director, or where the same have not been constructed in conformity with the established grade line or not in conformity with the approved plans and specifications or standards relative to concrete sidewalks and curbs, said sidewalks and curbs shall be rebuilt or repaired at the owner's expense to so conform.

Section 7:00

7-3-8: ESTABLISHMENT OF LINES AND GRADES:

Persons desiring to construct walks or curbs shall make written application to the City for the establishment of line and grade. This application shall state the exact location of the proposed construction, the name of the person applying, the name of the firm or individual doing the work and the date on which it is desired to start construction. The application shall be delivered to the Public Works Director without delay. The Director shall establish the desired line and grade at the

earliest possible date, and shall notify the applicant when said work will be completed.

Section 8:00

7-3-9: REQUIREMENTS FOR NEW CONSTRUCTION OF CURBS, GUTTERS AND DRAINAGE APPURTENANCES.

- A. The provisions of this section shall apply to all nonresidential zoning districts, all planned unit developments, all mobile home zoning districts, all new subdivisions including short plat subdivisions where additional lots are being created, any use requiring a conditional use permit, any new multifamily residential development with three (3) or more dwelling units, or new construction by one contractor or owner of two (2) or more contiguous residential lots, installation or paving of any parking lot, and single family home including manufactured homes and duplexes. when there are existing sidewalks on immediately adjoining properties, or when the single family homes or duplexes have frontage on street designated by the City Council with a pedestrian priority level of “High” or Medium”.
- B. Hereafter, when building structures are constructed or reconstructed on, or moved to, or alteration is made to any building on lots within the City where there are no curbs, incomplete curbs or deteriorated curbs on the street frontage, the persons constructing or causing to be constructed on or reconstructed on, or moving, or causing to be moved such structures to, or altering or causing alterations to be made to existing structures on such lots shall, during the construction, moving, or alteration construct street curbs and gutters, corner wheel chair ramps and one half of the alley curb, collectively referred to as curbs and gutters. Such curbing, or curbs and gutters shall be constructed and installed along the front of the lot. If such lot is a corner lot, or has double frontage, such curbing, or curbs and gutters, shall be constructed along the front of the lot and extended along a radius to the side street and installed along the side street to the rear lot line. Curbs, or curbs and gutters, shall be constructed to conform to the plans and specifications on file in the office of the City Engineer. Construction requirements shall include paving between the existing street surface and the curbs or curbs and gutters with materials consistent with the street surface. No curbing, curbs and gutters, or curb cuts in existing curbing, shall be constructed without a permit issued by the office of the City Engineer and all such work shall be inspected by the City Engineer, or the Engineer’s duly authorized agent. Such construction shall conform to the grades and other standards established by the City Engineer.
- C. No Curbing is Required When:
1. The building permit is for an amount less than twenty five thousand dollars (\$25,000.00) aggregated over three years, or the value of a structure moved onto the lot together with the amount for which the building permit is

issued is less than twenty five thousand dollars (\$25,000.00) aggregated over three years; however, if a footing and foundation only building permit is issued, and a subsequent building permit is issued for the structure that is to be placed on top of that foundation and the combined value of both permits exceeds twenty five thousand dollars a (\$25,000.00) aggregated over three years, then for the purposes of this section both permits shall be considered as one permit and curbs shall be required, subject to any exceptions further defined herein.

2. A deferral is granted whereby an owner of a single-family residence obligated to construct curb & gutter on his/her property due to proposed asphalt paving or addition or remodeling costing between twenty five and seventy five thousand dollars (\$25,000.00 - \$75,000) may request and be granted a deferral of construction of the curb & gutter contingent upon payment of a non-refundable application fee of \$100.00. Deferrals shall be granted under the following circumstances:

a. A majority of the other properties on the same block and same side of the street do not have curb & gutter (or do not have an agreement to provide curb & gutter as provided for herein) and neither adjoining property has existing curb & gutter, and

b. The owner has signed an agreement to construct required curb & gutter at such time as a majority (based on frontage) of the properties on the same block and same side of the street either have curb & gutter or have signed similar agreements, or

c. The Public Works Director or an approved capital improvement plan determines the right of way will have improvements within three years that will provide the required curbing. The property owner shall enter into a deferral agreement until such time the improvements are installed. Deferral shall expire at the end of three years if improvements are not otherwise installed.

d. The deferral agreement shall provide that once the above criteria are met, if the owner fails to construct the curb & gutter in a timely manner, the owner shall pay the city all costs to construct the curb & gutter, or shall consent to participate in a local improvement district for construction of the curb & gutter.

