

TEMPORARY RESOLUTION NO. 133-15

PERMANENT RESOLUTION NO. 24-16

A RESOLUTION TO ADOPT A SIDEWALK IMPROVEMENT PROGRAM FOR THE CITY OF LANCASTER

WHEREAS, Lancaster Codified Ordinance Chapter 903 governs the duty to keep sidewalks free from nuisance and in a state of repair; and

WHEREAS, Temporary Ordinance 18-14 to revise and amend LCO Chapter 903 is currently pending before City Council and this Resolution is meant to be a companion piece of legislation with Temporary Ordinance 18-14; and

WHEREAS, City Council recognizes that sidewalks are an important means of travel for our residents, especially children and senior citizens and want to adopt the Sidewalk Improvement Program (attached hereto as Exhibit "A") in order to accomplish four primary goals: (1) improve defective sidewalks and ensure that walkways remain safe for all residents; (2) provide a low-cost and convenient sidewalk repair option to City of Lancaster property owners; (3) give residents the opportunity to add sidewalks to neighborhoods where they currently do not exist; and (4) maintain property values throughout the City of Lancaster;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That this Council hereby adopts the City of Lancaster's Sidewalk Improvement Program attached hereto as Exhibit "A" pursuant to the goals and reasons set forth above, and in conjunction with Temporary Ordinance 18-14 currently pending before City Council.

SECTION 2. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: 2/22/16 after 4th reading. Vote: Yeas 5 Nays 3

Date Approved: Vetoed 3/3/16

Clerk: Jessica Lee Sandy

Patricia A. Adams  
President of Council

Offered by: Rob Gurt

VETOED 3/3/16  
Mayor

Second by: Mary R. Tenen

Requested by Code Enforcement & Zoning Committee

**Mayoral Veto of Temporary Resolution 133-15:**

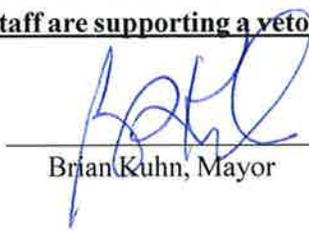
Pursuant to my veto power outlined in R.C. 731.27 and my email declaration on March 1, 2016 following the vote, I disapprove of the above-referenced legislation *in its entirety* and return it to the legislative authority of the City of Lancaster with the following objection(s):

Throughout the “sidewalk issue” process, the most frequent comments received were related to the ability of the property owner to pay for the required improvements and the unwillingness of the property owner to make repairs caused by trees in the right of way. While the resolution (133-15) provides a proposal for payment, it stops short of actually providing funds. It also is silent on the “tree issue” which can drive repair costs up significantly for both the property owner and the City. The proposal is incomplete as it relates to this as well as other details on the administration of the program which involves multiple City departments.

Although the list below is not an exhaustive list, some immediate questions and concerns that come to mind from the administration and staff are as follows:

- 1.) Who will actually manage and administer this program? Building Department? Engineering? Code Enforcement? The legislation currently shows Building Department. Should this be changed?
- 2.) How are city trees going to be dealt with when they are the cause of the sidewalk damage? Are they going to be removed? What if the property owner wishes to have one replanted?
- 3.) The City arborist and Tree Commission should be consulted as to how their funding may be affected with the proposed sidewalk program.
- 4.) When repairing existing sidewalks and/or installing new sidewalks, what about filling in gaps?
- 5.) Will curbing that adjoins sidewalks be considered a reimbursable expense? Will asphalt along curbing be a reimbursable expense?

Regarding the funding issue, in the last budget, many necessary items were cut from the budget in order to bring it into balance and preserve required carryovers. To my knowledge, there was no approach from Council to Administration to fund an account that would support this legislation. For these several reasons administration and staff are supporting a veto of Temporary Resolution 133-15.

  
Brian Kuhn, Mayor

3/3/16  
dated

# City of Lancaster

## Sidewalk Improvement Program

### Overview

The City of Lancaster has adopted a Sidewalk Improvement Program as a sensible and efficient approach to maintaining sidewalks within the City. It is anticipated this program will result in improved pedestrian safety and reduce property owner liability for trip and fall incidents. Well maintained sidewalks also improve the appearance of neighborhoods and increase property values. Program eligibility will initially be limited to improvements of sidewalks immediately adjacent to the public right-of-way which are situated upon **owner-occupied residential properties** within the City of Lancaster.

