City of Sherwood Oregon

Home of the Tualatin River National Wildlife Refuge

RESOLUTION 2011-097

APPROVING THE CONCRETE SIDEWALK REPAIR ASSISTANCE PROGRAM

WHEREAS, the City Council approved implementation of a sidewalk maintenance repair fee in the 2011-12 budget year to identify and fund sidewalk repairs; and

WHEREAS, pursuant to the Sherwood Municipal Code Section 12.08, the City of Sherwood (City) assigns sidewalk responsibility to abutting property owners; and

WHEREAS, the city desires to provide an assistance program to assist property owners with the cost of repairing these deficiencies.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

Section 1. The City Council authorizes the concrete sidewalk repair assistance program, as currently described in attached Exhibit A and as may be amended at a later date.

Section 2. This Resolution shall be effective upon its approval and adoption.

Duly passed by the City Council this 6th day of December 2011.

Keith S. Mays, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder

Concrete Sidewalk Repair Assistance Program

CITY OF SHERWOOD OREGON

Public Works Department
Website: www.sherwoodoregon.gov

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Overview

The goal of the Concrete Sidewalk Repair Assistance Program is to prevent and repair sidewalk trip hazards in a timely manner in the interest of public safety and welfare and to assist property owner with repair costs.

Industry Practices for Responsibility of Sidewalk

According to the U.S. Department of Transportation, Federal Highway Administration (FHWA),city charters commonly specify that the city is not liable for any accidents or injuries incurred due to sidewalk conditions. Some charters assign complete responsibility of sidewalk maintenance to the owner of the adjacent property (i.e. City of Seattle, City of Portland, City of Ann Arbor).

Pursuant to the Sherwood Municipal Code Section 12.08, the City of Sherwood (City) assigns sidewalk responsibility to abutting property owners. This assistance program is in

no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of repairing or replacing sidewalks..

Policy

1 Sidewalk Maintenance Criteria

Sidewalk trip hazards for the City of Sherwood are defined by the following criteria:

- ☐ Vertical separation greater than a 1/4"
- ☐ Horizontal separation greater than a 1/4"
- ☐ Obstructions located within the sidewalk area
- ☐ Other defects deemed necessary for repair

These criteria are based on current industry standards used by municipalities across the United States.

2 Responsible Party

Chapter 12.08 of the Sherwood Municipal Code states that property owners abutting sidewalks are the responsible party for all sidewalk maintenance and repair in the City of Sherwood. In order to assist with sidewalk repairs, the City has created this sidewalk repair assistance program.

3 Sidewalk Repair Assistance Program

The City of Sherwood Sidewalk repair assistance program utilizes limited funds collected from households and businesses in Sherwood. The City offers two options for repair: shaving or full replacement. The program can provide assistance to repair concrete sidewalks that meet the following criteria:

SHAVING:

- ☐ Vertical separation ¼" to 2"
- ☐ Horizontal separation ¼" to 2"
- ☐ Less than 25% of the total number of sidewalk panels on any given side of the property needs to be repaired.

FULL REPLACEMENT:

- ☐ Vertical separation greater than 2"
- ☐ Horizontal separation greater than 2"
- ☐ Less than 25% of the total number of sidewalk panels on any given side of the property needs to be repaired.

All other sidewalk repairs (i.e. spauling and/or holes) not meeting the criteria above are the responsibility of the abutting property owner and shall be repaired.

For repairs with less than two inches of vertical separation (based on standard sidewalk of 4"), shaving of the sidewalk may be an acceptable repair. When the City provides notice to the property owner it will include in the notice whether shaving the sidewalk is an acceptable repair. Shaving sidewalks is a much less expensive than full replacement of sidewalks. The Public Works Department, at their option, may decide to provide further assistance for these repairs by maintaining a list of Contractors that perform this type of work for abutting property owners to hire.

In areas where numerous sidewalk shavings are necessary, the Public Works Department may also assist by allowing an option for the responsible property owners to group the repairs together to obtain a more competitive price from a Contractor. The City would then complete the sidewalk shaving and bill the responsible property owner through their utility bill, divided into equal amounts over twelve months. The cost per shave is $____ and the cost for full replacement is $_____ Non payment of these charges may be assessed, at the City's discretion, upon the property in the form of an assessment lien.

4 Sidewalk Repair Assistance Program Timing

The City of Sherwood will be divided into four areas with each area programmed for sidewalk assistance repair once every five years. To begin the program the City will complete sidewalk repair in one area each year until all areas have received repairs. The City of Sherwood will utilize the sidewalk repair inventory to determine which areas should be treated first. After that the Public Works Department will determine which areas need repair based on the inspection program and may choose to do repairs in all areas during one year.

The City of Sherwood will evaluate all city sidewalks in December/January 2012 to identify all sidewalk areas that need to be repaired. Once this evaluation is complete, a schedule will be compiled, identifying and rating sidewalk repairs for each area. Customers will receive notification of any deficiencies abutting their property and the timeline for repair will be initiated. If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as required by said ordinance within sixty (60) days of the giving of the notice, or such longer time as the council by ordinance may specify, the city may construct or repair said sidewalk or sidewalks and assess upon each lot, parcel or part thereof its proportionate part or share of the whole cost of the same, including expense to defray cost of notice, engineering, advertising and attorney's fees, in the form of an assessment lien.

5 Inspection

The City's Concrete Sidewalk Maintenance Program has two inspection components:

1) **proactive inspection** for sidewalk trip hazards and completed by city staff every three years
2) **reactive inspection** of sidewalk trip hazards from public complaints.

Proactive inspection involves City Public Works staff regularly surveying City sidewalks for damage. Reactive inspection involves investigation by the Public Works Staff in response to public complaints.

5.1 Proactive Inspection

Public Works staff conducts field reconnaissance of potential sidewalk trip hazards on a daily basis when completing their other tasks. In addition, specific sidewalk inspections are completed to identify sidewalks with tripping hazards. Public Works compiles the information collected into a master list identifying the tripping hazards. Comprehensive sidewalk inspections will be completed once every three years.

Upon identification of a sidewalk trip hazard, Public Works staff executes one of the following actions:

- ☐ Alert sidewalk users of the hazard by spray painting in white and notify the responsible party via certified mail that permanent or temporary patch work must be completed within required time frame of 60 days.

5.2 Reactive Inspection

In response to complaints from the public, the Public Works Department will inspect the area and inform the property owner of any identified deficiency.

6 Levels of Priority

Sidewalk repairs are limited by funding and manpower, prompting the need for a prioritization of repairs. The following priority levels are used for scheduling of repairs:

1. Locations where a pedestrian has tripped are top priority for action.
2. Sidewalk defects that are considered sidewalk trip hazards and are located within a high-volume pedestrian area are second priority.
3. Sidewalk defects that are considered sidewalk trip hazards and are not located within a high-volume pedestrian area are third priority.
4. Public complaints on sidewalk defects that are not considered sidewalk trip hazards and do not involve actual sidewalk trip incidents are fourth priority.

7 City Standards

City standards are updated periodically based on new information and technology. The data collected from the City's Concrete Sidewalk Repair Assistance Program provides valuable information regarding maintenance requirements.

8 Sources of Funding

City Council approved implementation of a sidewalk maintenance repair fee in the 2011/12 budget year. The fee is currently in place for five years and provides a specified amount for each year to be allocated for repairs.