

Town Hall - Ordinances

SIDEWALK

Ordinance # 2007- 2 Establishing a Sidewalk Construction and Financing Policy

WHEREAS, the Town Council of Camden, Carroll County, Indiana, deems it desirable to establish a policy concerning sidewalk replacement and/or repair, in order to provide safe and attractive sidewalks to property owners in said Town,

It is now therefore ORDAINED as follows:

- (1) Where sidewalks do not presently exist, it is the responsibility of the abutting property owner to pay for their construction.
- (2) Where sidewalks presently exist, the Town hereby adopts this ORDINANCE as a guide to determine which sidewalk projects are to be financed within the funding sources available subject to the annual appropriations of the Town available to carry out said programs.
- (3) All sidewalk construction shall be accomplished in accordance with the Americans with Disabilities Act (ADA) and any other applicable federal, state and local laws and rules.
- (4) No provision of this ORDINANCE shall prevent the Town from replacing, repairing and/or installing sidewalks at its discretion at its own cost.
- (5) A property owner may petition the Town Council to repair or to replace a full frontage replacement sidewalk abutting said owner's property or to spot repair said existing sidewalk and the decision of the Town Council regarding the necessity for the repair or replacement is final and not subject to appeal.
- (6) The property owner is determined from the records in the Office of the Recorder of Carroll County, Indiana.
- (7) If the repair/replacement is approved the cost shall be apportioned and paid as follows:
 - (A) The property owner may contract with a reliable firm/person of his choice, subject to approval by the Town Council, to perform said repair, and, at such time, the homeowner shall be reimbursed Four Dollars (\$4.00) per running foot for said installation.
 - (B) If the Town causes the replacement/ repair to be contracted out as provided by law, and if an agreement for said replacement/repair is entered into between the Town Council and the property owner, then the following shall take place:

(1) The property owner shall deposit One Hundred Dollars (\$100.00) prior to the commencement of the work.

(2) The property owner shall be assessed fifty percent (50%) of the cost of said replacement/repair to which the \$100.00 is credited.

(3) Said 50% may be paid either in a lump sum or paid over a twenty-four (24) month period if the cost of the replacement/repair is over Six Hundred Dollars (\$600.00). If the cost is less than Six Hundred Dollars (\$600.00), said 50% shall be paid over a twelve (12) month period.

(8) The Town of Camden may attach a lien to the property tax for payment of said replacement/repair if the property owner fails to pay same in accordance with this ORDINANCE.

(9) Criteria for replacement/repair which must be met before property frontage replacement will be funded in part by the Town:

(A) For property frontage replacement Level 1, a very high priority, shall be given if not less than 75% of said sidewalk sections has one or more of the following conditions:

- (1) Lift over one (1) inch lift between sidewalk sections;
- (2) Tilt or cross-slope greater than one (1) inch per foot;
- (3) Horizontal separation between 2 and 2 ½ inches;
- (4) Lift or settlement greater than 2 inches from the top of the curb; or
- (5) Spalling or other forms of deterioration of 50% of a sidewalk section.

(B) For property frontage replacement Level 2, a high priority, shall be given if not less than 50% of the block face have one or more of the following conditions:

- (1) Lift over 1 inch lift between sidewalk sections;
- (2) Tilt or cross-slope greater than 1 inch per foot;
- (3) Horizontal separation equal to or greater than 2 ½ inches;
- (4) Lift or settlement greater than 2 inches from the top of the curb; or
- (5) Spalling or other forms of deterioration over 50% of a sidewalk section.

Also, for property frontage replacement, Level 2, a high priority, shall be given if not less than 75% of the sidewalk sections have one or more of the following conditions:

- (1) Lift over ½ inch lift between sidewalk sections;
- (2) Tilt or cross-slope between ½ inch and 1 inch per foot;
- (3) Horizontal separation between 2 inches and 2 ½ inches;
- (4) Lift or settlement between 1 inch and 2 inches from the top of the curb; or
- (5) Spalling or other forms of deterioration over 25% of a sidewalk section.

(C) For property frontage replacement Level 3, a medium priority, shall be given if not less than 25% of the sidewalk sections of the block face have one or more of the following conditions:

- (1) Lift over 1 inch lift between sidewalk sections;
- (2) Tilt or cross-slope greater than 12 inch per foot;
- (3) Horizontal separation equal to or greater than 2.5 inches;
- (4) Lift or settlement greater than 2 inches from the top of the curb; or
- (5) Spalling or other forms of deterioration over 50% of a sidewalk section

Also a medium priority shall be given if not less than 50% of the sidewalk sections of the block face have one or more of the following conditions:

- (1) Lift over ½ inch lift between sidewalk sections;
- (2) Tilt or cross-slope between ½ inch and 1 inch per foot;
- (3) Horizontal separation between 2 inches and 2.5 inches;
- (4) Lift or settlement between 1 inch and 2 inches from the top of the curb; or
- (5) Spalling or other forms of deterioration over 25% of a sidewalk section.

(D) A low priority, Level 4, shall be given if not less than 25% of the sidewalk sections of the block face have one or more the following conditions:

- (1) Lift over ½ inch lift between sidewalk sections;

- (2) Tilt or cross-slope between ½ inch and 1 inch per foot;
- (3) Horizontal separation between 2 inches and 2.5 inches;
- (4) Lift or settlement between 1 inch and 2 inches from the top of the curb; or
- (5) Spalling or other forms of deterioration over 25% of a sidewalk section.

(10) For spot repair, after proper petition, the Town may review the sidewalks in the area of the proposed spot repair for the property frontage area or if a full block is involved require that a petition of 50% of the property owners be presented to the Council for consideration and approval or rejection. The petition shall be submitted to the Street Superintendent for review, classification and prioritization.

(11) If an abutting property owner has an approved curb cut and the owner desires to redo the driveway or the abutting property owner desires to extend the walkway between the sidewalk and the curb, the abutting property owner shall be fully responsible for such improvements and must obtain all necessary approvals as provided herein. However, the costs of such improvements will be added-on to the sidewalk billing and may be paid in the same manner as the sidewalk billing. The Town will not share in the cost of such improvement.

(12) A form of petition for the property owner to request sidewalk replacement or repair will be available at the office of the Clerk-Treasurer and must be completed before being presented to the Town Council.

This ORDINANCE shall be in full force and effect after its passage on the

_____ day of May 2007.

TOWN COUNCIL OF CAMDEN, INDIANA

Peter F. Wagoner, President

Andy Robison, Member

Michele Everett, Member

ATTEST:

Patricia Casserly

Clerk-Treasurer

