



CITY OF BELLE ISLE, FLORIDA

Sidewalk Maintenance Program

Sidewalks have a way of tying together a neighborhood. Sidewalks serve so many purposes; recreation space for joggers, children with tricycles and pull toys; an informal meeting place for neighbors; and an encouragement for people to make more use of the most basic form of transportation – walking. However, sidewalks are a common location for falls due to conditions such as cracks and raised edges. Proactive inspection and repair of sidewalks, driveway aprons and other walkways can reduce the risk of a slip, trip or fall incidents and extend the life of the surface.

The City has determined that a regular and consistent sidewalk repair program should be in place for the general health and welfare of the community and this policy shall establish the process and procedures for a permanent and systematic program for the inspection, repair, replacement or installation of sidewalks within the City.

Public sidewalks may vary in age and in quality of condition. Not every inequality or irregularity in the surface rises to the level of a defect. The city recognizes that some sidewalk conditions can create unreasonable hazards for pedestrians and other sidewalk users.

The city does not have unlimited employee or financial resources and cannot reasonably replace all sidewalks needing replacement or repair within the same year the sidewalk is identified as needing replacement or repair. Sidewalk replacement and repair can be costly. Comprehensive sidewalk surveys are expensive and require the use of limited city personnel and other resources. Under appropriate circumstances, some or all of the cost of sidewalk replacement may be absorbed by the city. However, although it has been the city's practice to routinely absorb the cost of sidewalk repair and replacement, under the City Code, it is the adjacent property owners who are responsible to keep sidewalks in good repair and safe for pedestrians.

Accordingly, the City and its Public Works Department must exercise both discretion and professional judgment in determining whether and when sidewalks need to be replaced or repaired. The city expects that its agents, employees, and city officials will exercise discretion in identifying conditions requiring replacement and repair, in the scheduling of replacement and repair, and in establishing priorities for replacement and repair.

The City's Maintenance Program has two inspection components:

Proactive Inspections for ADA compliance, sidewalk trip/slip hazards, obstructions, vegetative overgrowth and other defects.

Reactive Inspections of sidewalk hazards generated by public complaints.

Proactive Inspection

Public Works staff conducts field inspections of all sidewalks on city owned and maintained rights-of-way on a rotating basis. This inspection process is listed below. The field inspection will include updating the inventory database with the type of hazard, priority, location, dimensions, and photographs. The information for the data base is listed [here](#) (**Link to Spreadsheet**)

a) High volume pedestrian areas are proactively inspected at least once every four years while low volume pedestrian areas may be proactively inspected at least once every six years.

b) Upon identification of a sidewalk hazard, Public Works staff will input all pertinent information into the sidewalk database, alert sidewalk users of the hazard and either generate a Work Order for Public Works personnel to repair, or when funding is available, create a work order for contractors to complete repairs.

Reactive Inspection

In response to concerns from the public, other City Departments and/or State Agencies, the Public Works Department will conduct an on-site investigation and determine the extent of the damage or obstacle and if repairs are warranted. If so, the staff follows step “b)” under “Proactive Inspections”.

Levels of Priority

Sidewalk repairs are limited by funding and manpower, necessitating the need for a prioritization system. The following priority levels are used for scheduling repairs:

Priority I – Immediate action is necessary in areas identified as being impassable or locations where a pedestrian has tripped/slipped including ADA compliance. Staff will remedy these hazards with short-term repairs within 10 working days of being informed of the sidewalk hazard unless resources are unavailable in response to the unforeseen condition/event. Sidewalk defects that are considered sidewalk trip/slip hazards and are located within a high-volume pedestrian area.

Priority II – Sidewalk defects that are considered as sidewalk trip/slip hazards and are located within a low-volume pedestrian area.

Priority III – Sidewalks that have encroaching vegetation, including bushes or trees.

Priority IV – Public complaints on sidewalk defects that are not considered as sidewalk trip/slip hazards and do not involve actual sidewalk trip/slip incidents.

Priority V – All other non-tripping/slipping hazards.

City Standards and ADA Compliance

The City follows all FDOT standards for concrete sidewalk specifications, curb ramps, driveway aprons, detectable warnings, and all applicable requirements of the American with Disabilities Act, Public Law 101-336.28 Code of Federal Regulations (CFR) Part 36-Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities and the Requirement of the ADA Accessibility for Buildings and Facilities – July 1, 1994.

Curb ramp running slopes shall be no steeper than 1:12 and the cross slope shall be no greater than 2%. Transition from ramps to walks, gutter, or streets shall be flush and free of abrupt changes.

Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1:20. When altering existing pedestrian facilities where existing site development precludes the accommodation of a ramp slope of 1:12, a running slope between 1:12 and 1:10 is permitted for a rise of 6” maximum and a running slope of between 1:10 and 1:8 is permitted for a rise of 3” maximum as allowed by the Americans with Disabilities Act Accessibility Guidelines (ADAAG). Where compliance with the requirements for the cross slope cannot be fully met, the minimum feasible cross slope shall be provided.

