

Administrative Policy
City of Lawrence, Kansas

SUBJECT Sidewalk Hazard Repair Program		APPLIES TO All City of Lawrence property owners	
EFFECTIVE DATE	REVISED DATE None	NEXT REVIEW DATE	
APPROVED BY		TOTAL PAGES	POLICY NUMBER: 117

1.0 **Purpose**

The purpose of this policy is to provide guidance concerning the maintenance, inspection, and repair of sidewalks in the City of Lawrence, Kansas ("City"), in accordance with the Kansas Sidewalks Act of 1941, codified as amended at K.S.A. 12-1801 *et seq.*, and Chapter 16 of the Code of the City of Lawrence, Kansas, 2015 edition, and amendments thereto.

2.0 **Policy**

It shall be the policy of the City to require property owners to maintain sidewalks adjacent to their property and to repair hazardous sidewalks adjacent to their property, in accordance with K.S.A. 12-1801 *et seq.* and Chapter 16 of the City Code.

3.0 **Applicability & Enforcement**

This policy applies to all property owners in the City, including the City.

4.0 **Responsibilities**

It is the responsibility of all property owners in the City to maintain sidewalks adjacent to their property and to repair all hazardous sidewalks adjacent to their property, in accordance with K.S.A. 12-1801 *et seq.*, and Chapter 16 of the City Code.

A. **City's Responsibilities**

1. The City will be responsible for maintaining all sidewalks adjacent to property that it owns and will be responsible for repairing all hazards on sidewalks adjacent to property that it owns.
2. The City will maintain and repair all ADA access ramps at street intersections and designated crosswalks.
3. The City, at its discretion, may repair sidewalks not adjacent to its property if the City determines that the hazard is caused by any city infrastructure, including but not limited to sanitary sewer manholes, water valves, fiber optic handholes, street tree roots, storm sewer inlets, or traffic signal equipment.

4. The City will implement a cost-sharing repair program for residential owner-occupied properties that have sidewalks adjacent to more than one side of the property. In such cases, the City will be responsible for one-half of the repair costs if the sidewalks are adjacent to two sides of the property and two-thirds of the repair costs if the sidewalks are adjacent to three sides of the property.
5. The City will implement a financial assistance program for residential owner-occupied properties that have adjacent sidewalks with hazards, where the owner-occupant meets the annual household income thresholds established by the United States Department of Housing and Urban Development.
6. The City's Public Works Director shall maintain an inventory of all sidewalks and ADA access ramps that are the responsibility of the City to maintain.

B. Private Property Owners' Responsibilities

1. Private property owners in the City will be responsible for maintaining sidewalks adjacent to property they own and will be responsible for repairing all hazards on sidewalks adjacent to property they own.

5.0 Procedure

A. Solicitation of Bids

Annually, the City will prepare a bid package to solicit contractors to perform sidewalk repairs for the City. The City will award the contract for sidewalk repairs to the lowest responsible bidder. The contract, which shall be based on the bid, will establish unit cost-pricing for the sidewalk repair program.

If, for any reason, the annual bid is not awarded, the City may use any other bid and awarded contract for the same type of work, provided unit cost-pricing is established with that bid and the contract allows for other work to be completed using that bid.

City's Use of the Bid

The City will use the bid, as quantified in the contract, to make all repairs determined to be its responsibility under this sidewalk repair program.

The City will also use the bid, as quantified in the contract, to make any repairs to sidewalks that are the private property owner's responsibility and that are, for whatever reason, not made by the property owner.

Private Property Owners' Use of the Bid

Unit cost-pricing established by the bid, as quantified in the contract, if any, will be made available to any private property owner to repair any sidewalk hazards adjacent to their property, as identified by the City.

If the property owner so chooses, the property owner and the City's contractor may work together, independent of the City, to complete the repair of any sidewalk hazards adjacent to their property.

The agreement for sidewalk repairs between the private property owner and the City's contractor shall be solely between the private property owner and the City's contractor.

It shall be the private property owner's responsibility to ensure that all repairs completed, using the City's contractor, meet City specifications.

