

CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

Sec. 23-40. Sidewalks; duty to maintain sidewalks, streets and alleys; abatement; penalties.

(a) The owner or the lessee of any lot or parcel abutting upon any sidewalk now or hereafter constructed in the City shall keep and maintain such sidewalk in good repair in such a manner as to permit pedestrian use and access.

(b) The owner, lessee or other person in control of any land abutting a sidewalk, alley or street shall maintain such sidewalk, alley or street on which such land abuts in a clean condition in such a manner as to be free from:

- (1) Litter, garbage, debris, rubble.
- (2) Insect and rodent infestation.
- (3) Overgrown vegetation, dead trees, brush and weeds.
- (4) Other conditions that present a health, fire or safety hazard.

(c) Areas required to be maintained pursuant to this section are as follows:

(1) Any portion of a street, which has been opened for public use, between the curb line and the abutting property line including sidewalks; provided that the owner, lessee or other person in control of any land utilized for single-family or multi-family dwelling(s) shall be required to only maintain areas not within major arterial, minor arterial streets and those collector streets designated by the director of public works or his designee, as shown on the city's comprehensive plan.

(2) One half of the width of abutting alleys from the property line to the center line of the alley.

(3) Any portion of a street that has not been dedicated to the City, accepted by the City Council and established as a public roadway in the manner provided by this Chapter, shall be maintained by those persons who dedicated the street or their successors in interest; provided that if the abutting land on either side of such street is owned by different person and each person has an obligation to maintain the street hereunder, then the owner, lessee or other person in control of the land shall only be required to maintain one half of the width of the street abutting their land.

(d) Any person who fails to comply with the provisions of this section is subject to one of the following sanctions or penalty. It is the city's sole election on the sanction or penalty that it may seek to impose.

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(1) The owner, lessee or other person in control of abutting land in violation of this section may be subject to a civil sanction of not less than fifty (\$50.00) dollars nor more than two thousand five hundred (\$2,500.00) dollars.

(2) Failure to comply with the provisions of this section shall be unlawful and is deemed to be a class one misdemeanor.

(e) Jurisdiction of all proceedings to enforce the provisions of this section shall be in the Municipal Court of the City of Peoria before a civil hearing officer or a municipal judge. The city attorney may enforce and prosecute actions under this section.

(Ord. No. 90-57, 11/13/90)

(Ord. No. 92-03, 2/11/92, Renumbered.)

(Ord. No. 97-38, 7/15/97, Enacted)