

Council Agenda Report

Agenda Item No. 17

Date 02-27-2017

Date: February 27, 2017

Prepared by: Brent Jett

Submitted by: Odie Wheeler, Public Works Director

SUBJECT: Sidewalk Research on Practices of Other Municipalities

Recommendation: That Council consider the report and give direction to staff.

DISCUSSION:

As the direction of the City Manager and Council, the City of Cambridge staff investigated other Maryland municipalities in regards to their handling of sidewalks within their boundaries. Specifically, installation of new sidewalk for new construction, renovation or installation as part of a redevelopment program, and for repairs of derelict sidewalks associated with their property. A report detailing the findings follows.

Several local municipalities were contacted and researched to determine their approach to sidewalks within the limits of their boundaries. These included Salisbury, Ocean City, Easton, Annapolis, Ridgely, Oxford, Federalsburg, Hurlock, Berlin, and Snow Hill. As much as possible, the municipal stance on sidewalk maintenance, repair, replacement, and new construction was investigated.

Many municipalities have Maryland State Highway Administration (SHA) rights-of-way within their boundaries. Any sidewalks associated with these roads were typically not addressed specifically by the municipality by code. If a new development is under review, the sidewalk installation is taken care of on a case-by-case basis and with the SHA.

The majority, if not all, address new construction by code. New sidewalks are typically required to be installed along curbed streets across the frontages making connections to existing sidewalks on either side. Even extending sidewalks to a proposed development across the frontage of other properties is common for many codes, if close to the center of the municipality. Within a new development such as a residential subdivision, sidewalks are typically required along all frontages inside the new development. However, the standard of actual sidewalk location varies across the board. Some are 5' wide directly at back of curb. Some require a 3'-5' grass strip between the curb and the sidewalk. In the instance that the new construction is an in-fill residential lot adjacent to other residences that do not have existing sidewalks, it is typical that none is required to be installed for that single lot. However, this is typically the decision of the planning and zoning commission to require sidewalks or allow for none to be installed on new developments and construction away from the center of the towns.

In a redevelopment case a few municipalities specifically addressed this instance. The typical approach is to require a smooth hard surface (sidewalk) over the entirety of the frontage, with the owner paying for and replacing the damaged or sub-standard sections.

Redevelopment of sidewalks in Ocean City depends on the location. The sidewalk may be required to be replaced to meet ADA standards or provide wider pedestrian ways for the new development. The limited number of single family homes constructed typically do not require new/replaced sidewalks especially when no curb exists or no sidewalk is adjacent to the lot in question. Since Ocean City is a very pedestrian municipality, walker safety and maneuverability is a prime concern. Some areas have required wider sidewalks to be installed during the redevelopment to handle larger numbers at peak times. When this occurs, the City will split the costs 50/50 with the developer.

When sidewalks are in need of repair in other municipalities they approach the issue with several different code requirements. Over 50% require the owner of the property to repair the sidewalk fully at the owner's cost and in a timely manner. Ocean City has a fund to provide 50% of the cost of sidewalk repairs with the owner responsible for the other 50%. Hurlock covers 100% of the repairs themselves. Annapolis will replace the sidewalk themselves at the City's cost if they deem the issue to be an immediate hazard to public safety. Federalsburg will notify owners that they have 60 days to complete the repairs, or they will begin fining at \$0.05 per linear foot of frontage per day. Snow Hill requires the owner to provide the repairs in a timely manner, or will fine the owner up to \$500 if not completed, typically within 60 days. Salisbury is unique that the owner is required to replace if they request the repair, but the City will cover the cost if they deem it in need of repair. Oxford relies on the owners to repair, but will provide spot repairs in the historic and main street districts. There were a few municipalities that have provisions that allow the municipality to perform the repairs and assess the property for the cost of the repairs, and attach this assessment cost to the next tax bill (if not paid in advance in full) in order to recoup the cost of doing the repairs themselves.

Annapolis has a specific program for sidewalk repairs and replacement. They have a fund for yearly repairs as they identify a new section of the City every year. This program seems similar to our yearly paving program where areas are identified, prices bid via RFP, and the work done as one project. If there are larger sections, grant funds may be applied for in order to cover the large scale of the project above the normal yearly funding.

