

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 7 - COMMUNITY IMPROVEMENTS

CP 91-7.08 **Sidewalk Policy**

Adopted September 18, 1961 & Revised September 8, 1970 (91-7.08.020)

Adopted May 21, 1973 (91-7.08.030)
Combined and Affirmed October 7, 1991
Revised June 20, 1994
Reviewed November 6, 1995
Revised November 3, 1997
Revised November 15, 1999
Affirmed October 16, 2000
Revised December 17, 2001
Revised November 4, 2002
Revised November 17, 2003
Revised December 20, 2004
Revised December 19, 2005

7.08.010 Purpose

To establish a policy regarding sidewalk construction and repair.

7.08.020 Policy - Sidewalk Construction

7.08.021 Sidewalk construction shall be as per Municipal Code Chapter 2.15 Sidewalk Improvements, as amended.

7.08.022 The criteria used to base an order to construct a missing sidewalk in an area that generally has sidewalks will be as follows:

Undeveloped Lot - Where the plat was recorded after November 1997 and has been recorded three years or longer, or when the missing sidewalk creates a threat to public safety and health as determined by the Public Works Director, and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means for a person to cross the street.

Council Policy 91-7.08

Developed Lot - The City has received a compliant and review by City staff determines that the missing sidewalk presents a threat to public safety and health, and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means to cross the street.

7.08.030 Policy - Sidewalk Repair

7.08.031 The owners of land adjoining any street in the City are responsible for the repair and maintenance of sidewalks in front of, along, or abutting their property as established by Municipal Code Chapter 2.15.

7.08.032 It is the responsibility of the City to construct and repair sidewalk wheelchair access ramps at intersections, repair and maintain sidewalks at public alley approaches, and repair and maintain sidewalks in front of, along, or abutting City owned property.

7.08.033 The City will maintain an ongoing annual program to identify hazardous sidewalk conditions, notify those responsible of necessary repairs, and ensure that repairs are completed.

7.08.034 The City will provide year round inspections of sidewalk hazards identified by citizen complaints in all areas of the City.

7.08.035 As per Municipal Code Section 2.15.160, as amended, the City will establish an optional program as per 7.08.040 Annual Program - Sidewalk Safety Program to assist property owners with repairs to hazardous sidewalks as well as the financing of those repairs as per 7.08.060 - Optional Financing of Repair Costs.

7.08.036 The City will attempt to accommodate trees and planting strips by considering sidewalk relocation options, including easements on private property.

7.08.040 Annual Program - Sidewalk Safety Program

7.08.041 Annually, the City will identify a district within the city limits containing public sidewalks to be inspected based on the Sidewalk Safety Districts map maintained by Public Works. The City will provide notification to all residents and owners of property within that year's district describing the program.

7.08.042 Sidewalk hazards will be identified and marked following guidelines prepared by the City Public Works Department.

Council Policy 91-7.08

- 7.08.043 In conjunction with the annual sidewalk inspection, City Staff will identify locations in need of wheelchair access ramps as well as sidewalk repairs designated as City responsibility.
- 7.08.044 Property owners will be notified by letter of repairs to sidewalks abutting their property as per Municipal Code Section 2.15.090, as amended. An estimate of repair costs will be provided with the notification. For owners of property outside the Central Business District who participate in the annual program by utilizing the City's contract, if the sidewalk is wider than five (5) feet, the property owner shall be responsible for the costs related to a width of five (5) feet; the City shall be responsible for the cost of the additional width calculated on a proportional basis. Property owners who choose to arrange for the repairs themselves, regardless of sidewalk width, shall bear the entire cost of repairs.
- 7.08.045 Property owners will be given the option of insuring completion of the repairs themselves or notify their intent that the City coordinate repairs and will indicate their choice to the City. If a property owner chooses to insure the completion of the repairs, a permit must be obtained from the Development Services Division as per Municipal Code Section 2.15.070.
- 7.08.046 Property owners who choose to arrange for the repair work themselves will be required to complete all repairs by City permit, as per Municipal Code Section 2.15.070, as amended, and within 60 days of the initial notification of repairs. Property owners who fail to respond within 30 days from the date of the notice issued as per 7.08.044 will be issued an order as per Municipal Code Section 2.15.090. Copies of sidewalk construction standards and specifications are available from the Development Services Division.
- 7.08.047 Property owners who choose to complete the work themselves will be required to sign a statement that they have reviewed and understand the adopted City sidewalk standards and provide proof of liability insurance in order to receive a permit. Property owners may also contract directly with a qualified contractor.
- 7.08.048 The City will advertise all other work for bids according to City purchasing code and State law requirements in conjunction with its annual program to construct wheelchair access ramps and repair sidewalks designated as City responsibility.
- 7.08.049 Once bids are received, the City will provide a notification of the actual repair costs to the property owners who indicated their intent that the City coordinate the repairs. Repair costs will include the actual cost of construction plus administrative.

Council Policy 91-7.08

- 7.08.050 Once actual repair costs are made available to them, property owners will be given an additional opportunity to decide whether to arrange for the repairs themselves or commit to an agreement that the City coordinate repairs.
- 7.08.051 Property owners who were notified as per 7.08.049 and choose to arrange for repairs themselves or fail to respond to the notification within 30 days from the date of that notification, will be given 60 days from the date of the notice in which to complete repairs.
- 7.08.052 Property owners who request that the City coordinate repairs must, within 30 days of the notification issued as per 7.08.049, either pre-pay the entire cost of repairs or apply for optional financing with the City.
- 7.08.053 Should the City coordinate repairs for the property owner and additional work that should have been identified by the City during the initial inspection be required during the course of construction, the additional cost to complete that work will not be passed on to the property owner.
- 7.08.060 Optional Financing of Repair Costs
- 7.08.061 An optional fixed rate loan will be made available to all property owners who request coordination of repairs by the City. The loan duration will be equal to one year for every \$250 borrowed up to a maximum of five years and will be secured by property liens. Loan applications will be distributed and collected by Public Works staff.
- 7.08.062 The Finance Department will set loan rates by April 1 of each year for the following fiscal year. It is the intent of this policy to set loan rates lower than those currently offered for unsecured loans, yet high enough to discourage those who can afford to pay the full cost of repairs from tying up available loan funds.
- 7.08.063 Financing will be offered within loan funding levels at no interest to those property owners who qualify for low income assistance. Low income is defined as income at or below 80% of Benton County median income based on family size.
- 7.08.070 Enforcement
- 7.08.071 Property owners who fail to construct new sidewalks or complete the required repairs within the time frames established in this document and by Municipal Code will be subject to fines as established in the Municipal Code Chapter 2.15, as amended.

Council Policy 91-7.08

- 7.08.072. To ensure that property owners who are noticed as a part of the annual sidewalk safety program as per 7.08.040 are given every opportunity to comply, a follow-up letter will be sent after the 60-day repair period has expired, reminding them of their responsibility, and requesting that repairs be made within 30 days.
- 7.08.073 Those cases that do not respond to the follow-up letter sent as per 7.08.072 will be referred to the City Attorney's Office (CAO). The CAO will issue a new letter, requiring repairs to be made immediately.
- 7.08.074 Cases that are referred to the CAO will be evaluated individually to determine the reason for non-compliance. In each case, an effort to work out voluntary compliance will be exhausted before legal enforcement procedures are implemented. Legal action will seek compliance and recovery of legal costs incurred by the City.
- 7.08.080 Review and Update

This Community Improvement Policy shall be reviewed by the Public Works Director triennially in October and updated as appropriate.