D. Driveway Approaches

1. Driveway approaches shall conform to the number width and material as designated herein or in a separate Approach Policy.
2. Driveway approaches shall be constructed of Portland Cement Concrete, be steel reinforced and have a minimum thickness of six inches.

3. On asphalt streets without curb & gutter.
- E. The term curb shall also include necessary gutters and other drainage facilities.

Section 9:00

7-3-10: REQUIREMENTS FOR NEW CONSTRUCTION OF SIDEWALKS; AND IMPROVEMENTS TO SIDEWALKS:

- A. Application: The provisions of this section shall apply to all nonresidential zoning districts and uses, all planned unit developments, all mobile home zoning districts, all new subdivisions including short plat subdivisions where additional lots are being created, any use requiring a conditional use permit, any new multifamily residential development with three (3) or more dwelling units, or new construction by one contractor or owner of two (2) or more contiguous residential lots, installation or paving of any parking lot, and single family homes including manufactured homes and duplexes when there are existing sidewalks on immediately adjoining properties, or when the single family homes or duplexes have frontage on street designated by the City Council with a pedestrian priority level of "high" or "medium". Whenever construction or repair to the sidewalk is ordered by the City, the order shall state the construction material and specify the portion of sidewalk to be constructed or repaired and the date on which it must be completed. The city engineer or city engineer's designee may allow the property owner up to three hundred sixty five (365) days after the date of the notice to complete the work.
- B. Sidewalk Construction Required. Hereafter when building structures are constructed or reconstructed on or moved to or alterations are made to existing structures on lots, where there are no sidewalks, the persons constructing or reconstructing, or causing such construction or reconstructed on, or moving, or causing to be moved such structures, or altering or causing to be altered such existing structures on the lots, shall, during the construction, moving or alteration of structures, construct sidewalks the entire frontage of a lot along any street including wheel chair ramps at corners and extending along one half of any alley frontage. Notwithstanding the above, when the building permit is requested by a tenant, the owner of the affected property shall be the party responsible for the required sidewalk improvements. Sidewalks shall conform to the plans and specifications on file in the office of the City Engineer or as set out by ordinance. No sidewalks shall be constructed in the City right of way without a permit issued by the City. The City Engineer, or the Engineer's duly authorized agent shall inspect all such work. The following additional conditions shall be enforced where applicable:
1. In the event sidewalks already exist and are substandard either as to size, deterioration or other criteria approved by the City by resolution of the City Council the sidewalks shall be reconstructed to meet the standards of the City.
 2. In the event property on which a structure is to be constructed, reconstructed or altered does not front directly on a public right-of-way, pedestrian access from

the building to the right-of-way will be provided in accordance with City standards as required by the Public Works Director.

3. When fifty percent (50%) of the sidewalks (based on frontage) on the same block and same side of the street either exist, or the owners have agreed to construct the sidewalks pursuant to this section, the owners of the remaining properties on that same block and same side of street, excepting single-family residences, shall be required to construct sidewalks in all areas.

C. Sidewalks Required:

1. Cost Threshold: No sidewalks are required when the building permit(s) is for an amount less than twenty five thousand dollars (\$25,000.00) aggregated over three (3) years, or the value of a structure moved onto the lot together with the amount for which the building permit is issued is less than twenty-five thousand dollars (\$25,000.00) aggregated over three (3) years; however, if a footing and foundation only building permit is issued, and a subsequent building permit is issued for the structure that is to be placed on top of that foundation and the combined value of both permits exceeds twenty-five thousand dollars (\$25,000.00) aggregated over three (3) years, then for the purposes of this section both permits shall be considered as one permit and sidewalks shall be required, subject to any exceptions further defined herein.
2. Deferral: The owner of a single-family residence obligated to construct sidewalks on his/her property due to improvements costing between twenty five thousand dollars (\$25,000) and seventy five thousand dollars (\$75,000.00) may request and be granted a deferral of construction of the sidewalk contingent upon payment of a non-refundable application fee of \$100.00. Deferrals shall be granted under the following circumstances:
 - a. If a majority of other properties (based on frontage) on the same block and same side of the street do not have sidewalks; and if a majority of other properties (based on frontage) on the same block and same side of the street do not have an agreement to provide sidewalks pursuant to this section, or
 - b. Neither adjoining property has existing sidewalks on the same street; and
 - c. The section of sidewalk to be installed is less than one hundred (100) feet in length; and
 - d. The total length is one hundred (100) feet or less when combined with any adjacent sidewalk deferral, or
 - e. Deferral for all property owners may be granted if the Public Works Director or an adopted capital improvement plan determines the right of way will have improvements within three years that will provide the required sidewalk. The property owner shall enter into a deferral agreement until such time as the

improvements are installed. Deferral shall expire at the end of three years if improvements are not installed.