There were provisions in some municipalities for areas that aren't currently connected by sidewalks also. The majority do not require new sidewalks within the municipal right-of-way when there aren't any on adjacent properties. And most will not require an owner to install sidewalks over distances to make connections to existing sidewalks. However, if it was a new large subdivision, there are allotments for the Planning Commissions to request/require walking path connections to municipal attractions such as sidewalks, parks, playgrounds, and other areas that could be reached by pedestrians. This may not always be in the form of a sidewalk within the municipal right-of-way, or may be in addition to this request.

A few of the municipalities have completed a pedestrian study, with biking typically included in the investigation. The results detailed where sidewalks exist, where natural connections are lacking, and areas that could possibly be connected in the future if populations increased or demand deemed it necessary. Once that was completed, the existing conditions were analyzed with a dedication to repairing the derelict sections within the main street and highly walked

areas. This was accomplished with budgetary funds mixed with grants funds. Once completed, it would be the responsibility of the owner to maintain and repair any sections of the sidewalk damaged in the future.

Cambridge:

Currently it is the responsibility of the property owner to maintain the sidewalk, per the City of Cambridge Code, Section 4-38 (attached). While the 1996 BOCA Code is referenced, the new 2015 International Property Maintenance Code (IPMC) has taken its place as the current standard. The 2015 IPMC states in **Section 302.3 Sidewalks and Driveway: Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.** This code allows for the owner of a property to be fined by the City of Cambridge for sidewalk both on their property and abutting their property along the frontage to be fined for any sidewalks that are not satisfactory. First offense is a \$100 fine which also makes the owner responsible for the repairs.

Due to budgetary concerns, the City does not have a schedule or policy for replacing sidewalk areas that aren't up to acceptable conditions. However, several areas have been targeted and improved by utilizing grant funds to address larger scale areas in the past 7 years. Some of these areas include Maces Lane from Washington St to Cambridge Commons, Cedar St from Rt. 50 to Moreland Ave, Cedar St from Race St to Pine St, Maryland Ave from Rt. 50 to the Creek Bridge, Muir St from Race to Academy, Academy St from Muir to Market, Market St from the Creek Bridge to Gay St, Gay St from Race/Poplar St to Academy, along with various SHA projects along Rt 50 and Washington St that have been completed.

Based on the current Comprehensive Plan, all "ordering streets" consisting of Race St, Washington St, High St, Cedar St, Maryland Ave, Glasgow St, and Locust St currently have sidewalks located on one or both sides of the street. The Main Street District has sidewalks located on one or both sides of the street over the entire district. The Downtown/Waterfront Development District has sidewalks located on one or both sides of the street for approximately 85% of the district.

Costs:

Installation of a 5' wide sidewalk across a 100' property would cost approximately \$3,750 (at +/- \$7.50/sf.) Installation of 6" curb without gutter across the 100' property would cost approximately \$2,750. Installation of 6" curb and gutter across the 100' foot property would cost approximately \$3,400. Any removal of existing concrete would cost approximately \$10 per foot. Repairing a sidewalk in front of a 100' wide property would cost approximately \$4,750. Installation of a new sidewalk in front of a 100' wide property, including curb and gutter, would cost approximately \$7,150.

Other municipalities and their approach to sidewalk repair/replacement:

Ridgely: owner responsible

Oxford: owner responsible, most of the time. Town does spot repairs in historic & main st areas for tourism

Salisbury: owner responsible if they want it fixed. City will go 50/50 on special cases. 50/50 on redevelopment of sidewalk in row if in bad shape, but 100 on developer for remaining.

Ocean City: 50/50 on repairs. 30-day notice given, then must be done

Annapolis: owner responsible on new, and for replacement if desired. City makes schedule of priority sidewalk improvements that revolves around city to address every year. City responsible when determined there is a public hazard and in r-o-w.

