

**An Ordinance amending Title 9, Chapter 5 entitled IMPROVEMENTS, amending City's curb and sidewalk policies.**

**WHEREAS**, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes;

**NOW, THEREFORE, the City Council of the City of Ely AMENDS THE FOLLOWING SECTIONS OF TITLE 9, CHAPTER 5 OF THE ELY CITY CODE AS FOLLOWS:**

9-5-2: Curb, Curb and Gutter, Sidewalk:

**A. Definitions**

1. Curb: A curb, by definition, incorporates some raised or vertical element. The type and location of curbs affect driver behavior and, in turn, the safety and utility of a roadway. Curbs serve any or all of the following purposes: drainage control, roadway edge delineation, right-of-way reduction, aesthetics, delineation of pedestrian walkways, reduction of maintenance operations, and assistance in orderly roadside development.
2. Gutter: A depression that runs parallel to a road and is designed to collect rainwater that flows along the street. A gutter alleviates water buildup on a street, allows pedestrians to pass without walking through puddles, and reduces the risk of hydroplaning by road vehicles. A gutter can be a part of a L-curb or Valley Gutter.
  - i. A curb gutter and valley gutters are a specific channel for the collection of rain and runoff water that directs and carries water to a specific location.
  - ii. The concrete gutters are used to protect the edge and overall surface of the asphalt pavement road.
3. Sidewalk: That portion of the roadway right-of-way primarily constructed for the use of pedestrians

**B. Existing Structures**

1. Curbs shall be Portland cement "L" curb, "A" curb, or roll curb, at the direction of the City Engineer.
2. All improvements within the City right-of-way shall conform with the requirements of the proposed accessibility guidelines for pedestrian facilities in the public right-of-way in compliance with ADA, as published in the Federal Register on July 26, 2011. No monolithic curb, gutter or sidewalk pours are allowed.

**C. Existing Residential**

1. Property owners may elect to place curb, gutter, and sidewalk along any part or whole frontage of their property.

2. Residential property sidewalks may be constructed of either Portland cement or asphalt. If constructed of Portland cement, the sidewalk shall have a medium broom finish and no colorization, tints, or stamps.
3. Any improvements that intersect the City right-of-way must have curb.
4. The City shall, at no cost to the property owner, provide staking for the location of curb and gutter.
5. Design and layout of curb, gutter, and sidewalk to be approved by the City Engineer.

D. Existing Commercial

1. Improvements to an existing commercial property must be carried out through the entire property frontage.
2. Only Portland cement may be used for sidewalks.
3. All sidewalks are to have a medium broom finish with no other patterns, textures, or colorization.
4. Property owner is responsible for the design and layout of proposed improvements to be approved by the City.

E. New Residential Buildings

1. All new single family residential buildings constructed within all street frontages shall construct curbs. Curbs shall be portland cement concrete, "L", "A", or "Roll" curbs shall have minimum widths of eighteen inches (18"). The minimum curb return radius shall be five feet (5'). All corner construction of curbs and sidewalks shall provide for handicap access. (Ord. 441, 6-27-1990)
2. Sidewalks shall meet requirements of the proposed accessibility guidelines for pedestrian facilities in the public right-of-way in compliance with ADA, as published in the Federal Register on July 26, 2011, and be finished with a medium broom finish with no colorization, tints, or stamps.
3. The City shall, at no cost to the property owner, provide staking for the location of curb and gutter.
4. The style of gutter to be installed shall be at the direction of the City Engineer.

F. New Commercial Buildings

1. All new commercial buildings, multi-home developments, subdivisions, and apartments constructed within all street frontages shall construct curbs. Curbs shall be portland cement concrete, "L", "A", or "Roll" curbs shall have minimum widths of eighteen inches (18"). The minimum curb return radius shall be five feet (5'). All corner construction of curbs and sidewalks shall provide for handicap access. (Ord. 441, 6-27-1990)
2. Sidewalks shall meet requirements of the proposed accessibility guidelines for pedestrian facilities in the public right-of-way in compliance with ADA, as published in the Federal Register on July 26, 2011, and be finished with a medium broom finish with no colorization, tints, or stamps.
3. New building construction of commercial property shall require a five foot (5') minimum sidewalk in addition to curb along all property street frontage.
4. Sidewalks in commercial areas shall be exclusively Portland cement and no monolithic curb and gutter or sidewalk pours will be allowed.
5. The style of gutter to be installed shall be at the direction of the City Engineer.

G. All curb, gutter, and sidewalk within the City’s right-of-way, once installed, is the property of the City of Ely. The City may install signage, utilities, etc., within its right-of-way. Commercial and residential properties, which front sidewalk, whether installed by the City or the property owner, are responsible for the cleaning of the curb, gutter and sidewalk, as well as snow removal.

**Effective Date.** This ordinance shall become effective twenty (20) days after its passage, approval and publication according to law.

**Proposing Parties.** The foregoing ordinance was proposed by Mayor Nathan Robertson, at the regularly scheduled meeting of the Ely City Council on July 9, 2020, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

**Section 4. Notice.** Notice of filing of such ordinance was duly given by publication as required by law.

**Section 5. Reading.** It was read in full at the regular meeting on 8-13-20 and adopted by the following vote:

<b>VOTE:</b>	<b>AYES:</b>	<u>5</u>
	<b>NAYES:</b>	_____
	<b>ABSENT:</b>	_____
	<b>ABSTAIN:</b>	_____

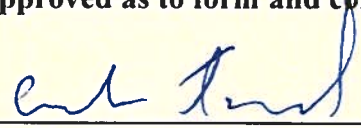
Approved this 13th day of August, 2020

  
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NATHAN ROBERTSON, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
JENNIFER LEE, CITY CLERK

Approved as to form and content

  
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Caroline Townsend, Esq. City Attorney