Under some conditions, the City may be limited in its ability or completely unable to provide curb ramps because of the existing physical or site restraints. Some examples are underground utility vault or a structural support member of a utility pole, or a utility pole causing an obstruction or not sufficient public right-of-way. Under these types of circumstances, the City may invoke the defense that a curb ramp is technically infeasible or cost prohibitive to construct.

As described in Title 28 of CFR, SUBPART D-Program Accessibility, Section 35.150(a) Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is accessible. Under this concept, the city may choose not to install curb ramps at some locations as long as a minimum reasonable path of travel is available even without those additional curb ramps being provided.

Sources of Funding

The City Ordinance requires all sidewalks and driveway aprons in the City to be constructed, reconstructed, and kept in good repair by the adjacent property owner. However, if approved by the City Council, the City will establish a new Sidewalk Grant initiative. This program will have the City participate with a matching fund to assist residents with their sidewalk repairs or installation of new sidewalk.

City staff will coordinate sidewalk repair work or reconstruction projects based on priority levels, number of hazards identified in a localized area, in-house capabilities, and funding sources. It is estimated that sidewalk deficiencies will continue to be inspected and repaired throughout the City annually. Currently \$125,000 is allocated this fiscal year annually for sidewalk and driveway apron repairs. The City will actively seek grant funding for design, construction and Construction, Engineering and Inspection (CEI) services. Some examples include, but are not limited to, Community Development Block Grants (CDBG), Transportation

Alternative Program (TAP) grants, Transportation Regional Incentive Program (TRIP) grants, and Safe Routes to Schools grants.

Process

This program shall be permanent and shall not require annual reauthorization by ordinance or resolution other than by inclusion in the annual appropriation resolution.

(a) The Director of Public Works shall divide the City, in a sidewalk repair map, into quadrants numbered 1 through 4. He shall cause an inspection to be made in each quadrant once every four years. See the map for Quadrants and initial inspection years. (**Link with Tree Map**)

(b) The Director of Public Works shall cause such sidewalks to be inspected after installation to determine that such sidewalks have been constructed in accordance with the applicable ordinances and construction guidelines of the City.

(c) The inspection shall include surface conditions. Any sidewalk or sidewalk block or driveway apron having one or a combination of the following listed defects is in need of repair and/or replacement:

- (1) Vertical difference in elevation between portions of a sidewalk block or adjacent sidewalks of one inch (1") or more.
- (2) Horizontal gap or separation in a sidewalk block or adjacent sidewalks of one inch (1") or more.
- (3) Deterioration, pitting, spalling, or scaling of the sidewalk surface creating a potential hazard.
- (4) Structurally damaged, cracked or disintegrated sidewalk block(s).
- (5) Instability of one or more sidewalk blocks causing potential hazards.
- (6) Does not meet minimum width requirements (5' Wide).
- (7) Unleveled to City Standard detail or causing water to puddle. If conditions are dry, a layer of mud may indicate a ponding problem; ponding may lead to slick algae growth during warm weather
- (8) Benches, signs or other objects that reduce usable width to less than 36 inches
- (9) Tree limbs, bushes or other plants posing an obstruction
- (10) Rocks, sand, dirt or other debris accumulating on the sidewalk.
- (11) ADA Compliance

(12) In the case of driveway aprons, the City will repair the affected driveway aprons. Brick or paver driveways will have only the necessary bricks removed to complete the repairs. The City will check to see if the property owner has a paver permit on file with the City. If not, then the property owner must complete a paver permit or the apron will be restored using concrete. Restoration of the pavers is the responsibility of the property owner. When driveway access is restricted, any street parking restrictions in the area will be relaxed.

(13) All decorative landscaping, sprinkler systems, and buried electronic fence equipment must be located and clearly marked by the property owner. Protection of these items is the responsibility of the property owner. The City will not be responsible for damage to unmarked systems.

(14) Existing Tree Roots: May be pruned only under direction of City Public Works Director, who will consult with the City's certified arborist, or the City's Tree Board. Otherwise, trees may need to be removed to prevent sidewalk buckling. The city may also redirect the sidewalk if there is sufficient right-of-way to reroute the sidewalk safely. The city will bear the cost of necessary tree removal if it is a tree in the right-of-way. If the tree is on private property, it is the responsibility of the property owner to remove it according to the tree regulations in the municipal code. Trees to be placed or replaced will be sited according to City Code and relevant city policies.

(d) Work Orders for sidewalk complaints and requests are generated through the Public Works Department for accuracy and to make sure specific needs are understood and recorded then investigated. The issues are entered into the data base with all findings and proposed course of action recorded. A response is then prepared with the findings and proposed course of action and sent back to the resident. All complaints are investigated within 5 work days. Property owners or their agents shall be informed, in writing, of the repairs required to bring the sidewalks adjacent the property into compliance.

