

RESOLUTION NO. 1000

RESOLUTION ADOPTING THE CITY OF WEST BRANCH, IOWA SIDEWALK INSPECTION AND REPAIR POLICY.

WHEREAS, the City Council adopted Ordinance 697 on June 25, 2012, amending the protocol for the ordering of sidewalk repairs and performance by the City in Title, "Streets and Sidewalks," Chapter 136 "Sidewalk Regulations"; and

WHEREAS, the City Council now wishes to ensure that an orderly plan for the inspection and repair of sidewalks is known to property owners in the City of West Branch and implemented by the Public Works Department; and

WHEREAS, the City Council has budgeted funds in the City's annual budget to ensure that sidewalk repairs are completed in the cases where property owners choose not to make repairs to defective public sidewalks.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West Branch, Iowa, that the City of West Branch, Iowa Sidewalk Inspection and Repair Policy is adopted.

Passed and approved this 25th day of June, 2012.



Don Kessler, Mayor

ATTEST:



Matt Muckler, City Administrator/Clerk

City of West Branch, Iowa Sidewalk Inspection and Repair Policy

I - GENERAL

The Code of Ordinances of West Branch, Iowa and the Code of Iowa Section 364.12 (2d & e) place the responsibility for the maintenance and repair of public sidewalks on the abutting property owner as recorded by the county auditor. This policy provides the cause for such repairs to be made from Council under West Branch Code of Ordinances. Under no circumstances does this relieve the abutting property owner of any liability under paragraph "b" of Iowa Code Section 364.12.

The Public Works Department will systematically inspect all public sidewalks within the City's jurisdiction and upon determining that a sidewalk defect exists will initiate appropriate action to have the sidewalk reconstructed.

II - ANNUAL SIDEWALK INSPECTION ZONES

The Public Works Department will be responsible for inspecting the public sidewalks on a four (4) year cycle within the city. These inspections shall be made to determine if any of the public sidewalks within a particular zone of the city are defective as defined. The City will be divided into four zones: Zone 1-all of West Branch that lies east of the abandoned railroad right-of-way. Zone 2-the abandoned railroad right-of-way west to and including Downey Street, Zone 3-west of Downey Street to and including Scott Drive, and Zone 4-all of West Branch that lies west of Scott Drive.

III - RECONSTRUCTION PROCEDURES

It shall be the duty of the abutting property owner at all times to reconstruct, or cause to be reconstructed, all defective public sidewalks in the street right-of-way abutting his/her property. The public sidewalk will be considered defective when it exhibits one of the characteristics listed in (Appendix "B") of this policy. When a sidewalk is found to contain such a defect, the Public Works Department will issue a written notice to reconstruct to the abutting property owner requiring that the appropriate work be completed within ninety (90) days. Property owners who have sixty-four (64) or more square feet of sidewalk to repair will be allowed one year to complete their repairs. All locations where a notice to reconstruct has been issued will be re-inspected by the Public Works Department after the abutting property owner has been given the specified time in which to complete the work. Abutting property owners who commence reconstruction within the time frame provided by this policy shall be afforded a reasonable time, as determined by the Public Works Director, in which to complete the work upon application and approval of an extension of time made to the Public Works Director per Part V of this policy. If, upon expiration of the time period provided in said notice, required work has not been completed or is not in the process of completion, the Public Works Director may cause the same to be reconstructed and the cost thereof shall be assessed to the abutting property owner. All sidewalk improvements shall be performed under the supervision and inspection of the Public Works Department. The City will not commence repairing any sidewalk if the property owner submits to the Public Works Director within the time period provided in said notice a signed contract with a contractor of that property owner's choice which states that the work will be completed within thirty days of their deadline.

IV – REPAIRS TO MATCH EXISTING SIDEWALK WIDTH

Unless otherwise specified in the written notice to reconstruct the sidewalk, all repairs will match the existing sidewalk in terms of width, regardless of the minimum width for sidewalk standards set forth for new construction.

V- HARDSHIP

A property owner may submit in writing a request to the Public Works Director for an extension to the ordered repair. This request must be made within thirty days of receiving the repair notice. Hardship requests submitted after thirty days may not be considered by the Public Works Director. A hardship letter will include the name and address of the property owner and a request to an extension to the work identified in the notice.

VI – APPEAL PROCESS

A property owner who is issued a written notice to make repairs may submit in writing a request to the Public Works Director to appeal the ordered repair. This request must be made within thirty days of receiving the repair notice. Requests for an appeal submitted after thirty days may not be considered by the Public Works Director. The Public Works Director shall conduct an informal hearing within ten days of receipt of the written request and shall make a determination as to whether the repair/replacement should be made. The property owner has the right to file a written notice of appeal from the Public Works Director's decision to the Board of Adjustment within ten days of the decision of the Public Works Director.

VII- CITY WILL ACCEPT BIDS FOR REPAIRS

The Public Works Department will annually accept bids from concrete contractors to make sidewalk repairs. This information will be made available to interested property owners, however, property owners are responsible for either completing the work themselves or choosing their own contractor. Property owners are responsible for making financial arrangements directly with the contractor of their choice.