By local ordinance, property owners are solely responsible for maintaining the sidewalks adjacent to their property. However, as part of the Sidewalk Improvement Program, the City of Lancaster is allocating 50/50 matching funds to help repair sidewalk sections deemed hazardous, as well as to provide for the installation of new sidewalks in areas currently without sidewalks. This program is available to any owner-occupied residential property within the City of Lancaster. New construction in subdivisions where sidewalks are required are not eligible for funding.

The Sidewalk Improvement Program will be funded by the City through its general fund in the amount of \$15,000.00 for the 2016 calendar year. The program parameters allow a qualifying property owner to apply for matching funds for sidewalk improvement and/or construction, up to \$1500 maximum, for the repair of existing sidewalks or installation of new sidewalks for an existing residential structure. Eligible property owners may not apply for more than one project during any given calendar year.

#### Examples:

1. \$4,000 of work gets \$1,500 match from City and costs property owner \$2,500.
2. \$3,000 of work gets \$1,500 match from City and costs property owner \$1,500.
3. \$2,000 of work gets \$1,000 match from City and costs property owner \$1,000.

It is a current estimate that a 4' x 4' section of sidewalk may cost \$200 to replace or install. Thus, each project may include approximately 15 square sections of concrete. Repair work to existing sidewalk that involves work other than replacement is encouraged.

To determine if your sidewalk qualifies for repair under the program, a sidewalk is rated on a scale "0" through "5" (with "5" representing the most severe damage). As part of the program, sidewalk sections will be scored "0" through "5" and the individual projects ranked according to the total score. Sidewalk sections rated 5, 4 or 3 will qualify for repair as funds become available. Sidewalks rated 0, 1 or 2 will not qualify for matching funds but the scoring will be included to determine rankings for funding.

New sidewalk installations will be scored on a scale of "1" through "5" based on categories of Neighborhood Coordination, Connectivity, and Proximity to Schools. Applications for new sidewalk installations will start with a base score of 15 and additional points will be added based on the above categories. The scoring will be used to rank projects for funding along with the repair requests.

Property owners whose sidewalks are not selected for improvement due to lack of funding are encouraged to proceed with the project on their own or wait for additional funding (reimbursement will not be issued for work completed without prior approval). Driveway approaches and aprons are not eligible for matching funds. To determine what priority your sidewalk damage rates, please complete and submit a "Sidewalk Improvement Program Application Form."

### **Participation**

At this time, participation in the Sidewalk Improvement Program is limited to owner-occupied residential properties within the City of Lancaster. Applicants should complete the following steps in order to be considered for matching funds:

1. Submit a completed "Sidewalk Improvement Program Application" along with an estimate from a licensed and approved contractor, as well as the required zoning permit application. **The contractor you choose to perform your work MUST be registered with the City of Lancaster Building Department or obtain the appropriate registration prior to performing work.**
2. The City will rate the existing sidewalk and approve/deny the application for matching funds. If approved, the City will waive the all related permit fees. The City will assign a deadline for project completion and final payment submission. If the application is denied, the application may be resubmitted during any subsequent calendar year. The City may waive the permit fee(s) for qualified projects that do not receive funding but that the property owner proceeds with the project.
3. Upon approval, work may commence. Once completed, submission of a final invoice of completed work should be submitted to the City. This invoice should show the completion of the project, the final project dollar amount, **and that the bill has been paid.** This invoice shall be from the licensed and approved contractor.
4. The approved portion of the project will be compensated in a "50/50" matching format up to \$1,500.00. The approved amount will then be mailed to the property owner in a timely manner. The property owner is solely responsible for payment to the contractor.

This simple process not only allows for reimbursement up to \$1,500.00, but qualified projects also pay no permit fees.