Easton: owner responsible, to curbed street

Federalsburg: owner has 60 days to replace, to town standard, at owner cost. If not, fined \$0.05/liner foot per day over 60. Or, Town may do and “collect” as per the tax on the property

Hurlock: town responsible

Berlin: owner responsible, other than grant funded upgrades or special projects

Snow Hill: owner responsible, with possible \$500 fine if not timely

CONCLUSION:

Cambridge’s requirement that owners maintain their sidewalks is consistent with the requirements of other cities. Repairing a sidewalk in front of a 100’ wide property would cost approximately \$4,750. Installation of a new sidewalk in front of a 100’ wide property, including curb and gutter, would cost approximately \$7,150.

Fiscal Impact:

At this time there is zero fiscal impact to the City of Cambridge. Fines for sidewalks in unacceptable condition are administered currently. In addition, no new sidewalk is proposed under this report at this time.

Approved by: Sandra Tripp-Jones, City Manager



Current Cambridge references per code.

Sec. 3-36. - Sidewalks.

The commissioners of Cambridge, under its police power, may by ordinance require the construction of sidewalks to its specification and grade in any part, or all of the City of Cambridge, and may designate that sidewalks shall be constructed in all areas where curbing is installed. Said ordinance may empower the commissioners of Cambridge to construct sidewalks in instances where necessary, the cost of which is to be a lien on the property.

(Charter Amdt. No. 17, 9-20-66; Charter Amdt. No. 78-74-31, 2-4-74)

Sec. 16-21. - Sidewalk construction generally.

(a) *Authority to require construction.* Whenever the commissioners deem it to be in the public interest and for the health, safety and welfare of the citizens of the city, they may require sidewalks to be constructed on properties where curb and gutter exist. The city shall determine, through inspection by the department of public works, code enforcement division, areas of the city where a substantial percentage of the sidewalks are in need of replacement (as established in the current property maintenance code). In the area so designated, the city shall notify all property owners by certified mail, that a sidewalk replacement project will be taking place on their property within 90 days of the notice.

(1) *Notification.* The notice shall include the following information:

- a. The date of a public hearing on the matter.
- b. The locations of the proposed replacement project.
- c. A preliminary cost estimate for each property owner's part of the proposed project.
- d. A timeline showing the schedule of the work, including:
 1. Date of the inspection.
 2. Publication date for a public hearing of the proposed work plan.
 3. Date for publication of the request for proposals.
 4. Date for the opening of bids.
 5. Date for awarding of bid, and publication of final unit costs based on low bid award.
 6. The approximate date proposed for the commencement of work.
 7. The estimated date for full completion of work.
- e. Payment options available to assist property owners with the costs involved.

Notification of the public hearing shall also be published in a local newspaper with general circulation within the city on two occasions, the first publication to be not less than 15 days prior to the date of the public hearing, and the second publication to be not less than seven days prior to the date of the public hearing.

(2) *Procurement.* The city shall prepare a request for proposals to be publicly advertised for the solicitation of competitive bids from qualified contractors. The RFP shall include the specific addresses and streets where the work shall be performed. The proposals shall be received, considered and awarded in conformance with the city's procurement procedures.

(3) *Finance mechanism.* The city shall maintain a revolving loan fund from which the costs of sidewalk construction shall be drawn to pay the contracted cost of the work. The cost of the work shall not exceed the available balance in the revolving loan fund.

The cost of the work shall be divided by the total area of work in square feet to arrive at a unit cost, and distributed over the affected property owners proportionally to the actual square footage installed, to within one-tenth of a square foot.

This calculation shall apply only to sidewalks parallel to the public street that connect with sidewalks at the adjoining properties. Any sidewalks constructed from the public way to the house, or any other sidewalks on the property are not eligible for funding under this program, and the cost therefore shall be the sole responsibility of the property owner.

The pro-rated cost for the public way portion, shall be the responsibility of the property owner as defined in [section 16-21A](#), and paid back to the revolving loan fund under the following options:

- a. Payment in full. The city shall accept payment in the full amount of the pro-rated cost without an interest charge within 90 days of the invoice date.
- b. Payment via tax lien. After 90 days, the city shall attach a lien in the amount of the pro-rated cost to the city property tax bill, which will then be paid by the property owner over a period of one to five years, as determined by the commissioners of the city, with an interest charged at the rate of one-half the legal rate charged for delinquent real property taxes.
- c. The commissioners may institute legislation to modify the terms of the lien for the benefit of owners who can demonstrate a bona fide hardship and/or income eligibility based on an index of the area median income as determined by HUD.
- d. Funds, including interest collected, recovered by the revolving loan fund shall be returned to that fund for the express purpose of continuing and expanding this program for the benefit of the citizens of the city.
- e. Property owners may, at their option, undertake the installation of the replacement sidewalks on their property at their own expense, with all work subject to the usual permit fees and inspection for compliance with the all applicable codes.

These options shall be published and provided to the property owners in the project area as part of the official notice outlined above.

(4) *Existing replacement sidewalks.* Properties that have replaced sidewalks after July 1, 1995 may be exempted from the replacement program, subject to inspection by the city code enforcement division.

(b) *Specifications.*

(1) All sidewalks shall be four-inch thick Portland cement 3,000 lb. mix (six inches thick at driveways with six × six wire mesh reinforcement), shall be at least four feet wide, and shall have one-half-inch expansion joints every 16 feet in accordance with sections 383.20 through 383.26 of the city standard specifications. With the approval of the city engineer, comparable masonry sidewalks may be installed in lieu thereof.

(2) The sidewalk shall be located immediately behind the curb unless the alignment in the block has been previously established, in which case the existing alignment shall be maintained.

(3) In the event that trees have been planted immediately behind the curb, the sidewalk may be located behind the line of trees, provided the property owner shall obtain the prior approval of the city engineer.

(c) *Permit.* A permit for the construction of the sidewalk shall first be secured from the city engineer in accordance with [section 16-17](#)

(Code 1972, § 4.21; Ord. No. 588, § 1; Ord. No. 986, 4-27-09)

Sec. 16-17. - Permit for sidewalk construction.

(a) *Permit required.* No person shall lay any sidewalk in the city without a permit from the city engineer.

(b) *Application.* The application for a permit to lay a sidewalk shall be upon a form provided by the city engineer, filled in completely and signed by the applicant. The applications shall be kept in a permanent file.

(c) *Preissuance inspection.* Before issuing any such permit the city engineer shall ascertain that there are no poles, guy wires or other obstructions in the path of the proposed sidewalk which could become a hazard to pedestrians.

(d) *Contents.* The permit shall show all pertinent information as to the specifications of the sidewalk to be built, and if one or more low curbs for drive-over purposes are applied for the permit shall clearly show the specifications thereof. The original of the permit shall be given to the applicant and a copy thereof filed permanently by the city engineer with the applications.

(e) *Review of denial.* Any application which may be rejected shall be subject to review by the commissioners, and such applicant or his counsel may appear before the commissioners at any one of their regular sessions.

(Code 1972, § 4.17; Ord. No. 543, § 1; Ord. No. 737, § 1, 8-29-88)

Sec. 4-38. - Same—Section PM 303.3, Sidewalks and driveways.

Section PM 303.3, entitled "Sidewalks and driveways," of the BOCA National Property Maintenance Code/1996 is amended to read as follows:

Sec. PM 303.3. Sidewalks and driveways. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.

Sec. PM 303.3 (a). Responsibilities of property owners. It shall hereby be the duty and obligation of the owner of property abutting a sidewalk for public use to maintain the abutting sidewalk, driveway, apron and sod in such a condition as to be safe for public use. This obligation includes the clearing of all growth or grass, roots and weeds within, under and around the sidewalk and in the area between the sidewalk and the curb, snow shoveling and actual structural repair.

Sec. PM 303.3 (b). Responsibilities of the city. It shall be the duty and obligation of the city to maintain the property of the city, which includes the repair and maintenance of curbs, gutters and city streets.

(Ord. No. 768, § 1, 8-1-91; Ord. No. 843, 6-30-97; Ord. No. 962, 9-28-98; Ord. No. 864, 2-22-99)