

TEMPORARY RESOLUTION NO. 108-21

PERMANENT RESOLUTION NO. 107-21

A RESOLUTION TO ADOPT A SIDEWALK REPAIR REIMBURSEMENT PROGRAM FOR THE CITY OF LANCASTER

WHEREAS, the City of Lancaster Administration and Lancaster City Council have long recognized that well maintained sidewalks allow residents, especially children and senior citizens, to walk to schools, businesses, and community events and improve the appearance of neighborhoods and increase property values; and

WHEREAS, LCO Chapter 903 imposes a duty on property owners to keep sidewalks free from nuisance and in a state of good repair; and

WHEREAS, City Administration and City Council acknowledge that portions of property owners' sidewalks have been damaged by the roots of trees growing in and along the City's right of way and wish to reimburse property owners for the expense of those repairs; and

WHEREAS, City Council would also like to assist property owners whose sidewalks have been worn down over time by general wear and tear; and

WHEREAS, for these reasons City Council wishes to adopt the Sidewalk Repair Reimbursement Program, attached hereto as Exhibit "A"; and

WHEREAS, as there is an immediate need to fund this program, Temporary Resolution 107-21 is a companion piece to this resolution that will provide up to \$100,000.00 for reimbursement in 2021; and

WHEREAS, City Council shall analyze the value of this program and set funding amounts annually thereafter;

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 Repair Reimbursement Program attached hereto as Exhibit "A" pursuant to the reasons set forth above and as funded by Temporary Resolution 107-21.

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

Passed: 9/13/21 after 2<sup>nd</sup> reading. Vote: Yeas 9 Nays 0

Date Approved: 9/13/21

Clerk: Jeresa Lee Sandy

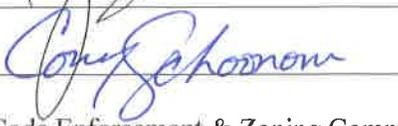
Don H. McDuff  
President of Council

David L Schaffer  
Mayor

Offered by: \_\_\_\_\_



Second by: \_\_\_\_\_



Requested by Code Enforcement & Zoning Committee



### Introduction

Sidewalks serve an important function within the City. They provide a walking path to schools, businesses, and community events. They separate pedestrians from vehicular traffic improving safety, and they connect residents, making a neighborhood a community. Well maintained sidewalks improve the appearance of neighborhoods and increase property values.

However, without maintenance, sidewalks can impede these functions. Damaged sections limit access, especially for elderly and disabled citizens. Uneven surfaces and damaged concrete create trip and fall hazards and are impassible for strollers and wheelchairs. This in turn may cause pedestrians to literally take to the streets increasing safety issues.

Pursuant to Lancaster Codified Ordinance Sections 903.01 and 903.06 and the Ohio Revised Code, property owners are responsible for the sidewalks on and adjacent to their property. The City can and may issue a Notice of Violation to property owners who fail to maintain their sidewalk. Failing to abate a violation may result in civil and criminal penalties.

In order to encourage property owners to eliminate hazards and maintain sidewalks, the City of Lancaster is implementing a Sidewalk Repair Reimbursement Program that will provide cost reimbursement to property owners under two separate provisions:

1. Applicants shall be reimbursed by the City for those specific sections of sidewalks that have been identified by the City Engineer to have been damaged by roots growing from trees located in the public right of way, provided the eligible repairs are done in accordance with City standards/specifications. The City Engineer shall annually establish unit costs that are eligible for reimbursement and the applicant shall be reimbursed 100% at no more than the established unit costs. (No Maximum to this dollar amount.)
2. Applicants shall be reimbursed by the City for eligible repairs to sidewalks not damaged by roots growing from the trees located in the public right of way, provided the eligible repairs are done in accordance with City standards/specifications. The City Engineer shall annually establish unit costs that are eligible for reimbursement and the applicant shall be reimbursed 50% at no more than the established unit costs with a maximum of \$2500.

### Eligibility

Residential and business properties located within the corporation limits of the City of Lancaster are eligible for the program. The application must be made by the property owner. Work is limited to sidewalks located within the public right of way or to sidewalks that have been identified by the City as having been damaged by roots growing from the trees located in the public right of way. This does not include driveway aprons, lead walks, or handicap ramps. The program recognizes the removal and replacement of sidewalks with new concrete only. Grinding, tapering, lifting, leveling, and slab-jacking do not qualify for a reimbursement through this program.

Lancaster Codified Ordinance 939.04 requires the approval of the Municipal Arborist of any planting, maintenance, and removal of trees within the public right of way. Only trees that are classified as dead, dying, diseased, or dangerous may be removed as part of this program. Trees not qualifying for one or more of these classifications cannot be removed.

# CITY OF LANCASTER

## Sidewalk Repair Reimbursement Program

### Program Details

The City of Lancaster will reimburse property owners for costs associated with the repair, removal, and replacement of sidewalks as outlined below, subject to certain conditions and restrictions. The repair cost reimbursement will be paid on a first come, first serve basis from an account annually established for this purpose. The City shall not make reimbursements beyond the available balance of the account.

Following is a list of eligible items that can be reimbursed through the Sidewalk Repair Reimbursement Program:

1. Concrete Walk Removal
2. Concrete Walk (Thickened slab will be required through driveways)

These items will have a pre-defined unit cost associated with each payable item. *The unit cost of the square foot rate shall be established annually on January 1<sup>st</sup> of each year by the City Engineer.*

Specific sections of sidewalk that have been identified by the City Engineer or his designated representative as adversely affected by tree roots growing from trees in the public right of way may be eligible for 100% cost reimbursement.

