



# City Council Policy #51 Cooperative Sidewalk Policy for New, Replacement, & Removal

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12/17/2018; 9/21/2020; 12/21/2020; 12/18/2023

In order to encourage compliance with the sidewalk repair provisions of the Code of Ordinances for the City of Kirksville, it is the policy of the City of Kirksville to cooperatively assist property owners adjoining city sidewalks with the costs of the improvement, repair, or replacement of said sidewalks which are determined to need repair or replacement, and/or which constitute a threat to public safety.

## I. COSTS

To help bring all sidewalks into compliance in the City, City staff has divided the City into ten different zones. City staff will then re-evaluate the condition of the sidewalks within the City. A map has been made to show the ten zones.

Where existing sidewalks are determined by the City to be a safety hazard, and where the City has not yet invoked the mandatory repair orders provided in Chapter 32. Article II. Sections 32-259 through 32-261, of the Code of Ordinances for the City of Kirksville, the City will share in the cost of repair, removal, and replacement of sidewalks. The City will determine, on an annual basis the average cost of removing, repairing, and replacing existing sidewalks in the City of Kirksville, excluding labor costs. This amount shall be set each year by the City Manager after a re-assessment of materials and other non-labor components of the sidewalk cost of repair and replacement. This amount shall be expressed in terms of dollars per square foot of sidewalk replaced. Additionally, the City Council has recognized a need for new sidewalks in residential neighborhoods. New sidewalk construction on existing lots, where no new construction or development is located, shall be eligible for City cost participation and will be subject to the same construction and eligibility criteria.

City Council may also decide to use all or a portion of the annually budgeted funds to install, replace, or repair any Americans with Disabilities Act (ADA) required ramps in a targeted zone. These ramps will be identified, designed, and contracted out by City staff following City policies. The available budgeted funds will be used for the targeted zone until the ramps in that zone comply. This may take more than one year, depending on the amount budgeted. If all funds are designated to go towards ADA ramps, the following year the annual budgeted funds will be available to property owners in the same zone, per the sidewalk replacement policy. The following year, a new targeted zone's ramps will be addressed starting the process over.

The amount of City participation shall be calculated to include the average costs of Portland cement concrete, expansion materials, reinforcement, concrete forms, fill material, sand, tree removal, and in the case of replacement, old sidewalk removal.

The City will reimburse participating property owners for the non-labor costs of new sidewalks, sidewalk repair, and replacement, based on the fixed unit rate described above, after they have independently chosen, arranged, and hired a contractor, and that contractor has completed the work per City requirements.

## II. ELIGIBILITY CRITERIA

For an existing section to be eligible for the reimbursement program, it must substantially meet the following criteria:

Only residential properties located in the zone for that year will be eligible for reimbursement until after August 31. After that time, property owners from outside of that year's zone may be able to participate if funds allow. The City may modify any zone as needed depending on the repairs needed for the area.

Sidewalks will be eligible for replacement if the sidewalk has cracked or has gaps or breakages which could reasonably cause pedestrians to trip or fall and result in liability against the City. Due to concrete company delivery requirements, the minimum replacement shall be five (5) squares per application, equaling 20 feet long x 4-foot wide x 4 inches deep, A square is defined as a four (4) foot wide section of sidewalk, that is four (4) foot long and four (4) inches deep. This is approximately one (1) yard of concrete, which is the minimum that most concrete companies will deliver.

Exception to the five (5) squares minimum: Several neighbors who may have small sections of sidewalk that need replacement may go together as a group to meet the concrete company delivery requirements. Or, a neighbor with a small section may partner with a neighbor who has a large section of sidewalk to replace. The City will work to consider and authorize these combinations of sidewalk replacements.

In addition to all other requirements, new sidewalk construction shall be subject to the following requirements.

- A. The minimum length of new sidewalk (in regards to parts of the City with no current sidewalk) that the City will require to be installed to be eligible for participation in the reimbursement program shall be one full block, i.e. from one dedicated public street right-of-way to another.
- B. Reimbursements for new sidewalk construction shall be limited to residential areas only. Residential areas are those zoned residential or where a majority of the structures participating in the program are used for residential purposes. Reimbursements shall be further limited to collector and arterial streets, and on one side of the street only. All newly constructed sidewalks shall be a minimum of five (5) feet wide, and installed to the latest ADA standards.
- C. Notwithstanding the provisions of paragraphs A and B above, reimbursements under this policy shall not be permitted in new subdivisions, approved after the date of this policy amendment, where the developer should have provided sidewalks on at least one side of the road on collector and arterial sections. Subdivisions installed before the effective date of this policy amendment shall be eligible for participation if all adjoining property owners participate in the initial cost of the new sidewalks.
- D. The square foot reimbursement rate for new sidewalks shall be the same as the reimbursement rate for the replacement of existing sidewalks. The reimbursement shall be for a minimum of four (4) foot width, no more than five (5) foot width, and four (4) inches depth, regardless of the actual width and depth of sidewalk poured.
- E. Streets with no outlet shall be excluded from participation in the reimbursement program for new sidewalk installations.

