

# ADMINISTRATIVE DIRECTIVE

<b>DIRECTIVE NO:</b> 2025-01	<b>ISSUE DATE:</b> 01/28/2025
<b>ISSUED BY:</b> Darwin McClary, Village Manager	<b>SIGNATURE:</b>
<b>COUNCIL APPROVAL DATE:</b> 01/27/2025	
<b>REVISION DATES:</b>	
<b>RESCINDS/REPLACES:</b>	
<b>CATEGORY:</b> Sidewalks	
<b>SUBJECT:</b> Sidewalk Improvement Program Policy	

## LEGAL AUTHORITY CITATION

This administrative directive is issued by the Village Manager pursuant to the following legal authority:

- Village Charter – Sec. 3.12 – Duties of administrative officers; performing such duties as are provided for such officers by state law, this Charter, the village ordinances, and the administrative directives of the Village Manager
- Village Charter – Sec. 6.8 – Streets and Alleys; powers of Council to regulate the same
- Village Charter – Sec. 11.1 – Public Improvements, Contracts, Utilities ; power of Council to do any public work or make any public improvement
- Village Charter – Sec. 11.5 – Sidewalks, Curbs, and Gutters; power of Council to prescribe the building of sidewalks by property owners and to assess the cost thereof
- Village Charter – Chapter 12 – Assessments; power of Council to defray the cost of public improvements by special assessment; process for specially assessing costs of public improvements
- Village Code of Ordinances – Chapter 92 – Streets and Sidewalks; powers of the Village to inspect, construct, and regulate sidewalks and to regulate spacing of shade trees near sidewalks
- 2013 Village Engineering Design and Construction Standards – Chapter Six – Design and Construction Standards for Streets, Driveways, Pedestrian Facilities and Paving

## PURPOSE

The purpose of this Sidewalk Improvement Program policy is to establish the rules, regulations, procedures, and specifications for the construction, reconstruction, repair, and replacement of public sidewalks within the Village and the allocation of the costs of such improvements.

## **POLICY**

**Location of Sidewalks.** Public sidewalks are required in residential and commercial areas where deemed necessary by the Village Council upon the recommendation of the Village Manager.

**Sidewalk Specifications.** The design and construction specifications for public sidewalks shall be as determined by the Village of Lake Orion Engineering Design and Construction Standards adopted by the Village Council from time to time.

**Sidewalk Maintenance Responsibility.** The property owner is responsible for maintaining all sidewalks adjacent to their property to include frontage, rearage, and sideage, including removal of snow, ice, grass and weeds, debris, and other obstructions in accordance with the Village Charter, Code of Ordinances, and rules, regulations, and policies adopted by the Village Council. The property owner is responsible for all costs associated with such maintenance of abutting sidewalks. Property owners shall notify the Department of Public Works of any sidewalk defects as soon as discovered.

**Repair/Replacement of Sidewalks.** Any sidewalk that is in disrepair at the determination of the Village Manager or his designee shall be removed and replaced.

Sidewalk slabs that are lifted  $\frac{3}{4}$  inch or greater shall be patched within 48 hours of notification by the Department of Public Works. An asphalt patch is considered to be a temporary measure only. Likewise, property owners filling vertical displacements or cracks in sidewalks by “ramping” with mortar, asphalt, or other material is not considered a permanent repair. “Mud jacking” of sidewalk slabs will not be performed by the Village but may be done at the discretion of the property owner at the owner’s sole expense.

If deemed necessary by the Village Manager to repair or replace a sidewalk slab immediately, the property owner shall be notified and required to make such repairs in accordance with Village Charter Secs. 11.3 and 11.5 and Code of Ordinances Sec. 92.03 ordinance to make such repairs. The costs of such repairs or replacement, if completed by the Village, will be assessed in accordance with Chapters 11 and 12 of the Village Charter and Chapter 92 of the Village Code of Ordinances.

**Sidewalk Repair/Replacement Criteria Guidelines.** Sidewalks should not be required to be replaced on the basis of appearance only. The type and severity of the hazard presented needs to be considered.

Sidewalks should be replaced on the basis of an existing hazard and not on the basis of what may happen to the sidewalk in the future.

A combination of small defects that, when considered individually might not cause an area to be replaced, should cause replacement when occurring together.

If a concrete sidewalk does not exist through an asphalt driveway, new sidewalk shall be installed to provide continuity of the sidewalk facility unless Village Administration determines that such sidewalk is unnecessary.

