

## CHAPTER 6 – STREETS & PUBLIC PLACES

### ARTICLE 3 - CONSTRUCTION OF SIDEWALKS AND CURBS AND GUTTERS

#### SECTIONS:

Sections 6-3-101 to 199, inclusive. Construction of sidewalks and curbs and gutters - general provisions.

Section 6-3-101. Supervision of sidewalk construction.

Section 6-3-102. Width of sidewalks.

Section 6-3-103. Vehicle crossings on sidewalks.

Section 6-3-104. Construction materials to be used in sidewalks, vehicle crossings and curb and gutter.

Section 6-3-105. Alteration of construction materials to be used in sidewalks, vehicle crossings and curb and gutter.

Section 6-3-106. Distance of sidewalks from street lines, curb lines and property lines.

Section 6-3-107. Construction of curb and gutter.

Section 6-3-108. Construction of ramps at crosswalks required.

Section 6-3-109. Mailbox locations.

Section 6-3-110 to 199, inclusive. Reserved.

---

**Section 6-3-101 to 199, inclusive. Construction of sidewalks and curbs and gutters.**

#### **Section 6-3-101 Supervision of sidewalk construction.**

The commissioner of streets and public property shall have direct control of the construction of all concrete walks, curbs, gutters and crossings and the repair of the same upon or along any of the streets whenever the same shall be ordered by the Board of City Commissioners. No public walk, curb, gutter or crossing shall be constructed upon or along any street unless the city engineer shall have first approved the line and grade of such improvement in writing. The City shall only be responsible for the staking of repair work and its own projects, all other staking will be the responsibility of the developer. All deficiencies shall be corrected prior to City acceptance of the work.

**Source:** R.O. Pierre, 1957, 13.0701; Rev. of Ord., 1990; Ord. No. 1371, 1995.

**Section 6-3-102 Width of sidewalks.**

Sidewalks located within the public right-of-way shall be a minimum of five (5) feet wide. All sidewalks placed adjacent to the curb shall be seven (7) feet wide or greater unless approved by the City Engineer. The walk shall be a minimum of four inches thick, 4000 psi concrete with 6% air entrainment underlain by a minimum of four (4) inches granular base compacted to a minimum standard proctor density of 95%. The owner may either submit a compaction test verifying the required density of 95% to the City Engineer or the City Engineer reserves the right to require the sidewalk be replaced if it fails within 5 years. Walks shall be finished with the surface broomed lightly at right angles to the walk. Cuts shall be made at intervals equal to the width with an edging tool or saw blade to 1/3 of thickness depth. Outside edges shall be finished with an edging tool. One-half inch thick expansion joints shall be provided at fifty (50) foot intervals and where new work is joined to existing work. Expansion joints may be pre-formed asphalt expansion joint or approved equal. Joints must be sealed with polymeric joint sealer.

**Source:** R.O. Pierre, 1957, 13.0702. Ord. No. 1194, 1987; Ord. No. 1245, 1989; Ord. No. 1361, 1995; Ord. No. 1793, 2018.

**Statutory reference:** SDCL 9-46-1, width and material of sidewalks.

**Section 6-3-103 Vehicle crossings on sidewalks.**

All vehicle crossings on sidewalks shall be constructed the same as the sidewalk except that they shall be six (6) inches thick or greater with #4 or larger, grade 40 or stronger deformed bars placed sixteen (16) inches on center both directions that are tied together at cross points, and supported two (2) inches above compacted granular base by non-metallic support devices.

**Source:** R.O. Pierre, 1957, 13.0704; Ord. No. 1793, 2018.

**Section 6-3-104 Construction materials to be used in sidewalks, vehicle crossings and curb and gutter.**

All materials used in sidewalk vehicle crossings and curb and gutter construction shall be as follows: crushed rock in commercial size not less than three-fourths inch and not more than one inch; clean, washed sand and when dry passing a screen having four meshes per linear inch and not more than twenty-five percent shall pass a screen having fifty meshes per linear inch and not more than five percent shall pass a screen having one hundred meshes per linear inch; portland cement and clean water.

**Source:** R.O. Pierre, 1957, 13.0705.

**Statutory reference:** SDCL 9-46-1, width and materials of sidewalks.

**Section 6-3-105 Alteration of construction materials to be used in sidewalks, vehicle crossings and curb and gutter.**

The construction materials referred to in Section 6-3-104 may be altered on the recommendation of the street commissioner and city engineer with the approval of the board of City Commissioners.

