

# SAFE WALKS PROGRAM

## FREQUENTLY ASKED QUESTIONS

- **Why does the City have a Safe Walks Program?**

The Safe Walks program was initiated in 2006 at the request of City Council in order to address the increasing number of complaints regarding the poor condition of the sidewalks throughout the community. Though some property owners have taken the initiative to complete repairs to sidewalk on their individual properties, the vast majority of sidewalk throughout the city remained in poor condition and was not being adequately addressed. As a result, residents walking on the sidewalks were subject to tripping, falling, and in many cases injuring themselves. The Safe Walks program is an ongoing effort to evaluate sidewalks throughout the community, identify deficiencies, and require repairs.

- **Why do I have to pay to fix public sidewalk?**

The responsibility to maintain and repair sidewalks in any community in Ohio is regulated by the Ohio Revised Code which states that the condition and maintenance of sidewalks is the responsibility of the adjacent property owner. The City of Delaware's codified ordinances reflects this position in Section 909 "Sidewalk Maintenance & Repair", and requires local property owners to be responsible for keeping the sidewalk adjacent to their properties, free of snow, ice, debris, and in a safe and walkable condition.

- **What is the cost of the program to a property owner?**

Property owners are responsible for the actual cost of the sidewalk repairs, either by their own contractor retained to complete the work, or for those costs incurred by City for completing the repairs. Costs vary depending on the extent of the amount sidewalk to be replaced; however in general, a single five foot by five foot square of sidewalk costs approximately \$160 - \$190 to replace. The City has waived all permit and inspection fees to property owners for Safe Walk repair work.

- **Can the cost of the repairs change during the program?**

The City makes every effort to accurately estimate the cost of the sidewalk repair work for each individual property during the initial sidewalk evaluations. This cost is provided in the informational packet mailed to property owners. There are instances though during construction where it may become necessary to remove additional sections of sidewalk in order for the repair to properly tie into existing sidewalk. In these cases, the property owner is responsible for this additional work.

- **Do I need a permit to repair my walk?**

Yes, a permit is required for all sidewalk work however; there is no fee for Safe Walk repair work. Permits provide the City notification that work is being completed so that our records can be updated accordingly, and that required inspections can be arranged with your contractor before the section of sidewalk is poured. Permits can be obtained on the city's website or from the Department of Planning and Community Development located on the 2<sup>nd</sup> floor of City Hall at 1 South Sandusky Street. Completed permits can be dropped off at City Hall or emailed to the Department of Planning & Community Development.

- **What if I disagree with the requirement to repair the sidewalk on my property?**

Property owners with deficient sections of sidewalk that have been identified through the evaluation process will receive a packet of information explaining the program requirements, timeframe to complete work, and a “Sidewalk Maintenance Agreement”. The agreement must be completed and returned to the City indicating a) your intention to complete the work, b) to have the work completed by a contractor or the City, or c) to appeal the required work. By requesting an appeal, the City will contact you and a representative from the Engineering Services Department will meet with you at your property to review the inspector’s findings and answer any questions you may have. If following the meeting you remain in disagreement with the required repairs, you will be offered an opportunity to appear before the City’s Public Works Committee to explain your position regarding the required sidewalk repairs. The Public Works Committee, made up of three City Council members, will render a decision regarding your property. The decision of the Public Works Committee is final. The Public Works Committee meets every third month at 7:00 pm at City Hall. You will receive written notification in the mail inviting you to attend the meeting should you appeal to this level. Written appeals may be submitted in advance of the meeting in lieu of attendance.

- **What do the blue and white dots mean that appear on my sidewalk?**

If your neighborhood has been identified by City Council for sidewalk evaluation, staff from the Department of Engineering Services will perform inspections of all sidewalks within the area. Sections of sidewalks found to be out of compliance with sidewalk safety criteria are marked with a dot of blue or white paint. A “white” dot indicates a section of sidewalk needs to be repaired or replaced, and is the homeowner’s responsibility. A “blue” dot indicates a section of sidewalk will be replaced at the City’s expense. The City sidewalk ordinance specifies that sidewalk damaged as a result of tree roots from a City street tree planted within the grass area between the sidewalk and curb, is the responsibility of the City to repair.