### **III. SPECIAL DOWNTOWN SIDEWALK ZONE**

Sections I and II of this policy statement shall apply to all parts of the City of Kirksville, except an area to be designated as the “special downtown sidewalk zone (SDSZ)”, said zone being described as follows: an area bounded by the centerline of the former Norfolk-Southern Railway, to the center of Marion Street, and the south side of Jefferson Street, to the north side of Missouri Street. Section III of this policy statement shall govern sidewalk and related curb, and right-of-way improvements in the SDSZ.

Inside the SDSZ, described above, the City will develop a unique pattern and layout for public sidewalks and other uses of the public right-of-way. No cooperative sidewalk reimbursements will be made to adjoining property owners, unless, the proposed improvements conform to the pattern and layout for sidewalks and related right-of-way uses prescribed by the City. Persons and firms desiring to make improvements to the public right-of-way in the SDSZ should contact the Codes Enforcement Director to discuss their proposed project. City standards for the SDSZ may change from time to time.

The City will exercise design control over the sidewalk, and related right-of-way improvement projects; improvement plans must first be approved by the City to verify conformance with the City Council’s current sidewalk pattern and layout designs in the SDSZ. If the City approves an SDSZ cooperative sidewalk project, then the City will reimburse the adjoining property owner(s) for fifty percent (50%) of the costs of all sidewalks, decorative bricks laid into the sidewalks, curbs, gutters and the one-time costs of installing tree and landscaping boxes. The entire cost (100%) of street lighting will be paid by the City, and no portion of landscaping costs will be reimbursed by the City to adjoining non-city property owners, except for street trees. Additional storm drainage improvements, other than sidewalks, curbs, and gutters, will be negotiated by the City and the adjoining land owner since the public and private benefit portions of most stormwater drainage projects vary widely.

The application and inspection requirements delineated in Sections I and II of this policy statement shall apply to sidewalks and other public right-of-way improvements in the SDSZ. Crosswalks and intersection treatments on City streets, between curbs and gutters on public property, will be the exclusive financial and design responsibility of the City of Kirksville.

The City reserves the right to deny and/or delay any or all requests for sidewalk reimbursement in the SDSZ based on the availability of public funds, design discrepancies, and/or other factors unique to each project, and to establish per square-foot maximum reimbursement amounts for sidewalk improvements, and linear foot maximum reimbursement amounts for curb and gutter improvements, based on current construction costs. The City also reserves the right to prioritize multiple requests if eligible requests received exceed the annual allocation of funds for these downtown improvements.

### **IV. LICENSING**

The City reserves the right to deny and/or delay any or all requests for sidewalk reimbursement in the SDSZ based on the availability of public funds, design discrepancies, and/or other factors unique to each project, and to establish per square-foot maximum reimbursement amounts for sidewalk improvements, and linear foot maximum reimbursement amounts for curb and gutter improvements, based on current construction.

- A. Citizens can contact the Community and Economic Development Department City Hall, 201 S. Franklin Street and complete a form that includes the following information:
1. Applicant's name
  2. Applicant's address
  3. Address of property where sidewalk replacement is requested.
  4. Phone number for daytime and evening contact.
  5. Approximate footage of sidewalk, and a drawing of the lot(s) showing the location of proposed improvements.

The City sets appointments with the owner or owners to meet to discuss new sidewalks, sidewalk replacement, determine eligibility, the amount of sidewalk to be constructed or replaced with city assistance, special conditions, etc. Although portions of the sidewalk can be repaired, at a minimum, the entire width of sidewalk panels will be replaced, and removal and replacement shall be to the nearest control joint.

When the cost forms are filled out and signed by the property owner and the City representative, stating the amount that the City will pay; the contract is complete, and the owner is authorized to get the permit and to begin the work. The City's share shall be the same dollar amount per square foot for all sidewalk projects and will include concrete, tree removal, expansion materials, reinforcement, sand, concrete forms, and miscellaneous materials.

The property owner is responsible for hiring a qualified and licensed contractor to do the new sidewalk, or the sidewalk removal and replacement.

Existing sidewalks must be removed from the property and disposed of in an approved manner, either by the property owner or by the owner's contractor. Where there are trees located adjacent to the existing sidewalks in the right-of-way, City staff will assess the location and condition of such trees and determine whether or not the trees and/or tree roots should be removed before the replacement of the sidewalk. The City will be responsible for the removal of any trees in the public right-of-way, and the property owner and/or property owner's contract will be responsible for the removal of any tree roots before the replacement of the sidewalk.

New sidewalks shall be constructed at the necessary elevations to allow proper drainage.

All concrete must meet City specifications outlined in Chapter 32 Article II. Section 32-39 of the Code of Ordinances for the City of Kirksville.

Community and Economic Development Department must be called to inspect the concrete after forming, but before it is scheduled to be poured. A one to two-hour time notice is preferred. Substantial sub-base shall be required per Chapter 32 Article II. Section 32.39 – Sidewalks of the Code of Ordinances for the City of Kirksville.

After the sidewalk is inspected and final approval is obtained, the property owners must submit copies of the paid concrete bills to the Community and Economic Development Department. The City will then issue a purchase order for the amount noted in the signed contract. Payment should be received by the property owner no later than three weeks after submission of bills.