To be eligible for reimbursement through this program the repair or removal and replacement of sidewalks must be completed with new concrete that meets the City Engineer's standards for this application. Program reimbursements shall not exceed the cost of the square foot rate as established annually by the City Engineer. Only property owners who request and are approved for participation in the program prior to making repairs are eligible for reimbursement.

A right of way construction permit is required for all privately contracted sidewalk repair work. Sidewalks repaired or replaced without first obtaining a permit and requesting a field assessment from the City Engineer's office are not eligible for the program.

### Application Process

To apply for reimbursement, the property owner shall submit two copies of the following:

1. Application
2. Sketch of proposed repairs
3. Right of Way Permit
4. Schedule
5. Any additional information needed to evaluate the request.

All applications shall be submitted to:

City of Lancaster  
Department of Engineering  
Attn: Right-of-Way Inspector  
121 E. Chestnut St.  
Lancaster OH 43130

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## Sidewalk Repair Reimbursement Program

### Funding Parameters & Guidelines

Funding for this program is limited and must be approved on an annual basis by City Council for any given fiscal year that begins on January 1 and ends on December 31. Applications for the program will be accepted on a first-come/first-served basis. The City reserves the option of targeting reimbursement in any year to a specific neighborhood to concentrate the impact of improvements. Property owners are eligible for reimbursement only once every five (5) years per parcel.

Approved reimbursements are limited to the available funds from the program budget for the specific fiscal year the project was started. Property owners are strongly encouraged to complete the project in the same budget year it began. If for any reason it is not and extends into another budget year, the reimbursement will be paid from the budget year the project was started. Approved applications expire after one (1) year if not utilized.

All work through this program must be completed during favorable warm weather months when concrete is commercially available through a professional concrete supplier with a mix design that meets the standards established by the City Engineer. Under no circumstances are bagged concrete products or any site mixing permitted to be used as part of this program. The use of this type of product will immediately disqualify the property owner from receiving any reimbursement.

### Review Process - Inspection #1

Once an application is received, the Engineering Department will initiate an on-site field review with the property owner to evaluate the proposed work. The Engineering Department will coordinate discussions with the municipal arborist, if applicable, regarding the street tree, its roots and other factors that may be in question.

The applicant and the City of Lancaster Department of Engineering will agree to the extent of the work being performed and the allowable costs to be included as part of the sidewalk repair program. Both parties will sign the sidewalk application form as well as the allowable unit cost estimate based upon the scope of work that was agreed upon.

#### Note:

The applicant will not be permitted to simply pick only street tree sections of sidewalk. If other portions of the sidewalk (non-street tree related) are warranted to be replaced, the applicant shall participate to ensure a complete repair along the frontage. (The City Engineer may grant exceptions based on frontage length.)

### Construction Inspection - Inspection #2

All construction must be in accordance with the City of Lancaster specifications. To insure this, the contractor shall schedule an inspection with the Engineering Department after the forms are set and prior to concrete installation. All inspections require 24-hours' notice. No reimbursement will be made without the inspector's signature. *(No on-site concrete mixing will be allowed. All concrete shall come from a concrete batch plant, be Class C air entrained, and meet the minimum mix design standard found in Lancaster SCD P-7).*

### Final Review - Inspection #3

After construction has been completed, the applicant shall contact the City of Lancaster Engineering Department to review the final completed project and ensure that the sidewalk was installed per the City of Lancaster specifications.

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## Sidewalk Repair Reimbursement Program

### Reimbursement

After construction is complete, the property owner shall submit a copy of the paid invoice to the City. The invoice shall be from a licensed and City approved contractor. The invoice shall clearly delineate the eligible costs that were agreed upon in initial review process (Inspection #1).

If the work is completed in accordance with the application and City specifications, the reimbursement will be processed based upon the pre-determined amount from the initial agreement. Allow approximately four weeks for reimbursement.

If upon inspection, there is construction that does not meet specifications, the Engineering Department shall issue the property owner a Correction Notice with a copy to the contractor. The property owner is responsible for taking corrective action to bring the work into compliance. No reimbursement will be made until the work complies with the standards established by the City Engineer.

### Brick Sidewalks

Brick sidewalks may be replaced with brick sidewalks installed to City Standards, so long as the original bricks are re-used. Concrete or asphalt sidewalks **MAY NOT** be replaced by brick sidewalks.

### ADA Accessible Ramps

Accessible ramps that meet the requirements of the Americans with Disabilities Act (ADA) are installed as part of street maintenance and are the responsibility of the City of Lancaster. All sidewalk projects shall be designed to keep existing curb ramps in compliance with the ADA guidelines. All work involving curb ramps shall be coordinated with the City Engineer and Department of Transportation.

### Ineligible Items for the Sidewalk Reimbursement Repair Program

The following list is a summary of items that are ineligible for reimbursement through the program. This list is not all-inclusive. Other items may be ineligible as well. Applicants should consult with the City Engineer prior to incurring any expense not expressly authorized above.

- Drainage connections (from downspouts or other areas)
- Curb or curb and gutter
- Topsoil backfill
- Seed and straw (or any restoration of vegetative cover)
- Maintenance of traffic
- Grinding
- Tapering
- Lifting/leveling
- Slab-jacking