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Memorandum

To: Hiawatha City Council
Kim Downs
John Bender

From: Patrick Parsley

Date: January 20th, 2017

Re: Sidewalk Maintenance Program: Ordinance Amendment Chapter 136

Update: After the Council work session regarding the development of a sidewalk maintenance program we have reviewed our sidewalk standard in preparation for an inspection program. We compared our standard and conferred with ICAP regarding acceptable tolerances for sidewalk disrepair.

Hiawatha's present limit is more restrictive than the cities we studied which included Iowa City, Cedar Rapids, Marion and Dubuque. We are proposing to change the specifications for repair. This action will allow us to receive inspections consistent with our ordinance.

Our next steps will be to have our sidewalks inspected to the new standards while we develop maintenance policy recommendation which will address:

- Dividing the City into manageable sectors to inspect and repair sidewalks.
- Developing appropriate time frames for notices and corrections.
- Determining acceptable contractors to use for sidewalk repairs.
- Verifying assessment procedures for those unable to repair their sidewalks.
- Clarifying the permit fees and processes for facilitating sidewalk maintenance.
- Planning inspection processes to verify completions.

Recommendation: Approve amending Chapter 136 Section 136.02 as follows:

136.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:

A. Vertical separations equal to ~~three-fourths (¾)~~ one (1) inch or more.

B. Horizontal separations equal to ~~one-half (½)~~ one (1) inch or more.

C. Holes, missing sections or depressions equal to ~~three-fourths (¾)~~ one (1) inch or more in depth and at least four (4) inches in diameter.

D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to ~~one-half (½)~~ one (1) inch or more.

E. Sloping from side to side in excess of one (1) inch per foot. ~~Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (¾) inch or more.~~

F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

G. Raised or depressed sections of sidewalk more than three (3) inches above or below design or construction elevation. ~~A sidewalk with any part thereof missing to the full depth.~~

~~H. A change from the design or construction grade equal to or greater than three-fourths (¾) inch per foot.~~

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 136 SIDEWALK REGULATIONS §136.02 DEFINITIONS "DEFECTIVE SIDEWALK"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 136, Section 136.02 Definitions, of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, is hereby amended as follows:

136.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.

2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:

A. Vertical separations equal to ~~three-fourths (¾)~~ one (1) inch or more.

B. Horizontal separations equal to ~~one-half (½)~~ one (1) inch or more.

C. Holes, missing sections or depressions equal to ~~three-fourths (¾)~~one (1) inch or more in depth and at least four (4) inches in diameter.

D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to ~~one-half (½)~~ one (1) inch or more.

E. ~~Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths (¾) inch or more~~Sloping from side to side in excess of one (1) inch per foot.

F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

G. ~~A sidewalk with any part thereof missing to the full depth.~~Raised or depressed sections of sidewalk more than three (3) inches above or below design or construction elevation.

~~H. A change from the design or construction grade equal to or greater than three-fourths (¾) inch per foot.~~

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SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED this 15th day of February, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 15th day of February, 2017, and was posted as Ordinance No. _____ on the _____ day of February, 2017.

_____
Kelly Kornegor, City Clerk

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RESOLUTION NO. 17-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO AMEND HIAWATHA CODE OF ORDINANCES CHAPTER 136 SIDEWALK REGULATIONS §136.02 DEFINITIONS BY ADDING NEW STANDARDS OF CLASSIFICATION FOR A "DEFECTIVE SIDEWALK" IN CONNECTION WITH A NEW INSPECTION AND REPAIR PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, February 15, 2017 at 5:30 P.M. to consider amending Hiawatha Code of Ordinances Chapter 136 Sidewalk Regulations §136.02 Definitions by adding new standards of classification for a "Defective Sidewalk" in connection with a new inspection and repair program

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of February, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk