CITY OF CLIVE, IOWA
Sidewalk Inspection and Repair Policy

I - GENERAL

The Code of Ordinances of Clive, Iowa and the Code of Iowa Section 364.12 (2d & e) places the responsibility for the maintenance and repair of public sidewalks on the abutting property owner as recorded by the county auditor. This policy provides the cause for such repairs to be made from Council under Clive Code of Ordinances. Under no circumstances does this relieve the abutting property owner of any liability under paragraph "b" of Iowa Code Section 364.12.

The Public Works Department will systematically inspect all public sidewalks within the City's jurisdiction and upon determining that a sidewalk defect exists will initiate appropriate action to have the sidewalk reconstructed.

II - ANNUAL SIDEWALK INSPECTION ZONES

The Public Works Department will be responsible for inspecting the public sidewalks on a three (3) year cycle within the city. These inspections shall be made to determine if any of the public sidewalks within a particular zone of the city are defective as defined. The City will be divided into three zones as designated in (Appendix "A").

III - RECONSTRUCTION PROCEDURES

It shall be the duty of the abutting property owner at all times to reconstruct, or cause to be reconstructed, all defective public sidewalks in the street right-of-way abutting his/her property.

The public sidewalk will be considered defective when it exhibits one of the characteristics listed in (Appendix "B") of this policy. When a sidewalk is found to contain such a defect, the Public Works Department will issue a written notice to reconstruct to the abutting property owner requiring that the appropriate work be completed within 45 days. All locations where notice to reconstruct have been issued will be re-inspected by the Public works Department after the abutting property owner has been given 45 days in which to complete the work. Abutting property owners who commence reconstruction within the 45 day period shall be accorded a reasonable time in which to complete the work upon application for extension of time made to the Public Works Director.

If, upon expiration of the 45 days as provided in said notice, required work has not been done or is not in the process of completion, the Public Works Director may cause the same to be reconstructed and the cost thereof shall be assessed to the abutting property owner. All sidewalk improvements shall be performed under the supervision and inspection of the Public Works Department.

IV - DETERMINATION OF CITY COST TO REPAIR SIDEWALK

If work has not commenced following the 45 day notice, the sidewalk will be placed on a list for reconstruction and the City's contractor notified to proceed with the reconstruction. Upon completion of the repair the property owner will be sent a bill of the actual cost of the repair plus an administration fee of 25% of the total cost to cover administrative and billing costs. The property owner will have 30 days to pay the billing. If the bill is not paid within 30 days, the amount will be certified to the County Auditor to be added to the owner's property taxes.

Any unpaid costs for sidewalk repair over $100 will be assessed and collected in the same manner as property taxes. There shall be returned to the City Council an itemized assessment schedule, verifying expenditures used in doing such work, and the legal description of the lots, or tract of ground abutting the sidewalk on which such work has been performed. Assessments may be spread over a ten-year period at an interest rate of 7%. Any costs less than $100 will be assessed in one installment. There will also be a $25 administrative fee if costs are assessed against the property.

V - PERMITING AND REPAIR INSPECTIONS

Any person desiring to reconstruct or repair any sidewalk as part of this program shall, before commencing such reconstruction or repair, apply to the Public Works Department for a permit to Reconstruct/Repair Sidewalk as illustrated in (Appendix "C").

Public Works personnel are authorized to inspect, approve or disapprove the reconstruction or repair of sidewalks as part of this program. The party reconstructing or repairing any sidewalk shall call for inspections by notifying Public Works when slab has been lifted and subgrade has been brought to the proper elevation, or forms have been set for slab replacement. In the case of slab replacement a further inspection shall be called for and required upon completion after removal of forms; backfill and seeding have been completed.

VI - DOCUMENTATION

The Public Works Department will maintain formal permanent records showing the date on which each sidewalk was last inspected, which properties were found to have defective sidewalks, the nature of the defects found, and the action taken to correct the defect. The Public Works Department will be responsible for issuing all official "Notices to Reconstruct". All official notices will be sent Certified Mail.

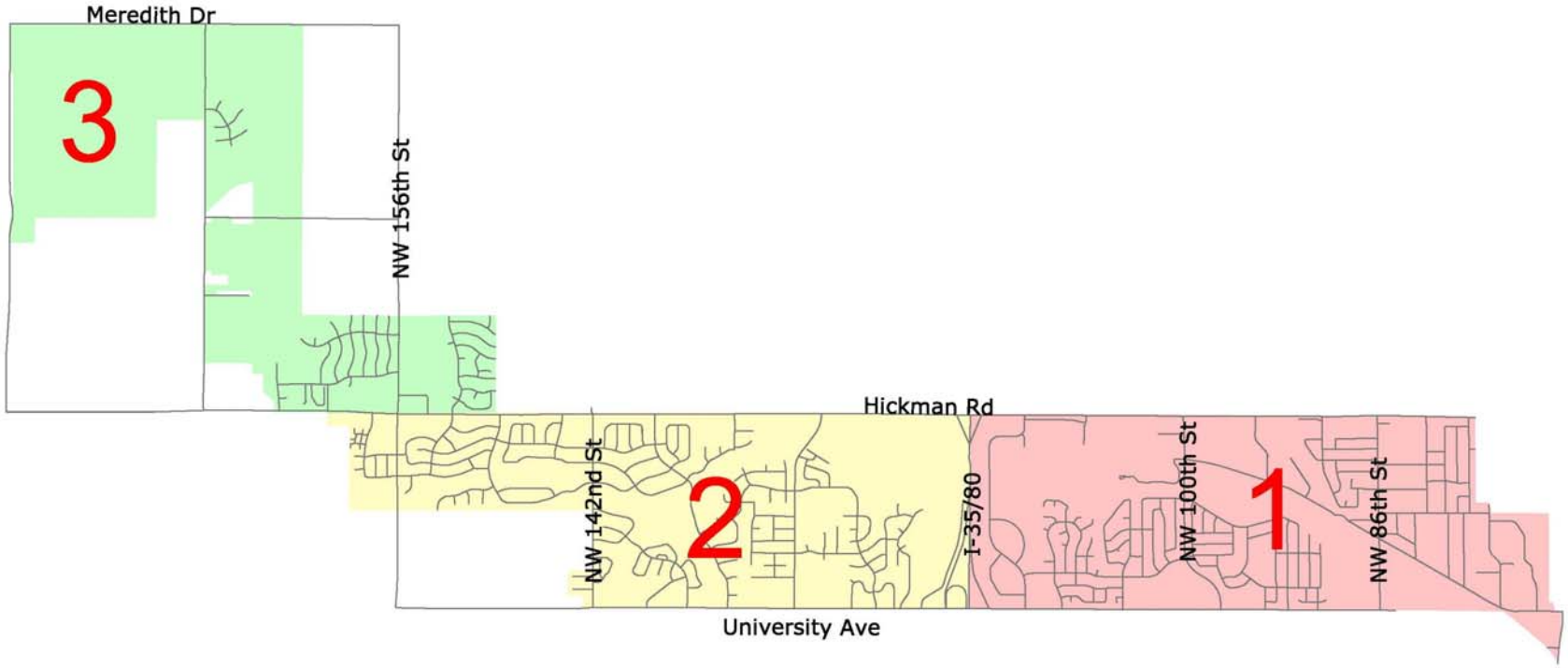
VII - DISCLAIMER

To the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy.

This Sidewalk Inspection and Repair Policy is not intended to create and should not be construed in any manner as creating a guaranty that any hazard associated with sidewalk conditions is eliminated by the City's efforts to maintain public sidewalks in accordance with this Policy.

APPENDIX "A"

City of Clive
Sidewalk Repair Program

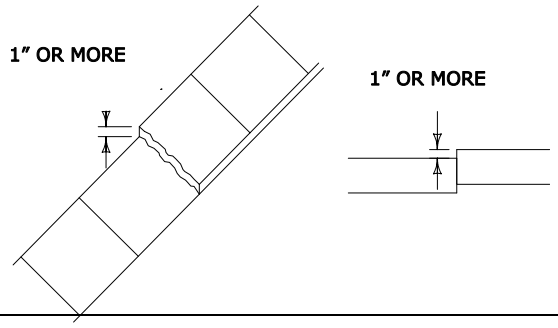
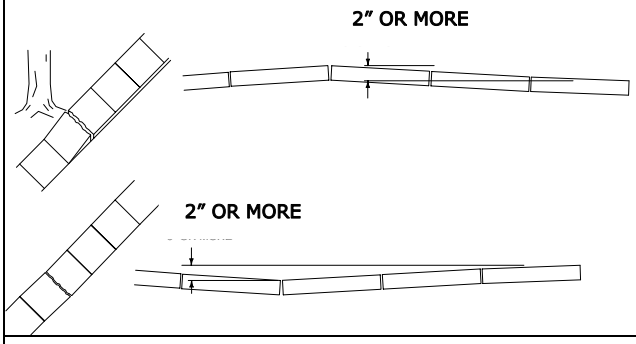
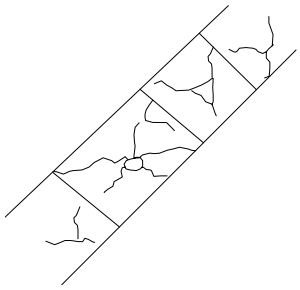
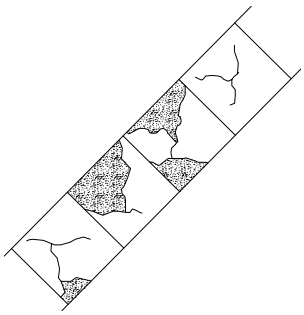
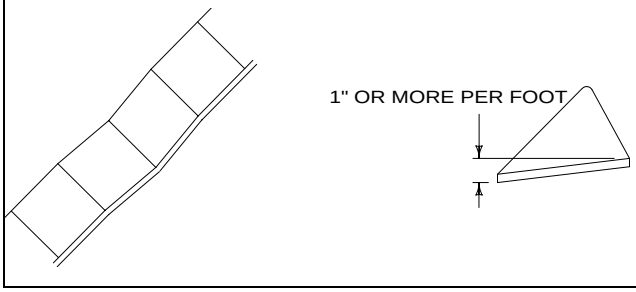


Legend

- 2005-2006 ZONE 2
- 2006-2007 ZONE 3
- 2007-2008 ZONE 1

This schedule is based upon the Clive Annual Sidewalk Repair Policy.

APPENDIX “B” SIDEWALK REPAIR CODES

	<u>Repair Code “A”</u> The sidewalk has cracked with a vertical edge of (1”) one inch or more.
	<u>Repair Code “B”</u> The sidewalk has raised or settled more than (2”) two inches in (12’) twelve feet from the normal line of grade of the sidewalk.
	<u>Repair Code “C”</u> The sidewalk has cracked into more than three pieces per 4’x4’ square and sections are distorted or distressed with a vertical height difference of (1/2”) one-half inch or more, or a horizontal separation of (2”) two inches or more or has cracked and part of the sidewalk is missing, forming holes.
	<u>Repair Code “D”</u> Sidewalk surface has deteriorated to a degree that the surface is gone causing the accumulation of loose material.
	<u>Repair Code “E”</u> The sidewalk has settled or for some other reason is sloped or tilted more that (1”) one inch per foot toward either side.

APPENDIX "B" Continued

REPAIR CODE A

When inspecting adjacent sidewalk slabs which fall under the standard repair Code A of the Sidewalk Inspection and Repair Policy, the inspector shall determine the defective sidewalk slab to mark for replacement by evaluating the following factors:

1. The sidewalk slab or slabs that most nearly reflects the proper grade or best condition of the adjacent sidewalk slabs should remain.
2. The overall finished alignment of the sidewalk when repair is complete should be the most uniform alignment.
3. The sidewalk slab or slabs that have changed position will be considered for replacement as it has created the hazard and its replacement will provide a more uniform overall sidewalk grade.

REPAIR CODES A, B, OR E

Sidewalk slabs marked as defective under Repair Codes A, B, or E may be repaired without total replacement if the sidewalk slabs are in otherwise good condition and in one piece. The sidewalk slab or slabs may be jacked up and the subgrade excavated or filled and the sidewalk slabs reset to a safe uniform grade condition. Repositioning existing slabs may be done, under the direction of the Public Works Department.

REPAIR CODES C OR D

Sidewalk slabs marked as defective under Repair Codes C or D require complete replacement of these conditions.

UNKNOWN PROPERTY LINES

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to send a notice to repair. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.

APPENDIX "C"

CITY OF CLIVE

SIDEWALK REPAIR PERMIT

<u>Complete and return to the City in the enclosed envelope.</u>

Return to: City of Clive Public Works Department
2123 NW 111th Street
Clive, Iowa 50325 DATE: _____

PROPERTY ADDRESS: _____

NAME OF PROPERTY OWNER: _____

DAYTIME PHONE: _____

ADDRESS OF PROPERTY OWNER: _____

(IF DIFFERENT THAN ABOVE) _____

☐ **I AM HIRING MY OWN CONTRACTOR**

CONTRACTOR NAME: _____

ADDRESS/PHONE NO: _____

☐ **I REQUEST THE CITY TO PERFORM THE WORK AND BILL ME ACCORDINGLY**

☐ **I AM PERFORMING THE WORK MYSELF**

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SCOPE OF WORK:

☐ **RAISING PANEL** ☐ **REPLACING PANEL**

☐ **OTHER/EXPLAIN**

_____

_____

_____

All work must be inspected and approved by Public Works. Call 515-223-6231 for inspections.

Please feel free to contact the Public Works Department (515-223-6231) if you have any questions or need any additional information.