**Source:** R.O. Pierre, 1957, 13.0706.

**Statutory reference:** SDCL 9-46-1, width and material of sidewalks.

**Section 6-3-106 Distance of sidewalks from street lines, curb lines and property lines.**

All sidewalks hereafter constructed shall be placed so that the property line edge of the walk is one foot in the street from the property line or street line, except that on petition of 70% of the property owners on any side of a block, a variance as to horizontal placement or grade of all sidewalk on such side shall be allowed except that before any grade variance shall be allowed said property owners shall present a written survey proposal to the city commission; and except in the following cases:

- A. Except as otherwise provided in this section, where sidewalks are already built on any one side of a block, then all other sidewalks thereafter built on the same side of that block shall be constructed to meet with the walk already built.
- B. Sidewalks constructed on the north side of Church Street between Highland Avenue and Folsom Avenue shall be constructed so that the outside or street edge of the walk is against, or adjoining the curb line of the north side of Church Street.
- C. No sidewalk shall be constructed outside or on the street side of the property lines along Mary Lane.
- D. Sidewalks constructed on the south side of Broadway, between Illinois Street and Jefferson Avenue, shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line of the said south side of Broadway.
- E. The inner edge of the sidewalk adjacent to the property line on each side of Franklin Street from the east line of Jefferson Avenue to the west line of Madison Avenue shall be at a distance of five feet from and parallel to the property line.
- F. The inner edge of the sidewalk adjacent to the property line of the west side of Evans Street from the north line of Oak Street to the south line of Seneca Street shall be at seven and one-half feet from and parallel with the property line.
- G. The inner edge of the sidewalk, adjacent to the property line, on the east side of Monroe Avenue, from the south line of Franklin Street to the north line of Wells Avenue shall be at a distance of nineteen

(19) feet from and parallel with the property line.

H. The inner edge of the sidewalk adjacent to the property line on the east side of Jackson Avenue, from the south line of Capitol Avenue to the north line of Wells Avenue shall be at a distance of twelve and one-half (12 1/2) feet from and parallel with the property line and the inner edge of the sidewalk adjacent to the property line on the west side of Jackson Avenue, from the south line of Capitol Avenue to the north line of Wells Avenue shall be at a distance of eighteen and one-half (18 1/2) feet from and parallel with the said property line.

J. The sidewalk on the west side of Washington Avenue, from the southerly curb line of Wells Avenue to the northerly rail of the main line of the Chicago and Northwestern Railway Company, shall be constructed so that the outside, or street edge, of the walk is against, or adjoining, the curb line of the said west side of Washington Avenue.

K. The inner edge of the sidewalk adjacent to the property line on the west side of Central Avenue, from the south line of Elizabeth Street to the north line of Summit Avenue and along the east side of Block Thirty-six (36), Fifth Railway Addition shall be at a distance of eight (8) feet from and parallel with the property line.

L. Sidewalks constructed on the north side of Broadway upon Lot 8, Block 24, of the Fourth Railway Addition shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line of the north side of Broadway.

M. Sidewalks constructed on the following streets, avenues, parts of streets and parts of avenues shall be constructed so that the outside or street edge of the walk is against or adjoining the curb lines:

Huron Avenue - From the north line of Fourth Street to the south line of Eighth Street;

East Side of Central Avenue - From the north line of Third Street to the south line of Fourth Street, sidewalks shall be constructed so that the property line edge of the sidewalk is one foot in the street from the property line or street line.

West Side of Central Avenue - From the north line of Elizabeth Street to the south line of Eighth Street.;

Oneida Avenue - From the north line of Elizabeth Street to the south line of Eighth Street;

Poplar Avenue - From the north line of Elizabeth Street to the south line of Third Street, and from the north line of Fifth Street to the south line of Eighth Street;

Willow Avenue - From the north line of Elizabeth Street to the south line of Third Street, and from the north line of Fifth Street to the south line of Eighth Street;

Maple Avenue - From the north line of Elizabeth Street to the south line of Third Street, and from the north line of Fifth Street to the south line of Eighth Street;

North Side of Elizabeth Street - From the east line of Maple Avenue to the west line of Central Avenue;

Second Street - From the east line of Maple Avenue to the west line of Central Avenue;

Third Street - From the east line of Maple Avenue to the west line of Central Avenue;

Fourth Street - From the east line of the U.S. Government Housing Area to the west line of Grand Avenue;

Fifth Street - From the east line of Maple Avenue to the west line of Grand Avenue;

Seventh Street - From the east line of Maple Avenue to the west line of Grand Avenue;

Grand Avenue - From the north line of Fourth Street to the south line of Eighth Street;

N. Sidewalks constructed on the following streets, avenues, parts of streets and parts of avenues shall be constructed so that the outside or street edge of the walk is against or adjoining the curb lines:

Pierce Avenue - From the north line of Wells Avenue to the south line of Capitol Avenue;

Filmore Avenue - From the north line of Wells Avenue to the south line of Capitol Avenue.