**Conditions Justifying Sidewalk Installation or Replacement.** The Village Manager will recommend to the Village Council that sidewalk replacement be required in accordance with Sec. 11.3 of the Village Charter and Secs. 92.02 and 92.03 of the Village Code of Ordinances if the Village Manager determines that such conditions constitute a nuisance or hazard:

1. The sidewalk possesses temporary patch or ramping repairs.
2. The sidewalk exhibits differential elevations of one-half inch (1/2") or greater.
3. The sidewalk is cracked or broken with any of the following:
  - a. Sidewalk is broken into three or more pieces
  - b. Sidewalk exhibits cracks that are not tight and well-seated
  - c. Sidewalk exhibits crazing (alligator cracking)\_
  - d. Sidewalk exhibits deteriorating joints (at least four inches long by one inch wide at any point)
  - e. Sidewalk exhibits spalled areas (at least three inches along any one side)
  - f. Sidewalk exhibits pitting with any pit larger than one and one-half inch and at least a half inch deep)
  - g. Sidewalk exhibits surface deterioration consisting of severe scaling or popping causing a safety issue
4. Gaps in sidewalk exist in areas that are heavily traveled by pedestrians or are deemed by the Village to be in need of connection for community walkability and pedestrian safety purposes.

Sidewalks may exhibit more than one type of deficiency.

**Deterioration Description and Details.** Following are descriptions and details providing additional clarification on the types of sidewalk deterioration that may give cause for repair or replacement:

1. **PITTING:** Pitting in sidewalks occurs over time as individual stones break up through the freeze/thaw cycle leaving a void in the sidewalk surface. This type of deterioration in small amounts may not necessarily constitute a hazardous walking surface. In large quantities, however, these defects diminish the smooth walking surface, compromise the sidewalk's structural integrity, and contribute to poor drainage which propagates further pitting and surface defects.

2. SCALING: Scaling is the general loss of surface mortar exposed to freezing and thawing. The aggregate is usually clearly exposed and often stands out from the concrete. Scaling is primarily a physical action caused by hydraulic pressure from water freezing within the concrete and not usually caused by chemical corrosive action. When pressure exceeds the tensile strength of concrete, scaling can result if entrained-air voids are not present to act as internal pressure relief valves.
3. SPALLING: Spalling is a deeper surface defect than scaling, often appearing as circular or oval depressions on surfaces or as elongated cavities along joints. Spalls may be one inch or more in depth and six inches or more in diameter, although smaller spalls also occur. Spalls are caused by pressure or expansion within the concrete, bond failure in two-course construction, impact loads, fire, or weathering. Improperly constructed joints and corroded reinforcing steel are two common causes of spalls. If left unrepaired, spalls can accelerate pavement deterioration.
4. POPPING OR POP-OUTS: A pop-out is a conical fragment that breaks out of the surface of the concrete leaving a hole that may vary in size generally from ¼ inch to two inches, but up to as much as one foot in diameter. Usually, a fractured aggregate particle will be found at the bottom of the hole with part of the aggregate still adhering to the point of the pop-out cone. Most pop-outs appear within the first year after placement. Pop-outs caused by alkali-silica reactivity (ASR) may occur as early as a few hours to a few weeks, or even a year, after the concrete is placed. Pop-outs caused by moisture induced swelling may occur shortly after placement due to the absorption of water from the plastic concrete, or they may not appear until after a season or year of high humidity or rainfall or after the concrete has been exposed to freezing temperatures. Pop-outs are considered a cosmetic detraction and generally do not affect the service life of the concrete.
5. DIFFERENTIALS: Differentials typically occur at the joint between two sidewalk slabs. A differential consists of a lip or elevation difference at the joint and is measured along the vertical face of the joint. A differential sidewalk that exceeds ½ inch is a condition that warrants removal and replacement. The differential may have been caused by tree roots, trench settlement, or heavy weights placed on the sidewalk.

**Property Owner Costs.** The property owner is required to pay for all costs associated with the removal and replacement of defective sidewalk. This shall include inspections, contractor costs, and administration (percentage as established by ordinance or resolution of Council). Minor temporary repairs performed by the Department of Public Works (temporary patches or ramping) will not be charged to the property owner. Property owners shall pay for 100% of the cost of any repairs or replacement of sidewalk abutting the front, side, or rear of the property.

If the sidewalk is damaged from roots from a tree, shrub, or bush on private or public property, the property owner shall pay for 100% of the cost of repair or replacement.

Any objects, including but not limited to trees, shrubs, fences, poles, rocks, landscaping timbers, retaining walls, or other vegetation or improvements, within one foot of the existing or proposed sidewalk shall be removed at the Village's discretion at the sole cost of the property owner.

The property owner shall have two options for payment for sidewalk repair or replacement when such work is completed by the Village or its contractor:

1. Pay the amount due upon receipt of invoice.
2. Enter into a Participate in the Village Special Assessment agreement Program. This option allows the property owner to make up to five three (3) annual payments with interest at six percent (6%) per year. Payments will be permitted beyond one year for each \$500 of assessment up to the maximum five three-year repayment schedule (e.g., a \$1,500 assessment could be paid in three equal annual installments of \$500 plus interest accrued to date), except that total assessments exceeding \$1,500 will be spread in equal prorated amounts over three (3) years. Assessments will be levied and collected in accordance with Village Charter, ordinances, and policies.