No sidewalk hazard will be considered repaired until the City inspects and verifies that the repairs have mitigated the sidewalk hazard.

Nothing in this policy shall require the adjacent property owner to use the bid, as quantified by the contract, or the City's contractor to make any repairs to sidewalk hazards as may be required by state law, the City Code, or this policy.

B. Inspection

Annually the City will inspect, or cause to be inspected, a portion of the sidewalks located within the City limits (*see* exhibit A - map).

The inspection will identify all sidewalks and ADA access ramps that fail to meet the minimum standards prescribed in Chapter 16 of the City Code.

1. The City will document all sidewalk hazards applying the following criteria:
 - a. 1/2" to 1" vertical separation
 - b. 1" to 2" vertical separation
 - c. 2" or greater vertical separation
 - d. Horizontal defect
 - e. Vegetative obstruction
 - f. ADA access ramp defect
2. The City will document whether the sidewalk hazard is caused by any city infrastructure, including but not limited to sanitary sewer manholes, water valves, fiber optic handholes, street tree roots, storm sewer inlets, or traffic signal equipment.
3. The City will mark each sidewalk hazard with paint and will take a photograph of the sidewalk hazard to document its status.
4. The City will estimate the approximate area of the sidewalk hazard to be repaired and will document that estimate.
5. In documenting a sidewalk hazard, the City will also note whether the property has sidewalks adjacent to more than one side of the property.

C. Property Owner, First Notice

Once the City inspection discloses a sidewalk hazard, the City will transmit to the property owner written notice of the sidewalk hazard. The written notice will describe the nature of the sidewalk hazard. The written notice will give the property owner 60 days from the date of the notice in which to repair the sidewalk hazard.

This written notice will also include the following:

1. Photograph(s) of the sidewalk hazard.
2. Contact information for the City.

3. Information on how to apply for the cost-sharing program or for financial assistance.
4. The name of the contractor hired by the City and contact information for the contract
5. Details on how the property owner may be able to use the contractor and the unit cost-pricing established by the contract.
6. A list of all licensed concrete contractors in the City.
7. Information on next steps if the property owner fails to make the necessary repairs within the 60 days.

D. Property Owner, Second Notice

If the property owner has not contacted the City and the repairs have not been completed, the City will send, 30 days after the written notice, a second written notice to the property owner

The second written notice will contain the same information as the first written notice, except that it will note that the property owner has 30 days from the date of the second notice to complete the repairs and will state that it is the second and final notice.

E. Follow-up Inspections

After issuing a written notice, the City will do the following:

1. The City will perform a follow-up inspection of all sidewalk hazards and will document and record the results.
2. The City will also respond to inquiries as they occur.
3. The City will document completed hazard repairs, which shall include a photograph and the date of the repair inspection.
4. The City will document non-completed hazards repairs, which shall include a photograph and the date of the inspection.

F. Condemnation

If, within 30 days after the second notice, the property owner has not repaired the sidewalk hazard, the City will do the following

1. The Governing Body shall, by resolution, condemn the sidewalk in question.
2. The Resolution shall direct the City to make the necessary repairs.
3. After adoption, the resolution shall be published in the City's official newspaper.

G. City Repairs

After the Governing Body has adopted a Resolution condemning a sidewalk:

1. The City will contact its contractor to repair, under the terms of the contract, the sidewalk hazard.
2. The contractor shall have 45 days, after it has been contacted by the City, to make the repairs.
3. Repairs completed by the City contractor shall be for complete removal and replacement of the sidewalk hazard area identified.

H. **Assessment of Costs**

After a sidewalk hazard has been repaired by the City:

1. The Governing Body will pass an ordinance assessing the costs of repair to the property adjacent to the sidewalk.
2. The ordinance shall assess to the property owner the costs of each repair, which shall include the costs of repair together with interest, a 10% administrative fee, and any other costs the City may have directly incurred as the result of making the repair.
3. The ordinance shall require the property owner to pay to the City the amount of the assessment within 30 days.
4. After the ordinance is passed, a copy shall be sent to the property owner.
5. After the ordinance is passed, a summary of the ordinance will be published in the City's official newspaper.