### Sidewalk Improvement Program FAQ

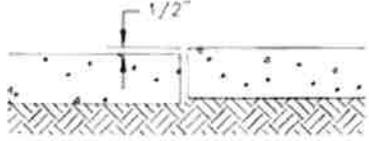
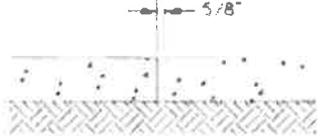
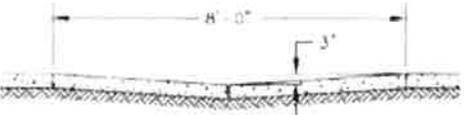
- 1. Why did the City of Lancaster begin this program?** Sidewalks are an important means of travel for our residents, especially children and senior citizens. The City of Lancaster began this program in order to accomplish four primary goals: (1) improve defective sidewalks and ensure that walkways remain safe for all residents; (2) provide a low-cost and convenient sidewalk repair option to City of Lancaster property owners; (3) give residents the opportunity to add sidewalks to neighborhoods where they currently do not exist; and (4) maintain property values throughout the City of Lancaster.
- 2. I thought the City of Lancaster took care of sidewalks. Why do I have to pay for it?** Sidewalks in the City of Lancaster are the responsibility of the property owner. The City of Lancaster does not maintain sidewalks adjacent to private property and/or along a public street. This decision allows the City of Lancaster to commit more of our limited funds to road building, expansion and maintenance.
- 3. Is the City of Lancaster making money off of this program?** No. This program is a way in which your tax dollars are used to improve our residents' safety and increase property values within the City of Lancaster.
- 4. What happens if I don't repair my sidewalk?** The City of Lancaster **Code Enforcement Department** is responsible for enforcing most local ordinances and codes, including sidewalk enforcement. That department may issue notices to any property owner who fails to maintain the sidewalks abutting their property as required by law. However, the goal of this project is not code enforcement, but to create a partnership between the City of Lancaster and its residential property owners to remedy hazardous sidewalk areas.
- 5. Can an existing brick be replaced with brick or is concrete required?** If a residential property owner desires to replace an *existing* brick sidewalk with brick, and the sidewalk otherwise qualifies for reimbursement under the Sidewalk Improvement Program, this may be acceptable provided the final result is in compliance with all applicable laws, codes and regulations. Again, reimbursement will be capped at the \$1,500.00 limit. Replacement of existing concrete or stone sidewalks with brick will not be acceptable.
- 6. Are residential apartments eligible for funding?** Apartment complexes are not eligible for funding through the Sidewalk Improvement Program. However, any residential property that is owner-occupied (e.g., single family homes that have been converted to "twin-singles") are eligible for funding.

7. **If I live on a corner lot am I eligible for additional funding because of two frontages?**  
To encourage as much participation as possible, a \$1,500.00 maximum per property is being put in place independent of the amount of sidewalk located per property.
  
8. **Can I use the money from the Sidewalk Improvement Program to improve sidewalks that are located in my back yard, side yard or which go to my front door?** No, the Sidewalk Improvement Program is intended to fund improvements to sidewalks immediately adjacent to the public right-of-way. Other sidewalks on a property that are not along a public street are the responsibility of the property owner to improve and pay for.
  
9. **Who do I contact for more information?** Questions regarding applications and program eligibility should be directed to:

City of Lancaster Certified Building and Zoning Department  
121 E. Chestnut Street  
Lancaster, Ohio 43130  
Phone: 740-687-6649

## Sidewalk Repair Examples:

Examples of some common sidewalk defects below that may be eligible

<p><b>Step Separations</b> If a sidewalk panel has lifted or subsided, and it is 1/2" or more higher or lower than an adjacent panel</p>	 <p style="text-align: center;">STEP SEPARATIONS</p>
<p><b>Grade Change</b> If two sidewalk panels have lifted into a peak, and the peak is 4" or more higher than the level of the sidewalk 4 feet away in either direction</p>	 <p style="text-align: center;">GRADE CHANGE</p>
<p><b>Opening in Sidewalk</b> If there is an opening in the sidewalk measuring 5/8" or greater. Significant cracks greater than 1/4".</p>	 <p style="text-align: center;">OPENING IN SIDEWALK</p>
<p><b>Spalling of Surface</b> If a chunk of the sidewalk has broken out, and the result is a hole 1/2" or deeper</p>	 <p style="text-align: center;">SPALLING OF SURFACE</p>
<p><b>Sunken Sidewalk</b> If the sidewalk has subsided, and within a stretch of 8 feet of sidewalk, there is a place that is 3" or more that is lower than the rest of the sidewalk</p>	 <p style="text-align: center;">SUNKEN SIDEWALK</p>

## **Sidewalk Improvement Program**

New sidewalk requests will start with a base score of 15 points and additional points given based on the categories below:

### **Neighborhood Coordination**

While it is encouraging if an individual installs new sidewalk where none currently exists, there are more benefits to the community if several property owners install sidewalk together. To encourage neighbors without sidewalks to participate in the program, points will be added based on the number of adjoining neighbors that participate in the program. An individual property owner that applies will receive two (2) points in this category.

