

1 IN THE HOUSE

BY MR. NORENE BY REQUEST

2

HOUSE BILL NO. 158

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act pertaining to the construction and
7 reconstruction of sidewalks in first-class
8 cities; amending Title 16, Chapter 1,
9 Article 5 of ACLA 1949, by adding a new
10 section thereto, designated 16-1-103."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Title 16, Chapter 1, Article 5, ACLA 1949, is
13 hereby amended by adding a new section, designated as 16-1-103,
14 ACLA 1949, to read as follows:

15 N Sec. 16-1-103.

16 E (1) DEFINITIONS. For the purposes of this Act:

17 W (a) The term "street" includes boulevard,
18 avenue, street, alley, way, lane, square, or place.

19 (b) The term "city" includes any city of
20 the first class.

21 (c) The term "sidewalk" includes any and all
22 structures or forms of street improvement included in
23 the space between the street margin and the roadway.

24 K (2) RESOLUTION OF NECESSITY: LIABILITY OF
25 A ABUTTING PROPERTY. Whenever a portion, not longer than one
26 T block in length, of any street in any city is not improved
27 T by the construction of a sidewalk thereon, or the sidewalk
28 E thereon has become unfit or unsafe for purposes of public
29 R travel, and such street adjacent to both ends of said por-

1 N tion is so improved and in good repair, the city council of
2 such city may, by resolution, find that the improvement of
3 E such portion of such street by the construction or recon-
4 struction of a sidewalk thereon is necessary for the public
5 W safety and convenience, and the duty, burden, and expense
6 of constructing or reconstructing such sidewalk shall devolve
7 upon the property directly abutting upon such portion: Pro-
8 vided, That such abutting property shall not be charged with
9 any costs of construction or reconstruction under this chap-
10 ter in excess of fifty percent of the valuation of such
11 abutting property, exclusive of improvements thereon,
12 according to the valuation last placed upon it for purposes
13 of general taxation.

14 (3) NOTICE TO OWNERS: SERVICE: CONTENTS: ASSESS-
15 MENT: COLLECTION. Whenever the city council of any such
16 city has adopted such resolution, it shall cause a notice
17 to be served on the owner of the property directly abutting
18 on such portion of such street, instructing him to construct
19 or reconstruct a sidewalk on such portion in accordance
20 M with the plans and specifications which shall be attached to
21 such notice. The notice shall be deemed sufficiently served
22 A if delivered in person to the owner or if left at the home
23 of such owner with a person of suitable age and discretion
24 T then resident therein, or with an agent of such owner,
25 authorized to collect rentals on such property, or, if the
26 T owner is a nonresident of the Territory of Alaska, by
27 mailing a copy to his last known address, or if he is unknown
28 E or if his address is unknown, then by posting a copy in a
29 R conspicuous place at such portion of the street where the

1 N improvement is to be made. The notice shall specify a
2 reasonable time within which such construction or reconstruc-
3 E tion shall be made, and shall state that in case the owner
4 fails to make the same within such time, the city will pro-
5 W ceed to make it through the officer or department thereof
6 charged with the inspection of sidewalks, and that such
7 officer or department will report to the city council, at a
8 subsequent date to be definitely stated in the notice, an
9 assessment roll showing the lot or parcel of land directly
10 abutting on such portion of the street so improved, the cost
11 of the improvement, and the name of the owner, if known,
12 and that the city council at the time stated in the notice
13 or at the time or times to which the same may be adjourned,
14 will hear any and all protests against the proposed assess-
15 ment. Upon the expiration of the time fixed within which
16 the owner is required to construct or reconstruct such side-
17 walk, if the owner has failed to perform such work, the city
18 may proceed to perform it, and the officer or department of
19 M the city performing the work shall, within the time fixed
20 in the notice, report to the city council an assessment roll
21 A showing the lot or parcel of land directly abutting on that
22 portion of the street so improved, the cost of the work, and
23 T the name of the owner, if known. The city council shall, at
24 the time, in such notice designated, or at an adjourned time
25 T or times, assess the cost of such improvement against said
26 property and shall fix the time and manner for payment there-
27 E of, which said assessment shall become a lien upon said
28 property and shall be collected in the manner as is provided
29 R by law for collection of local improvements assessments

1 under this title.

2 (4) ABUTTING PROPERTY DEFINED. For the purposes
3 of this chapter, all property having a frontage upon the
4 sides or margins of any street shall be deemed to be
5 abutting property, and such property shall be chargeable,
6 as provided herein, for all costs of construction or recon-
7 E struction or any form of sidewalk improvement between the
8 N margin of said street and the roadway lying in front of and
9 D adjacent to said property.

10 (5) CONSTRUCTION OF CHAPTER. Nothing in this
11 N chapter shall be construed to limit or repeal any existing
12 E powers of cities with reference to the construction or
13 W reconstruction of sidewalks or the improvement or maintenance
14 of streets, but the power and authority herein granted is
15 N to be exercised concurrent with or in extension of powers
16 A and authority now existing. The legislative authority of
17 T any city before exercising the powers and authority herein
18 T granted shall, by proper ordinance, provide for the applica-
19 E tion and enforcement of the same within the limitations
20 R herein specified.

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