f. The deferral agreement shall provide that once the above criteria are met, if the owner fails to construct the sidewalk in a timely manner, the owner shall either pay the city all costs to construct the sidewalk in a timely manner, or shall consent to participate in a local improvement district for construction of the sidewalk.

- D. Where existing sidewalks are deteriorated to the extent that pedestrian safety is a concern, the Building Official may order repair or replacement of such sidewalks by the property owner.

Section 10:00

7-3-11: PENALTY

Any person convicted of a violation of any section or provision of title 7 chapter 3 of this Code, where no other penalty is set forth, shall be punished by a fine not to exceed three hundred dollars (\$300.00) for any one offense, or by imprisonment in jail for a period of not more than six (6) months, or by both such fine and imprisonment. This penalty shall not preclude the city from utilizing any other remedy that may be allowed by law to enforce the provisions of this code.

Section 11:00

10-1-3: IMPROVEMENTS:

- A. All required public improvements must be installed prior to City Council approval of the final plat. No such plat of subdivision shall be approved unless all street and sidewalk pavements and water and sewer mains have been installed or the subdivider has entered into an agreement to install the improvements. The agreement shall be in a form acceptable to the City and include a provision that the improvements be installed no later than three (3) years from the City Council approval of the final plat. To secure performance of said agreement and to guarantee installation of improvements, the subdivider shall provide a performance bond or other sufficient security acceptable to the City Attorney. Such bonding or security shall be for one hundred fifty percent (150%) of the estimated construction costs of the improvements, as determined by the City Engineer, and shall have a term acceptable to the City, but in no case less than one year beyond the date the installation of improvements is to be complete. If the improvements are completed and accepted by the City Council, the Council may release the bond or security or a portion thereof. The bonding or security agreement shall be executed and shall be recorded with the County at the subdivider's expense prior to the signing of the plat by the City Engineer. No improvements, such as water supply, drainage, sewerage, sewage disposal, gas service, electric service or lighting, or grading, paving or surfacing of streets shall

be made within any such subdivision by any owner or his agent or by any public service corporation at the request of such owner or his agent until the plans for the subdivision and the plans for such improvements have been formally approved by the City Council. Such approval shall not be given in any instance hereinbefore named unless all the plans and specifications and all the proposed work conforms to the requirements of this Chapter.

B. REDUCTION OF SECURITY:

The City Engineer may recommend to the City Council a reduction or partial release of improvement securities as follows:

1. A written request for reduction must be submitted by the developer who posted the security.
2. Only two (2) requests for reduction may be considered for any agreement.
3. A detailed estimate of the value of the work remaining to be completed shall be submitted. Upon receipt, the City Engineer or the City Engineer's designee shall inspect the improvements completed and verify the value and percentage of work remaining.
4. No reduction shall be made when more than fifty percent (50%) of the work remains to be completed.
5. No reduction shall result in reducing the security to less than ten percent (10%) of the amount of the original security.
6. Reduction of securities shall not apply to warranty or monument security.
7. Reduction of securities shall be construed as formal acceptance of only those improvements completed at the time of reduction.

C. MAINTENANCE/WARRANTY BOND:

1. In cases where public subdivision improvements have not been bonded for, or as a condition of releasing the performance security and accepting subdivision improvements, the subdivider shall provide a maintenance/warranty bond or other sufficient security acceptable to the City Attorney. The maintenance/warranty bond or other security must be in an amount approved by the City Engineer and represent either ten percent (10%) of the amount of the original performance security, or ten percent (10%) of the estimated cost of the public subdivision improvements, and be provided prior to City Council acceptance of the public subdivision improvements. Thereafter, the City Council may

release the performance bond or other posted security at the time the City accepts all required public subdivision improvements. The maintenance/warranty bond or other security shall have a term of at least two years from the date of acceptance by the City of all required public subdivision requirements and shall be:

- a. For the purpose of a warranty that the required public subdivision improvements shall properly perform free from defects for at least two years; and
- b. For the purpose of guaranteeing that sufficient funds will be available to maintain or correct defects for the two year period.
- c. Warranty securities may be released by the City Engineer upon termination of the two-year warranty period; provided, that all defects, if any, have been satisfactorily completed. The City Engineer shall provide written notice to the City Clerk authorizing release of the maintenance/warranty bond.