- **Who is responsible for sidewalk repairs if I sell my property?**

The responsibility for the cost of sidewalk repairs lies with the property owner at the time the repairs are completed. If you sell your home, or are in process of selling your home after receiving notification from the City regarding the required repairs, then it is your responsibility to notify potential buyers of the sidewalk program requirements. If the repairs are completed before your home is sold, then you are responsible for paying the cost.

- **Am I responsible for completing sidewalk repairs if I just purchased my home?**

The responsibility for the cost of sidewalk repairs lies with the property owner at the time the repairs are completed. If you purchase a home after the previous owner received notification of the required sidewalk repairs, but before the repairs are completed, then you are responsible to complete the repairs and pay for the work. The prior owner is responsible to inform you of the required repair work before you purchase the home.

- **What if a sidewalk section marked as my responsibility is actually on my neighbor’s property?**

The city does not perform property surveys prior to evaluating and marking sidewalk for repair. We do the best to determine where property lines are, however, it is not always clear by looking between two homes. Upon receipt of the initial packet of information from the City, we ask that you contact your neighbor if there are concerns regarding the property line location and associated repair responsibility. If you and your neighbor are in agreement, the corrected information can be noted on the Sidewalk Maintenance Agreement and returned to the City so that our records can be adjusted accordingly. If the mistake is not discovered until after the walk has been repaired, we ask for the two property owners to come to an agreement as to responsibility for paying the cost of the repair.

- **What are the approved methods to repair sidewalk?**

There are several acceptable methods to repair a section of sidewalk identified as deficient. In general however, repairs require the expertise of a licensed contractor familiar with the construction standards to repair sidewalk.

**Replacement:** The most common method to repair a section of sidewalk is to remove it and replace it with a new section. This is by far the preferred method most utilized by property owners as well as by the city. Replacement establishes a permanent sidewalk repair that can be constructed to match the edges of surrounding sections of walk.

**Slab Jacking:** Jacking is a less intrusive repair method than total replacement but does require specialized equipment available to a limited number of Central Ohio contractors. With jacking, sections of sidewalk that have settled, are lifted back in to position by injecting high pressure cement grout underneath a sidewalk section through holes drilled in the sidewalk section to be repaired. This method cannot be used to address sections of sidewalk that are cracked, lifted or that have severe surface deterioration or spall.

**Surface Planing:** In some cases where a section of sidewalk has been raised relative to an adjacent section so as to create a tripping hazard, the raised edge can be ground down with the use of a concrete planer. Surface planers can be rented from a local tool supply business, though they do require appropriate instruction to be able to utilized effectively and safely. Not all sections of sidewalk that are raised can be planed. The maximum raised edge eligible for surface planing under City regulations is ¾-inch. Planing additional section thickness away can lead to a weakened sidewalk section subject to cracking.

**Patching:** The use of various concrete leveling or vinyl patching compounds to repair deteriorated sidewalk surfaces, or as a means to eliminate a tripping hazard, are not an approved method of repair. Used correctly and with the appropriate surface cleaning and preparation, the materials can provide a repair that brings certain deficient sections of sidewalk into conformance with the Safe Walks criteria. However, the vast majority of property owners attempting to make repairs this way do not follow the surface preparation instructions and the patching material is spread too thin and on a unprepared surface that will quickly lead to cracking, delamination and failure of the repair. For this reason, the City does not allow these materials for repair.

- **How much time do I have to complete the sidewalk repairs?**

If you wish to repair your own walk, or have a contractor of your choice repair it, the work must be completed by the date specified in the information packet mailed to your address. The typical timeframe to complete sidewalk repairs ends on July 1<sup>st</sup> of the following year. This provides property owners approximately eight months to address the sidewalk repairs. If the work is not completed by this date, the City will have the repairs completed and invoice you for the associated costs.