O. Sidewalks constructed on the following street shall be constructed so that the outside or street edge of the walk is against or adjoining the curb lines:

Fifth Street - From the East line of Huron Avenue to the west line of Grand Avenue.

P. Sidewalks constructed on the south side of Elizabeth Street, from Euclid Avenue to Grand Avenue, shall be constructed so that the property line edge of the walk is parallel with and eleven (11) feet distant from the face of the curb.

Q. No sidewalk shall be constructed on the west side of Terrace Street between Sioux Avenue and Dakota Avenue.

R. The sidewalk on the westerly side of Maple Avenue between the south line of Prospect and the north alley line shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line. The transition between the northerly and southerly side of alley shall be approved by the City Engineer.

S. The sidewalk on Winchester Drive, Cambridge Drive, Heritage Drive, Hilgers Drive and Woodridge Drive shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line.

T. The sidewalk on the southerly side of Bridgeview Avenue between a point 48 feet southerly of the southerly line of Second Street and the westerly line of Hathaway Street shall be constructed so that the

outside or street edge of the walk is against or adjoining the curb line; and the sidewalk on the northerly side of Bridgeview between the southerly line of Second Street and the westerly line of Hathaway Street shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line.

U. The sidewalk on the southerly side of Second Street from the northerly line of Capitol Avenue to a point 130 feet westerly of Bridgeview Avenue and from the easterly line of Bridgeview Avenue to the westerly line of Lot 8, Block 1, Bridgeview Heights Addition shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line.

V. The sidewalk on the northerly side of River Road adjacent to Lot 25, Block 2, Thompsons's Replat of Neltom Addition shall be constructed so that the outside or street edge of the walk is against or adjoining the curb line. The transition between Lots 24 and 25, Block 2, Thompson's Replat of Neltom Addition, shall be approved by the City Engineer.

W. The sidewalk on the south side of Erskine Street along Lot 1, Block 48, Wells Second Addition, shall be constructed so that the inside or property edge of the walk is six feet (6') from the property line.

X. The sidewalk on the east side of Adams Avenue from the south line of Sioux Avenue to the north line of the east-west alley in Block 85, Wells Second Addition, shall be constructed seven (7) feet wide and located so that the outside or street edge of the walk is against or adjoining the curb line.

Y. The sidewalk on the east side of Jefferson Avenue from the south line of Lot 7, Capitol Hill Addition to the south line of Capitol Hill Drive, shall be constructed five (5) feet wide and against or adjoining the curb line.

Z. The sidewalk on the west side of Filmore Avenue from the south line of Park Street to the north line of Sully Avenue, shall be constructed five (5) feet wide and located so that the outside or street edge of the walk is against or adjoining the curb line.

AA. The sidewalk on the southerly side of Franklin Street between the east line of Harrison Avenue and the west line of the alley in Block 57, Wells Second Addition shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AB. The sidewalk on the east side of Harrison Avenue between the north line of Hilltop Drive and the south line Lilac Drive shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AC. The sidewalk on the south side of Humboldt Street between the west line of Pierce Avenue and the north-south alley in Block 68, Wells Second Addition shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AD. The sidewalk on the north side of Humboldt Street between the west line of Pierce Avenue and the north-south alley in Block 61, Wells Second Addition shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AE. The sidewalk on the southerly side of Sully Avenue between the east line of Lot 2, Block 51,

Park Addition and the west line of Grant Avenue in block 51, Park Addition shall be constructed seven (7) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AF. The sidewalk on the easterly side of Van Buren Avenue between the north line of Park Street and the east-west alley in Block 105, Wells Second Addition shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AG. The sidewalk on the south side of Erskine Street between the east line of Filmore Avenue and the north-south alley in Block 46, Wells Second Addition shall be constructed seven (7) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AH. The sidewalk on the easterly side of Buchanan Avenue between the southerly line of Dakota Avenue and the easterly-westerly alley in Block 98, Wells Second Addition shall be constructed seven (7) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AI. The sidewalk on the north side of Erskine Street between the east line of Taylor Avenue and north-south alley in Block 38, Wells Second Addition shall be constructed five (5) feet wide and two feet from the property line.

AJ. The sidewalk on the easterly side of Filmore Avenue between the southerly line of Park Avenue and the easterly-westerly alley in Block 122, Wells Second Addition shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AK. The sidewalk on the easterly side of Lincoln Avenue between the southerly line of Sully Avenue and the northerly line of Pawn Avenue shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AL. The sidewalk on the west side of Polk Avenue between the south line of Park Street and the north line of Sully Avenue shall be constructed five (5) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AM. The sidewalk on Stanton Ave. shall be constructed seven (7) feet wide and the outside or street edge of the walk is against or adjoining the curb line.