VIII - DETERMINATION OF CITY COST TO REPAIR SIDEWALK

If work has not commenced following the 90 day notice, the sidewalk will be placed on a list for reconstruction and the City's contractor notified to proceed with the reconstruction. Upon completion of the repair, the property owner will be sent a bill of the actual cost of the repair plus an administration fee of 15% of the total cost to cover administrative and billing costs. The property owner will have 30 days to pay the billing. If the bill is not paid within 30 days, the amount will be certified to the County Auditor to be added to the owner's property taxes. There shall be returned to the City Council an itemized assessment schedule, verifying expenditures used in doing such work, and the legal description of the lots, or tract of ground abutting the sidewalk on which such work has been performed. There will also be a \$25 administrative fee if costs are assessed against the property.

IX - PERMITTING AND REPAIR INSPECTIONS

Any person desiring to reconstruct or repair any sidewalk as part of this program shall, before commencing such reconstruction or repair, apply to the Public Works Department for a permit to Reconstruct/Repair Sidewalk as illustrated in (Appendix "A"). Public Works personnel are authorized to inspect, approve or disapprove the reconstruction or repair of sidewalks as part of this program. The party reconstructing or repairing any sidewalk shall call for inspections by notifying Public Works when slab has been lifted and subgrade has been brought to the proper elevation, or forms have been set for slab replacement. In the case of slab replacement a further inspection shall be called for and required upon completion after removal of forms; backfill and seeding have been completed.

X - DOCUMENTATION

The Public Works Department will maintain formal permanent records showing the date on which each sidewalk was last inspected, which properties were found to have defective sidewalks, the nature of the defects found, and the action taken to correct the defect. The Public Works Department will be responsible for issuing all official "Notices to Reconstruct". All official notices will be sent Certified Mail.

XI - DISCLAIMER

To the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy.

This Sidewalk Inspection and Repair Policy is not intended to create and should not be construed in any manner as creating a guaranty that any hazard associated with sidewalk conditions is eliminated by the City's efforts to maintain public sidewalks in accordance with this Policy.

City of West Branch

~A Heritage for Success~

Public Works Department

APPENDIX A - SIDEWALK REPAIR PERMIT

Please return to:
City of West Branch Public Works Department
PO Box 218
West Branch, Iowa 52358

DATE: _____

PROPERTY ADDRESS: _____

NAME OF PROPERTY OWNER: _____

DAYTIME PHONE: _____

ADDRESS OF PROPERTY OWNER: _____
(IF DIFFERENT THAN ABOVE) _____

I AM HIRING MY OWN CONTRACTOR

CONTRACTOR NAME: _____

ADDRESS/PHONE NO: _____

I REQUEST THE CITY TO PERFORM THE WORK AND BILL ME ACCORDINGLY-
(I UNDERSTAND THAT AN ADMINISTRATIVE FEE EQUAL TO 25% OF THE TOTAL PROJECT COST
WILL BE ADDED TO THE REPAIR BILL.)

I AM PERFORMING THE WORK MYSELF

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SCOPE OF WORK:

RAISING PANEL

REPLACING PANEL

OTHER/EXPLAIN

All work must be inspected and approved by Public Works. Call 319-325-8213 for inspections. Please feel free to contact the City Office (319-643-5888) if you have any questions or need any additional information.

APPENDIX "B"

SIDEWALK REPAIR CODES

<p>1" OR MORE</p> <p>1" OR MORE</p>	<p><u>Repair Code "A"</u></p> <p>The sidewalk has cracked with a vertical edge of (1") one inch or more.</p>
<p>2" OR MORE</p> <p>2" OR MORE</p>	<p><u>Repair Code "B"</u></p> <p>The sidewalk has raised or settled more than (2") two inches in (12') twelve feet from the normal line of grade of the sidewalk.</p>
	<p><u>Repair Code "C"</u></p> <p>The sidewalk has cracked into more than three pieces per 4'x4' square and sections are distorted or distressed with a vertical height difference of (1/2") one-half inch or more, or a horizontal separation of (2") two inches or more or has cracked and part of the sidewalk is missing, forming holes.</p>
	<p><u>Repair Code "D"</u></p> <p>Sidewalk surface has deteriorated to a degree that the surface is gone causing the accumulation of loose material.</p>
<p>1" OR MORE PER FOOT</p>	<p><u>Repair Code "E"</u></p> <p>The sidewalk has settled or for some other reason is sloped or tilted more that (1") one inch per foot toward either side.</p>

APPENDIX "B"

Continued

REPAIR CODE A

When inspecting adjacent sidewalk slabs which fall under the standard repair Code A of the Sidewalk Inspection and Repair Policy, the inspector shall determine the defective sidewalk slab to mark for replacement by evaluating the following factors:

1. The sidewalk slab or slabs that most nearly reflects the proper grade or best condition of the adjacent sidewalk slabs should remain.
2. The overall finished alignment of the sidewalk when repair is complete should be the most uniform alignment.
3. The sidewalk slab or slabs that have changed position will be considered for replacement as it has created the hazard and its replacement will provide a more uniform overall sidewalk grade.

REPAIR CODES A, B, OR E

Sidewalk slabs marked as defective under Repair Codes A, B, or E may be repaired without total replacement if the sidewalk slabs are in otherwise good condition and in one piece. The sidewalk slab or slabs may be jacked up and the subgrade excavated or filled and the sidewalk slabs reset to a safe uniform grade condition. Repositioning existing slabs may be done, under the direction of the Public Works Department.

REPAIR CODES C OR D

Sidewalk slabs marked as defective under Repair Codes C or D require complete replacement of these conditions.

UNKNOWN PROPERTY LINES

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to send a notice to repair. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.