(e) Said repairs or replacement shall be made within thirty (30) days from the date of receipt of notice received by the property owner, unless extensions are granted by the Director of Public Works due to inclement weather or other unforeseen circumstance.

Appeal Process

(a) If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be provided to the Code Enforcement Office. The Code Enforcement Officer (CEO) shall provide a Notice of Violation (NOV) to the property owner according to the procedures established in the municipal code. No person shall remove or deface a posted copy of such NOV from the property. Said repairs or replacement shall be made within thirty (30) days from the date of posting of notice on the property, unless extensions are granted by the CEO after consulting with the Director of Public Works. Extensions are granted only for inclement weather or other unforeseen circumstance.

(b) Any property owner may appeal the notice to repair by submitting their objections in writing to the Director of Public Works within fifteen (15) days of the homeowner's receipt of the notice to repair or, if returned undelivered, within fifteen (15) days of the City's posting of the notice to repair in a conspicuous place on the property to which it relates. The Director of

Public Works shall determine the validity of those objections. No repair shall be required where the Director of Public Works so determines.

(c) If the Director of Public Works denies the appeal, the property owner may appeal the Director of Public Work's decision to the City Manager within fifteen (15) days after receiving the decision from the Public Works Director. The City Manager will determine if the appeal will be granted or denied. The decision of the City Manager shall be final.

(d) If the final decision is the repair the sidewalk, the City Manager will inform the CEO and the NOV will be enforced according to the municipal code.

(e) The time requirement for replacing the sidewalk will be suspended during the appeal process. Once a decision is reached, the time requirement will start.

Noncompliance of Notice of Violation.

(a) If the property owner or agent fails to comply with the notice to repair, or fails to file an objection in accordance with the appeal process, or fails to comply with the determination of the Director of Public Works or the City Manager under the appeal process, the City shall cause the sidewalks to be reconstructed or repaired. All expenses and labor costs incurred shall be paid out of City funds, with a statement of charges and a proper description of the premises to be sent to the property owner for payment within forty-five (45) days. In the event that the property owner or agent fails to pay within the time allotted, the Director of Finance shall be authorized without further ordinance, resolution or action of Council to enter a lien upon the tax duplicate against the lots or lands effected by the improvements and shall certify to the County Auditor for entry upon the tax duplicate such lien upon such lands from and after the date of entry to be collected as other taxes and returned to the City.

(b) In the event the City enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Director of Finance shall certify to the County Auditor for recording such lien in the following manner:

(1) In the event the work done in accordance with this section is a repair of existing sidewalks, including the replacement of certain sections thereof, the assessment amount shall be certified to the County Auditor for lien and assessment to be paid in ten semi-annual installments at an interest rate to be established by the Director of Finance in accordance with the projected cost of City funds for the period to be covered by the assessment but in no event shall the interest rate established be less than three percent (3%) or more than twelve percent (12%) per annum.

(2) In the event the work done in accordance with this section is a replacement or new installation of an entire sidewalk, the assessment amount shall be certified to the County Auditor for lien and assessment to be paid in twenty semi-annual installments at an interest rate to be established by the Director of Finance in accordance with the projected cost of City funds for the period to be covered by the assessment but in no event shall the interest rate established be less than three percent (3%) or more than twelve percent (12%) per annum.

Review and Modification of Policy

The City Council may modify or clarify this policy at any time. Where the City Council has delegated responsibility or authority to the City Manager or other city official for development or implementation of any portion of this policy, the City Manager or official shall have full authority to modify that portion of the policy at any time.

Review of Policy

The Director of Public Works will keep on file comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

Summary

The purpose of this document is to ensure that good ideas, helpful information, and successful practices concerning the development and updating of the Sidewalk Inspection and Maintenance Plan are recognized by City staff, consultants and residents. The ideal conclusion to this process is the elimination of hazards, barriers, and meeting the requirements of the ADA. As stated in the beginning of this policy, sidewalks have a way of tying together a neighborhood.

Although this is a plan for existing sidewalks, the City should be committed to develop and implement a 10-Year Sidewalk Master Plan for the design and construction of new sidewalks in those areas of the City that do not have sidewalks.

The City will continue to procure all necessary design and construction contracts required for sidewalk improvements to include all ADA provisions for the installation curb cuts, modification of noncompliant curb cuts, repairs of broken sidewalk, removal of obstructions, and construction of new sidewalks when and where needed.

Effective Date of Policy

This policy shall be effective as of _____, 2022. Modifications of the policy shall be effective on the date said modifications are approved by the City Council or the date the City Manager or other city official (with authority granted by the City Council) has approved the policy modification or change.