AN. The sidewalk on Willow Avenue between 7<sup>th</sup> and 8<sup>th</sup> Street shall be constructed five (5) feet wide.

AO. The sidewalk on the east side of Lincoln Avenue from Fourth Street to Dry Creek Street shall be constructed seven (7) feet wide so that the outside or street edge of the sidewalk shall adjoin the curb line.

AP. The sidewalk on the south side of Dry Creek Street from Abbey Road to Lincoln Avenue shall be constructed seven (7) feet wide so that the outside or street edge of the sidewalk shall adjoin the curb line.

AQ. A portion of the sidewalk on the west side of Abbey Road between Dry Creek Street and Augusta Street shall be constructed (7) feet wide so that the outside or street edge of the sidewalk shall adjoin the

curb line.

**Source:** R.O. Pierre, 1957, 13.0707; Ord. No. 670, 1958; Ord. No. 697, 1961; Ord. No. 698, 1961; Ord. No. 699, 1961; Ord. No. 700, 1961; Ord. No. 713, 1962; Ord. No. 715, 1962; Ord. No. 736, 1964; Ord. No. 750, 1965; Ord. No. 800, 1969; and Ord. No. 868, 1972; Ord. No. 10, 1988; Ord. No. 1220, 1988; Ord. No. 1221, 1988; Ord. No. 1240, 1989; Ord. No. 1241, 1989; Ord. No. 1247, 1989; Ord. No. 1253, 1990; Ord. No. 1258, 1990; Ord. No. 1259, 1990; Ord. 1270, 1990; Ord. 1271B, 1991; Ord. 1275, 1991; Ord. 1276, 1991; Ord. 1279, 1991; Ord. 1281, 1991; Ord. 1285, 1991; Ord. No. 1301, 1992; Ord. No. 1303, 1992; Ord. No. 1315, 1992; Ord. No. 1521, 2002; Ord. No. 1523, 2002; Ord. No. 1666, 2010; Ord. 1686, 2011.

### **Section 6-3-107 Construction of curb and gutter.**

Curb and gutter shall be six inches thick of one course construction in the ratio of one part of portland cement to two parts of clean sand and three and one-half parts of crushed rock with not more than six and one-half gallons of clean water to each bag of cement. Curb and gutter shall be finished with a wood float and broomed. Where the section is uniform, the curb and gutter shall be cut into sections of not more than ten feet long. One-half inch thick precast asphalt expansion joints shall be placed at not more than fifty foot intervals where new work is joined to existing work.

The curb and gutter section shall conform to the standard section on file in the office of the city engineer. Where curb and gutter has been constructed in any one block, any additional curb and gutter constructed in that block shall be constructed to match in section the curb and gutter in place.

**Source:** R.O. Pierre, 1957, 13.0703; Rev. of Ord., 1990.

**Statutory reference:** SDCL 9-32-9, gutters.

### **Sections 6-3-108 Construction of ramps at crosswalks required.**

That from and after November 1, 1977, all persons, including the City of Pierre, shall be required to install ramps at crosswalks in both business and residential areas, when making new installations of sidewalks and curbs or gutters, or improving or replacing existing sidewalks and curbs or gutters, so as to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs.

**Source:** Ord. No. 976, 1977.

### **Section 6-3-109 Mailbox locations.**

Mailboxes shall be allowed in rights-of-way but are restricted as follows:

- 1.** New installation or replacement of mailboxes is limited to mailboxes installed on breakaway supports including:



- a. 4" X 4" wooden post;
- b. 2" diameter steel or aluminum piping; or
- c. Other breakaway supports approved by the city engineer.

**2.** Installed cluster box units must be a model or type approved by the United States Postal Service (USPS). Placement of mailboxes and cluster box units shall be according to USPS guidelines. Any mailboxes that do not meet these standards are encroachments. Neither the city nor its contractors shall be held liable for damage to nonconforming mailbox installations. Any payments to replace damaged mailboxes are limited to the price of a standard mailbox and approved breakaway support.

**3.** Liability. As part of the public right-of-way the city may remove or require encroachments to be removed by the property owner. The city is not liable for repair or replacement of any encroachments in the right-of-way if such items are damaged by city activities during street maintenance, snow removal, snow storage operations, utility maintenance, emergency operations, tree trimming, or other activities.

**Source:** Ord. No. 977, 1977; Ord. No. 1785, 2018.

**Sections 6-3-110 to 199, inclusive. Reserved.**