

9-243. Construction of streets and sidewalks; default of property owner; abatement of assessment; appeal; definitions

A. The common council may require the proprietor of any block, lot or part of a lot within the town to construct a sidewalk in front thereof of a width and type of construction as it may direct, and may by ordinance provide that upon failure of the proprietor to construct the sidewalk within a time to be prescribed after notice so to do it may be constructed by the town, and the expense thereof assessed against the block, lot or part thereof. The council may provide the manner of making the assessment, may approve the same and provide the manner of collecting the assessment.

B. The council may by ordinance require the proprietor or owner of any property within the town at the time of the development of the property to construct streets within and adjacent to the property. If the council determines that such streets are necessary before the development of the property, the council may order these improvements to be constructed by the town at its expense and the expense shall be assessed against the property. The council may provide and approve the manner of assessing the property at the time of development and provide the manner of collecting unpaid assessments at the time of development of the property subject to the following limitations:

1. The assessment of property, if adjacent arterial streets are involved, shall not exceed the cost of improving more than one-half of the width or more than one thousand lineal feet of such adjacent arterial street, except that if any parcel of land is presently being used for single family residential use and the width of such does not exceed two hundred lineal feet, such property shall not be assessed greater than one-half the cost of the average residential street within such city or town.

2. The assessment of property shall not exceed the actual expense incurred by the town at the time of construction.

C. Any assessment under this section shall abate if the property has not been developed within ten years of the assessment.

D. The determination of necessity by the council resulting in the assessing of property under this section may be appealed by any aggrieved party to the superior court.

E. As used in this section:

1. "Development" includes construction of residential, commercial or industrial buildings or structures or major additions or alterations to existing structures and includes new buildings or structures on property having existing buildings or structures situated on such property. When such property is zoned for agricultural or single family residential use at the time of assessment, development shall also require a change of use or purpose.

2. "Streets" may include asphaltic concrete surfacing, aggregate base, curb and gutter, valley gutter, concrete sidewalks and tiling of irrigation ditches and storm drainage facilities if required.