If neither the invoice is paid nor the Special Assessment option selected, the unpaid balance for sidewalk improvements, together with accrued interest, will become a lien upon the property and will be placed on the next tax bill for collection in accordance with Village Charter and ordinance provisions.

All other assessment procedures and appeals processes will be subject to Village Charter and ordinance requirements.

**Village Costs.** The Village shall pay for all expenses associated with the patching, removal, and replacement of sidewalk handicap ramps at street intersections. In addition, the Village will pay 100% of the cost of any sidewalk repairs or replacement resulting from damage directly caused by a water gate valve or manhole. The Village will invoice other public utility companies if their facilities result in sidewalk damage and needed repairs or replacement. The Village reserves the right to utilize any lawful and appropriate funding source to cover its share of sidewalk repair or replacement costs, including but not limited to General Fund, Act 51 of 1951 Major and Local Streets funds, Water and Sewer funds, Community Development Block Grant (CDBG) funds, and other funding sources. The Village shall be responsible for the cost of any work to Village owned trees deemed necessary by the Village. The Village shall be responsible for the cost of new sidewalk installed where no sidewalk previously existed to connect two previously separated sidewalk segments when determined necessary by the Village, with the abutting property

owner(s) to be responsible for any future cost of maintenance, repair, or replacement of such sidewalk.

**Sidewalk Improvement Districts.** The Village will establish three or more Sidewalk Improvement Districts for the administration of the improvement program. Sidewalk improvements will be completed annually on a rotating basis so that one district is inspected and improved each year. The Public Works Director will prepare a Sidewalk Improvement District map periodically for Council approval based on the needs of the community and the ability of the Village to reasonably manage and fund the program. The first district to be improved will be selected to the extent possible based on the greatest need for improvement and nuisance or hazard to the community.

**Sidewalk Improvement Fund.** Village Administration will establish a separate Sidewalk Improvement Fund to properly account for all revenues and expenditures relating to the perpetual sidewalk improvement program. The Village Council will initially appropriate an amount necessary for the first year of the program from the General Fund for transfer to the Sidewalk Improvement Fund to provide the initial funds for the program. All payments on special assessments and invoices from property owners, including interest payments, will be deposited into the Sidewalk Improvement Fund. Monies dedicated to the Sidewalk Improvement Program shall be used for no other purpose.

**Administrative Procedure.** The Village will follow the procedures outlined in the Village Charter and ordinances in administering the Sidewalk Improvement Program and special assessment processes.

By October 1 of each year, the Director of Public Works shall cause to be prepared and submitted to the Village Manager a report listing the sidewalk repairs, replacement, or new construction to be completed within the subsequent calendar year's scheduled Sidewalk Improvement District, with the report to include the affected properties identified by address and parcel ID number, description of the improvements proposed for each, the estimated cost for each property, and the total estimated cost of the district improvement project. A map identifying the affected properties and all improvements and new gap sidewalk construction will accompany the report. Existing sidewalk flags requiring repair or replacement shall be properly marked for later identification.

The Village Manager shall review the report and, if acceptable, present the same to the Village Council by the Council's first meeting in November for consideration for approval and commencement of the special assessment process.

After the special assessment needs public hearing is conducted by the Village Council, if the Village Council determines the need to proceed with sidewalk improvements, the Director of Public Works shall, in consultation with the Village Engineer, prepare the necessary project bid

specifications and proceed to solicit bids in accordance with the Village's purchasing policy. After receipt of bids, the Director of Public Works shall submit the bid tabulation to the Village Manager, who shall cause a proposed special assessment roll to be prepared and shall present the same to the Village Council for review. If acceptable to the Village Council, Council will schedule a special assessment roll public hearing and give final approval to the project in accordance with Village Charter and ordinance provisions.

Upon approval of the special assessment roll, the Village Council will approve the contract for the sidewalk improvements.

The Village will endeavor to complete sidewalk improvements during July and August of each year. The Public Works Director shall be responsible to the Village Manager for the general management and supervision of the annual sidewalk improvement projects and the perpetual improvement program.

**Sidewalk Repair Program Warranty Policy.** The Village's sidewalk improvement contractor shall provide, for a period of two (2) years from the date of approval of the final pay application, to repair any defect in all of the work done under the contract, either by them, their subcontractors, or their material suppliers, that may develop due to improper materials, defective equipment, or substandard workmanship. The Department of Public Works shall inspect the sidewalk work immediately prior to the expiration of the two-year warranty period, shall document any defects, and report the same to the contractor for repair. This sidewalk repair warranty requirement shall be included in the bid specifications and contract documents for the project. The contractor shall date stamp, together with contractor's name, those sidewalk slabs at the first and last slabs of sidewalk replaced by the contractor.