D. REMEDY

If improvements have not been installed within the agreed time, the City Clerk shall notify the City Council and the Council may initiate an action on the bond or other security. If the Council chooses to initiate an action on the bond or other security, the City Engineer shall administer the installation of the improvements with the funds made available.

E. AGREEMENT EXTENSION:

The City Council may grant an extension to the agreement for a term not to exceed one year upon application by the subdivider. To extend the term of the agreement the City Council must find that the subdivider is actively working on the completion of the improvements, and the City Engineer must find that the improvements are within six (6) months of completion.

F. COMPLETION REQUIRED FOR BUILDING PERMIT ISSUANCE:

Building permits will not be issued for construction on more than twenty percent (20%) of the lots in the subdivision until all plat improvements have been completed and approved, unless the City Engineer is satisfied that improvements will be completed within a reasonable period of time.

G. IMPROVEMENTS GUARANTEED:

All improvements required by this Chapter shall be guaranteed by the subdivider for a period of one year from the date of final acceptance by the City Council.

Section 12:00

10-1-9: REQUIREMENTS FOR SUBDIVISIONS:

- A. All streets are to be paved.
- B. All sidewalks, curbs, gutters and drainage appurtenances shall be installed to standards adopted by the City.
- C. All sewer and storm sewer mains and lines shall be installed.
- D. All surface water shall be drained into the storm sewers.
- E. All utilities shall be provided underground.
- F. All taxes on said property shall be paid prior to approval of the plat.
- G. One water and one sewer hookup shall be paid for per lot (see Title 7, Chapters 6 and 7 of this Code).
- H. A topographic map shall be submitted showing the contour of all lots contained within the proposed development.
- I. A complete and comprehensive set of restrictive covenants shall be submitted.
- J. All street lights shall be installed.
- K. All fire hydrants shall be installed.
- L. For residential streets, all curb corners shall have radii of not less than twelve (12') and at important corners, as determined by the City engineer, may be up to twenty (20'). For arterial and collector streets, the City engineer may specify radii based on functional classification. (10-18-06 updated)
- M. The restrictive covenants governing this property shall include but not be limited to items such as setback requirements, fences, sight restrictions, outbuildings, etc.

Section 13:00

Neither the adoption of this Ordinance nor the repeal of any ordinance shall in any manner affect the prosecution for violation of such ordinances committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance, or in any manner affect the validity of any action heretofore taken by the City of Sandpoint or the validity of any such action to be taken upon matters pending before the council on the effective date of this Ordinance.

Section 14:00

Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion of a section or the invalidity of any portion of the section as to any person or persons shall not affect the validity or enforcement of any other portion. The City Council hereby declares that it

would have enacted this Ordinance and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

Section 15:00

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Categorization of Sandpoint Streets by Pedestrian Priority Level

Approved by Public Works Committee, January 7, 2004

Pedestrians walk at about two miles/hour. Walking a full block “out of direction” can mean several minutes of “wasted time” and significantly discourage people from walking to a destination. The Pedestrian Advisory Committee (PAC) has reviewed all city streets, identifying walking patterns of students, and known walking paths of adults.

All streets in the City are used for walking. All streets which connect to others are “collectors” of pedestrian traffic. Within the city “grid” pattern, all streets are important. With effort, the PAC has selected those which would constitute an essential well improved network as “high priority.” By relegating the others to the “medium priority” category, we hope their importance is not overlooked; all are essential.

