Hiawatha Sidewalk Maintenance Program

Safe, ADA compliant, pedestrian-friendly neighborhoods are a priority for our community. An important component of this is the City's sidewalk repair program, developed to provide for the maintenance of sidewalks within Hiawatha. Iowa State Code 364.12 and City Code Chapter 136: Sidewalk Regulations and Chapter 50: Nuisance Abatement Procedure, provide the City of Hiawatha the ability to require the maintenance and repair of public sidewalks be the responsibility of the adjoining property owner.

Inspections

For the purposes of this program, Hiawatha is divided into five (5) geographical areas. (See map) Every 2 years, the sidewalks in one of those areas are inspected in accordance with the criteria established by City Ordinance with oversight by the City Engineer to determine if sidewalk repairs are necessary. This will allow the City to inspect all sidewalks over a ten (10) year period. The parkway, driveway approaches, water stop boxes located outside of the sidewalk, etc. are not inspected as part of the program. Sidewalk curb ramps are the responsibility of the City of Hiawatha under this program.

In addition, sidewalks are inspected outside of the geographical area if a complaint is received on the condition of a sidewalk.

ADOPTED SIDEWALK STANDARDS:

- ✓ **ANSI A-117 2009**
- ✓ **SUDAS 2019**
- ✓ **HIAWATHA CODE CHAPTER 136**

The inspector will mark pink arrows on sidewalk squares which meet one or more of the following criteria:

The following criteria defines a nuisance sidewalk

- The sidewalk is displaced with a vertical edge greater than 1"
- The sidewalk is depressed or raised more than 3" from the normal line of grade, or ponds water
- The sidewalk has holes or depressions greater than 1"
- The sidewalk has horizontal separations greater than 1"
- The cross slope of the sidewalk exceeds more than 1" per foot.

Repair process

A. Property owner(s) of record listed at the County Assessor's office adjacent to sidewalks that are marked for repair will be notified of their responsibility to repair the sidewalk through a certified nuisance notification letter including.

- Sidewalk deficiency to be repaired; a copy of the sidewalk inspection report
- A sidewalk repair procedures, permitting and specification detail sheet
- A May 15 or September 15 deadline for the completion of the repair. (The date given is dependent upon the date the sidewalk was marked for repair allowing for a minimum of one month for the completion of the repairs. An earlier deadline may be given dependent upon the severity of the condition of the sidewalk.)
- Explanation of assessments and penalties for failure to repair the sidewalk.
- Explanation of the appeal process.

Hiawatha Sidewalk Maintenance Program

B. For all sidewalk repairs which have not received a SMP permit and are not completed, a failure to repair letter will be sent to the owner notifying them the City will cause the repairs to be completed and all costs and penalties will be the responsibility of the property owner. The letter may also include an approximate date of completion.

C. The City will arrange for the completion of the repair work to the sidewalks which have not been completed by the owner.

D. An invoice will be sent to the adjacent property owner for the costs and penalties. This notice will include the assessment process for all fees and penalties to be levied through the Linn County Assessor's office for unpaid invoices.

E. If the invoice remains unpaid as specified in Iowa Code 364; the costs will be assessed against the property in accordance with State statutes through the Linn County Assessor's office. This will allow a schedule of 10 payments with a prescribed interest rate as an option for any invoice over $500.

Appeal Process: The property owner(s) will be given at least two (2) weeks to appeal the defect findings. Their original notification will indicate the date the appeal is to be heard before Council if any property owner chooses to appeal. The appeal date will be set a minimum of four (4) weeks following the date of the sidewalk repair notice.

City responsibilities

Repair Inspections- The City will inspect all installations and repairs. All sidewalk installations and repairs shall comply with SUDAS standards as adopted by the City of Hiawatha with the exception of the required 5' width. For existing sidewalks less than 5', a 4' wide replacement sidewalk will be permitted.

Over-width sidewalks - If the sidewalk is more than 5 feet in width, the City will share in the costs to repair the sidewalk. The City will be responsible for the costs to repair the sidewalk square footage in excess of a 5' wide sidewalk. If the property owner is repairing the sidewalk, they must receive a permit from the City prior to commencement of repairs. If the City repairs the 8-foot sidewalk, the property owner will be invoiced for a 5' width of the construction costs and permit fee plus an administrative fee.

Curb ramps - The City is responsible for the maintenance and repair of curb ramps at public streets.

City causes - If the damage to the sidewalk is caused by a City owned item, i.e. a water main valve (not a service valve), a sewer manhole located within the sidewalk, or a tree located within the parkway, the City will take responsibility for the repair of the sidewalk as long as the damage is directly attributable to the item. Just because a City-owned item is present does not automatically mean that the item is the cause of the damage. Each situation will be evaluated individually by City staff.