I. **Taxation**

If the property owner fails to pay the assessment within 30 days, the City Clerk shall certify the amount of the assessment and shall, in accordance with state law, forward the unpaid assessments to Douglas County for collection as a tax.

6.0 **Documentation**

- A. The City shall document each step in the process with notes and dates.
- B. The City shall maintain such documentation electronically.

7.0 **Program funding**

The City Manager will recommend with the annual City budget/CIP, appropriate funding for the City's responsibilities under this policy.

The City Manager will recommend with the annual City budget/CIP, appropriate funding for the cost-sharing program and other financial assistance under this policy.

Cost-sharing Program

The City may provide cost-sharing grant funding to assist private property owners with sidewalk repairs that meet the following criteria, if funding is available:

1. There is more than one sidewalk adjacent to the property, *i.e.*, there are sidewalks adjacent to more than one side of the property.
2. The property is residential and is owner-occupied.

Property owners that meet those criteria may apply, in writing, to the City for cost-sharing assistance.

Any property owner applying for assistance under the cost-sharing program must execute a waiver, whereby the property owner recognizes that, despite the City's participation in the costs of repair, the property owner retains all responsibility for the maintenance and repair of sidewalks adjacent to the property. Failure to execute the waiver shall result in a denial of the application.

All applications shall receive a notice of approval or denial.

Repairs made utilizing this funding program shall be only for removal and replacement of sidewalk.

Repairs made under this program shall be completed by the City using the City's contractor.

Cost-sharing requests under this program may only be made during the first 60 days, after the property owner has received the original written notice of a sidewalk hazard. Any request for cost-sharing under this program that is received after the original 60-day period shall not be considered and shall be deemed denied.

Approved applicants under the cost-sharing program shall be required to prepay the City their share of the sidewalk repair prior to the City undertaking the repair.

Funding for the cost-sharing program shall be available first to those property owners that have received a sidewalk hazard notice from the City, who meet the cost-sharing program requirements, and on a first-come first-served basis, if funding is available.

Nothing under this cost-sharing program shall cause the required repair notice date for repair to be extended. Repairs to sidewalk hazard shall still be required to be completed within the original 60 days of the first written notice.

After the 60-day sidewalk hazard notice period has passed, this program funding may be available to any other residential owner-occupied property, on a first-come first-served basis while funding is available, provided the property owner has a sidewalk hazard and whose property is not within the geographical area that the City has inspected that year.

Financial Assistance Program

The City may provide financial assistance under this program for qualified applicants that meet the US Department of Housing and Urban Developments (HUD) annual income thresholds, if funding is available.

Anyone wishing to apply for financial assistance under this program must be a residential owner occupied home owner and shall meet the criteria and guidelines as defined by HUD.

Any property owner applying for financial assistance must execute a waiver, whereby the property owner recognizes that, despite the City's participation in the costs of repair, the property owner retains all responsibility for the maintenance and repair of sidewalks adjacent to the property. Failure to execute the waiver shall result in a denial of the application.

Funding for this program shall be only available for a property owner that has received a sidewalk hazard notification from the City and is on a first-come first-served basis, if funding is available.

Financial aid funding requests by property owners that have received a sidewalk hazard notice from the City must be made within the first 60 days, after the property owner received the original notice of sidewalk hazard violation.

Any request for financial assistance funding under this program received after the original 60-day notice period for repair shall not be considered and shall be deemed denied.

After the first 60-day sidewalk hazard notice period has passed, this program funding may be available to any other residential owner-occupied property on a first-come first-served basis, while funding is available, provided the property owner has a sidewalk hazard under this program, whose property is not within the geographical area the City has inspected for that year and, who meets the criteria established by HUD.

Property owner shall use the official HUD financial assistance application form and process.

All applications submitted shall be reviewed and a determination by the City shall be made as to approval of financial assistance based on HUD guidelines for annual household income.

All applicants shall receive a notice of approval or denial.

Repairs made utilizing this funding program shall be only for removal and replacement of sidewalk.

Repairs made under this program shall be completed by the City using the City's contractor.

Exhibit A