High Priority:

(Streets identified as Safe Routes to School are noted as “*SRS*”)

All streets within the BID (Business Improvement District); see attached map

Priority streets called “**Named Streets**” from the Streetscape Handout reviewed by Planning and Zoning and City Council in 2003. These are high vehicle and high pedestrian usage, leading to and from significant destinations:

Fifth Avenue (full length)
Baldy Mountain (full length)*
Boyer north of Highway 2 *SRS*
Cedar (from 5th to Lincoln)
Division (full length) *SRS*
Highway 2 (south of Pine) *SRS*
Main (Fifth to Division)
Ontario (full length) *SRS*
Pine (full length)

Other High Priority (not “Named Streets”)

Antone Street *SRS*
S. Boyer (Ontario to Highway 2) *SRS*
Church Street (BID to end)
Ella Avenue (Ontario to Spruce) *SRS*
Erie Street (full length) *SRS*

Euclid Avenue (full length) *SRS*

Florence Avenue (Ontario to Spruce) *SRS*

* Streets which will become increasingly important
SRS Streets identified as Safe Routes to School

High Priority, Cont.

Fourth Ave. N.

Fourth Ave. S (Pacific- BID)

Great Northern

Lake Street (BID to Division) *SRS*

Lakeview Blvd.

Larch Street (BID to Division)

Larch Street (Monroe to Madison) *SRS*

Lincoln Avenue (full length)

Michigan Street (full length) *SRS*

Monroe Avenue * *SRS*

Oak Street (BID to Lincoln)*

Schweitzer Cutoff Road

Superior St. (Division to Hwy 2) *SRS*

Spruce Street (Boyer to Hickory Glen) *SRS*

N. Third Ave. (N. of BID)

Washington Avenue (full length) *SRS*

Woodland Drive*

Medium Priority

(Includes all streets not otherwise identified as High or Low Priority)

Medium Priority of special note:

Boyer Avenue S. of Ontario (high recreation potential)

Garden St. *SRS*

Grey Way (high recreation potential)*

Ella S. of Ontario (high recreation potential)

Hickory Glen *SRS*

Hickory Street (full length)* *SRS*

Lavina Ave. *SRS*

Madison Avenue (Hickory to Spruce) *SRS*

Other Medium Priority:

Airport Way

Alder St.

Alexander Way

Aspen Lane

Aspen Way

Baldy Park Drive

Chestnut St.

Culver's Drive

Daisy St.
Dearborn St.
Ebbett Way

* Streets which will become increasingly important
SRS Streets identified as Safe Routes to School

Medium Priority, Cont.

Elliott Ave.
Fir St.
S. First (S. of BID)
Forest Ave.
Industrial
Jefferson Ave.
Juniper
Halley St.
Hemlock Ct.
Huckleberry
Huron Ave.
Idaho St.
Janelle Way
Kinnickinnick Ave.
Louis Lane
Marion Ave.
Megan Lane
S. Monroe Ave.
Mountain View E. *
Northshore Dr.
Olive Ave. (N. of Ontario)
Pacific St.
Ponderosa Dr.
Poplar St.
Richland Ave.
Rogers Dr.
Rosedale Way
Ruth Ave.
Sandpoint West Drive
Sequoia Lane
Short Ave.
Sixth Ave.
St. Clair
Superior (Hwy 2 to BID)
S. Third (S. of BID)
S. Second (S. of BID)
Walnut St.
Willow Dr.
Vineyard Dr.

Low Priority

Arbor Way
Aspen Ct.

* Streets which will become increasingly important
SRS Streets identified as Safe Routes to School

Low Priority, Cont.

Birch Street
Browning Way
Creekside Lane
Elm Street
Geri Ct.
J.R. Ct.
Loman
Olive Ave. S. of Ontario
Merton Street
Mt. Meadow Way
Remington Court
Rosedale Way
Vineyard Drive
Winchester

Intersections

The ability to cross streets is essential to walkability.

- All intersections within the BID are important and should be designed to facilitate pedestrian movements. This will help reduce parking problems as it strongly encourages “park and walk” activity.

Some **crossings of especial pedestrian concern** include:

- Oak and Fifth Street as an important pedestrian gateway to downtown
- Pine Street offset intersections
- Crossings along Highway 2 (especially important to students)
 - Ella through Olive, inclusive *SRS*
 - Boyer; present configuration is awkward for bikes and pedestrians *SRS*
 - Ontario *SRS*
- Heavily used crossings near schools *SRS*

Note: The North portion of Sandpoint is sketchily developed. The Pedestrian Advisory Committee recommends that no street in this area be designated “Low Priority” until much more intensive planning for pedestrians at the neighborhood level has occurred from Baldy north. We encourage connectivity whenever achievable.

Streets not yet built will be evaluated for priority as needed.

* Streets which will become increasingly important
SRS Streets identified as Safe Routes to School