### **Connectivity**

Recognizing that the connectivity of the sidewalks system is important for the pedestrian use of the system, points are given based on how the new sidewalk provides connectivity. Five (5) points will be given for a section of sidewalk that completes the sidewalks between the intersecting streets (a block). Three (3) or four (4) points will be given if the section does not complete the sidewalk within a block but adjoins existing sidewalks on either one or both sides. An individual with no adjoining sidewalk will receive one (1) point for initiating sidewalk on the street.

### **Proximity to Schools**

Providing school children with a safe passage to and from school is of utmost importance. Therefore, points will be added based on the property's proximity to a school. For a property located within 1,000 feet of school property, the maximum of five (5) points will be granted. The points added will be based on distance from school property on intervals of between 1,000 feet and 2,500 feet, between 2,500 feet and one (1) mile, and between one (1) mile and two (2) miles points. A minimum of one (1) point will be given for any property greater than two (2) miles from a school.

Therefore, maximum score for new sidewalk installation could be 30 points for a property meeting the highest criteria set. A minimum score of 19 will be provided based on minimum points awarded. Depending on the number of applicants for sidewalk improvements (both repair and new installations) a score of 19 could still be funded.

# Sidewalk Improvement Program

## 1.) Identification

The pilot program is “resident-driven,” meaning repair sites are identified by requests from the public. The pilot only addresses damages that poses a safety hazard, not aesthetic damage. Only sidewalks adjacent to residential single-family homes are eligible under this pilot program.

## 2.) Sidewalk Repair Assessment

Rating	Raised or Sunken (RS)	Sidewalk Damage Cracks or Opening (CO)	Step Separation (SS)
5	Greater than 3”	Greater than ¾”	Greater than ¾”
4	Between 2” and 3”	Between ½” and ¾”	Between ½” and ¾”
3	Between 1” and 2”	Between ¼” and ½”	Between ¼” and ½”
2	Between 0” and 1”	Between 1/8” and ¼”	Between 1/8” and ¼”
1	Holds water but no height	Measurable less than 1/8”	Less than 1/8”
0	None	Visible only	None

Secondary issues that may affect final rating and prioritization (one point for each item):

- A.) Volume of pedestrian traffic and the type of traffic
  - Proximity to schools (Replacement only)
  - Considerations for elderly
- B.) Sidewalk that wobbles or moves
- C.) Sidewalk damage by a City required tree
- D.) Other factors as the City deems pertinent

## 3.) New Sidewalk Installation Assessment

Rating	Neighborhood Coordination	New Sidewalk Installation Connectivity	Proximity to Schools
5	5 or more adjoining owners	Sidewalk completes block	Within 1,000 feet
4	3 or 4 adjoining owners	Sidewalk exists on both sides	Between 1,000 ft and 2,500 ft
3	2 adjoining owners	Sidewalk exists on one side	Between 2,500 ft and 1 mile
2	Individual	-----	Between 1 mile and 2 mile
1	-----	No Connectivity	Greater than 2 miles
0	-----	-----	-----

Secondary issues that may affect final rating and prioritization (one point for each item):

- A.) Volume of roadway traffic and the type of traffic
- B.) Arterial or Collector street
- C.) Other factors as the City deems pertinent

## 4.) Application Schedule and Payment

Applications will be accepted continuously starting January 1<sup>st</sup> as funds are available. Applications will be reviewed, ranked and approved for funding on a monthly basis after March 31, 20\_\_\_\_\_. Applications will be accepted through October 31<sup>st</sup>.

Work will be expected to be completed within 60 days following notice of approval and shall be no later than December 1<sup>st</sup>.

All requests for reimbursement should be received by December 1<sup>st</sup> to allow processing of requests before the end of the year.

Property owners are responsible for payments to the contractor.