



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve Policy for “Sidewalk, Approach Type”
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Presenter:	Peter Suhr
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Please check appropriate box:

	Government Operations	X	Government Services 04.23.12
	Planning & Development		City Council
	Public Hearing		

Estimated Cost:		Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

At the February, 2012 meeting, we discussed maintenance responsibility for sidewalk approach type walks. Please recall sidewalk approach type walks are located in the public Right of Way (ROW) and extend between the curb/edge of street pavement and the public sidewalk or ROW. Sidewalk approach type walks are presently considered private. In light of the corresponding private maintenance responsibility, staff presented information on implications of changing the current municipal code. These implications included legal, Americans with Disabilities Act (ADA) and costs associated with this new city responsibility.

Based on the direction we received from the committee in February, staff has prepared a Service Sidewalk Policy. The Policy states that the city continue to follow the ordinance, maintaining sidewalk approach type walks as a private maintenance responsibility of the adjacent property owner. Also, the city would remove (not install) existing sidewalk approach type walks under the following conditions-

- a) When requested by the adjacent property owner or
- b) When the sidewalk approach type walk is in poor condition or due to city construction damage and the property owner, with notification, chooses not to correct the condition.

The removal of the sidewalk approach type walk and restoration would be paid for by the city. All other practices regarding sidewalk approach type walks maintenance would continue and be documented in the recommended policy. We will review the policy and seek any modifications or approval.

Attachments: *(please list)*

Service Sidewalk Policy

Recommendation / Suggested Action *(briefly explain):*

Staff recommends approval of the Service Sidewalk Policy

For office use only:	Agenda Item Number: 5.j
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Title **City of St. Charles Policy for Service Sidewalks**

Policy #

Approval Date

Revision Date



Sections:

- I. Introduction
- II. General Provisions
- III. Legal

I. INTRODUCTION

This policy has been developed to provide clear direction to property owners and to guide City staff regarding the ownership, installation, removal, replacement and maintenance of Service Sidewalks.

Per the Municipal Code Section 12.04.005, a Service Sidewalk is referred to as a “sidewalk, approach type” and is defined as “A parkway structure intended for pedestrian use usually extending from the curbing or edge of pavement right-of-way. This approach sidewalk is intended primarily for the private convenience of the adjacent lot or parcel.”

Per Municipal Code Section 12.04.217-C, “It is the responsibility of the owner of the lot or parcel privately served by a sidewalk, approach type, to maintain and repair such sidewalk, approach type.”

This Policy in no way shall change or alter the intent of the Municipal Code.

This policy is applicable to all residential properties inside of the City’s corporate limits.

II. GENERAL PROVISIONS

1. The City will notify property owners adjacent to a Service Sidewalk in one of the following ways:
 - a. If a property owner is adjacent to a Service Sidewalk that has received a “Poor” rating on the assessment, they will receive notice from the City stating so. At that time, the property owner will have a choice to either: (See “Exhibit A – City’s Non-Standard Sidewalk Agreement”) (See “Exhibit B – Poor Rating Notice”)
 - i. Direct the City to remove the Service Sidewalk and replace with turf at the City’s expense or;
 - ii. The property owner will be required to repair any deficiencies with the Service Sidewalk at their expense. The property owner will be required to execute the City’s Non-Standard sidewalk agreement and record it with the county. This recorded document is put on file for that property for any future impacts to the service sidewalk.

- b. If the City is notified and confirms that a Service Sidewalk has deteriorated to a “Poor” rating, the adjacent property owner will receive notice from the City stating so. At that time, the property owner will have the same choices as mentioned above in Section 3a.i and ii.
 - c. If at any time, the City, retained street/ ROW contractor, private contractor or any other public or private entity or natural means causes damage to a Service Sidewalk, whether on purpose or by other cause, the City will notify the property owner. At that time, the property owner will have the same choices as mentioned above in Section 3a.i and ii.
 2. The City at no time will repair or modify any Service Sidewalk.
 3. Any and all future improvements by Owner in the ROW will require a permit.

IV. Permit

1. The ROW permit can be found on the City’s website under the forms heading.