

# **CITY OF HOKAH SIDEWALK POLICY**

The City of Hokah intends to provide safe pedestrian walkways throughout the community.

## **Goal & Purpose.**

The goal of this policy is to confirm and formalize inspections, inventory and maintenance procedures with respect to existing city sidewalks with an emphasis on public safety while maintaining fiscal responsibility. The City is developing a policy in regards to new sidewalks.

## **Cost Share.**

The City Council has declared that safe sidewalks are a necessary and essential component of the City facilities and as such are a direct benefit to the adjacent property owners. The cost of sidewalk repair or replacement will be paid for using the formula that the adjacent property owner will pay 50% and the City will pay 50%. Property owner will be given three years to pay for costs.

New construction or repairs and replacement that is petitioned for are paid 100% by the petitioners.

## **Damage or Destruction of Sidewalks**

No person shall remove, deface, damage, destroy or otherwise alter the condition of any sidewalk within the City of Hokah without the express written authorization of the City Council. Any damage or destruction, which is occasioned by any party whether it be accidental or otherwise, shall be repaired or replaced immediately by the abutting property owners at the abutting property owners' expense. If the damage or destruction was occasioned by the actions of a person other than The abutting property owner such abutting property owner shall have the right to recover the cost of repair or replacement from the responsible person according to the general principals of laws as are made and provided, but such actions of third persons shall not alleviate the abutting owners of the responsibility to maintain, replace or repair damaged, destroyed or defective sidewalks.

## **Inspection and Inventory**

An inventory of all sidewalks will be taken and maintained by the Public Works Supervisor or such other person designated by the City Council, which will include a history of inspections construction and maintenance information.

The City Council shall designate a dollar amount annually for its sidewalk fund to

repair, replace or remove sidewalks

The Public Works Supervisor or such person designated by the City Council shall make annual inspections from and after April 15 of each year. If not practical to inspect the entire sidewalk system in one year's inspection, the City Council shall provide a schedule for the systematic and regular inspection of a portion thereof each year rendering a report thereof to the City Council.

### **Priority**

Locations having a condition of very poor or the inspector considers the condition to be an immediate serious safety concern will be repaired or replaced first. A lower priority sidewalk will be repaired or replaced as funds are available.

The City Public Works Supervisor or other person designated by the City Council will assess all priority problems as required for public safety.

If the Public Works Supervisor or other designated person finds a sidewalk is unsafe, defective, or in need of repairs, he shall cause a notice to be served upon the record owner of the land adjacent to the sidewalk by registered mail/ return receipt. The notice shall order the owner to repaired or otherwise make safe within \_\_\_\_ days, that failing, the City Council may order the work done and the cost thereof collected from the property owner or certified for collection as a special assessment.

### **Defective Sidewalk Criteria**

1. Vertical separation of ½ inch or more
2. Horizontal separation of ½ inch or more
3. Holes or depressions of three (3) inches or more in diameter and one- half (1/2) inch or more in depth.
4. Spalling over fifty percent of a single six foot by six-foot (6' x 6') square or panel of the sidewalk with one or more depressions of one-half inch or more.
5. A single square or panel of sidewalk cracked in such a manner that no part has a piece greater than one square foot or is cracked in such a manner that it constitutes a danger or a potential danger to the public.
6. A sidewalk with any part missing to the full depth of the sidewalk,
7. A deviation on the staked and constructed grade of 1/2 inch or more as to any sidewalk newly constructed.

### **Specifications**

All repairs and improvements to sidewalks whether undertaken by the owner of the abutting property or the City, shall be performed under the supervision and inspection of the Public Works Supervisor or other City Council designated person. Minimum requirements for sidewalk repair and replacement will be as follows:

Base: 4 inches compacted granular material  
Sidewalk: 4 inches of concrete

The City may require rebar and other additional specifications.

**Removal without replacement.**

Removal of a sidewalk, without replacement, shall occur only by the following;

1. The owner of the abutting property petitions the City Council and the City Council determines by Resolution that it is in the best interest of the public to remove the sidewalk without replacing it.
2. The City Council, on its own motion, seeks the removal of sidewalk without replacement by Resolution, and the motion passes by a four-fifths vote.

**Sidewalk Use**

The abutting property owner to a sidewalk shall keep their trees and shrubs properly trimmed over sidewalks, with a minimum clearance of at least 8 feet over public sidewalks. Shrubs shall be kept trimmed back off the sidewalk. No person shall use a sidewalk for any purpose other than pedestrian traffic. The use of motor scooters, motorcycles or other motor vehicles is strictly prohibited. Bicycles and tricycles or other small wheeled toys shall be permitted provided such items are not left unattended upon the sidewalk. No person shall leave, store or maintain any objects of any type whatsoever upon any sidewalk within the City of Hokah without prior approval of the City Council.

**Curb Cuts**

Property owners will be responsible for repair and restoration of all curb cuts. The Public Works Supervisor or such other designated person by the City Council shall have the authority to prescribe the manner and extent of restoration. Restoration shall be completed within 30 days of the excavation.

Failure to restore the right-of-way in the manner and to the condition required or failure to satisfactorily and timely complete all restoration required by the City shall result in the City performing the restoration. In that event the properly owner shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If property owner fails to pay as required, it will be made a special assessment against the property.

**Driveway Approach**

Driveway approaches that are repaired are a benefit only to the affected property and all costs of driveway construction or reconstruction shall be borne and assessed 100%

against the adjacent, benefited property on a cost per square yard basis if repairs are made at property owners request during sidewalk repairs or replacement.

**Minnesota Law**

There are four criteria Minnesota Law requires proven before negligence is found against the City on account of sidewalk problems:

1. There was a defect in the sidewalk.
2. The City must have received notice of the defect. This occurs when someone has notified the city of the defect or the defect was noted in an inspection of the sidewalks.
3. After receiving notice of the defect, the City failed to remedy the defect within a reasonable time period.
4. The failure to correct the defect caused the person's injury.

The Policy adopted by the City of Hokah on July 6, 2010

APPROVED:



Mayor

ATTEST:



City Administrator