- **What if the damaged section of sidewalk is a result of tree roots, but marked as my responsibility?**

If you believe that your sidewalk was damaged by a street tree however the section in question was marked with a white dot indicating homeowner responsibility, you can appeal the requirement using the “Sidewalk Maintenance Agreement” form mailed to your address with the informational packet, and checking the “Appeal” box. If it is unclear as to whether you are responsible, the City inspector will work with you as the walk section is being removed for replacement. If tree roots are found to be below the walk and the reason for the section being lifted or broken, our records will be updated accordingly and it will be the City’s responsibility to pay for the repair. However, if there are no visible signs that roots are the cause of the damage, you will remain responsible for the cost of the repair. It should also be noted that sidewalk damage caused by a tree on the house side of the sidewalk is always the responsibility of the property owner.

- **What if a tree must be removed?**

There are instances where the roots of a street tree need to be trimmed in order to reconstruct a sidewalk properly. The City will approve adjustments to the sidewalk location in order to try to save a tree from removal. Nevertheless, if in the opinion of the City, the root system is too damaged by trimming to reliably support the tree after trimming, the tree will be removed by the City. Trees that are removed will be replaced by new street trees at the direction of the City Parks Department. Street tree removal and replacement will be paid for by the City.

- **When will I be invoiced for sidewalk repairs performed by the City?**

Upon completion of the sidewalk repairs and property restoration, the Engineering Services Department notifies the Finance Department of the final cost of repairs associated with a particular property. The Finance Department in turn will mail an invoice for this cost directly to the property owner. Payment is generally due within 30 days of receipt of the invoice.

- **What if I can't pay the invoiced amount?**

There are provisions within the sidewalk ordinance to assess the cost of repairs to the property owner over a five year period with a 7% interest rate to cover administrative and inflationary costs. You may call the City Finance Department to discuss this option in greater detail at 740.203.1203.

- **How quickly will repairs be made if I request the City to complete them?**

Generally repairs are completed the following year by the City. The City will bid out the sidewalk repair work to a contractor and request the contractor complete the repairs by November.

- **How long will my property remain disturbed by the City's contractor's work?**

We understand that the sidewalk repairs present an inconvenience to both property owners and the neighborhood in general. We ask our contractor to have the sidewalk replaced within 14 days from those sections being removed. Once poured, the sidewalk can be walked on the following day though it takes several days to fully cure. During the 7-day curing period, the homeowner should not run any heavy vehicles or yard tractor equipment over the new walk. Restoration of the disturbed area around your walk should be completed within 7-days of being poured. In some cases restoration may be delayed due to weather conditions.

- **Who is responsible for watering newly restored grass areas?**

The contractor is responsible to replace topsoil in all disturbed areas, plant grass seed, and protect the seed with mulch. It is up to the property owner to routinely water the reseeded areas to ensure germination and growth of the grass.

- **How long will my driveway remain inaccessible during construction?**

There are instances whereby sections of sidewalk to be repaired are within the driveway apron area. In these cases, the contractor is instructed to use a high-early concrete mix that allows for the driveway to cure and be reopened to vehicle traffic in 24-hours from being poured. The high-early mix adds about \$100 per section of sidewalk to be repaired. If a property owner does not require immediate driveway access to be restored, the standard 7-day cure concrete can be used by request to the City.

- **What if the new sidewalk is vandalized?**

The contractor does his best to monitor freshly poured concrete sidewalk; however, he cannot guarantee someone will be continuously present at each work location. Occasionally children may be attracted to the wet concrete and attempt to write a name, mark up, or ride a bike across the new walk. Unfortunately there is little the City can do to prevent this from occurring. We ask that residents watch out for each other while the work is proceeding to minimize the opportunity for this type of vandalism.

- **What if my downspout is under the section of sidewalk to be repaired by the City?**

Once the section of sidewalk is removed, the contractor will repair or replace as required, a deficient section of downspout drain tile under the sidewalk with new PVC drain tile before pouring the new sidewalk. If the downspout drain interferes with the new concrete walk section, the contractor will notify the City and property owner that the drain cannot be reinstalled. It is then up to the property owner to relocate the downspout drain tile.

- **What if there is an existing drainage issue adjacent to the sidewalk repair?**

The Safe Walks Program is intended to make the sidewalks safer for pedestrian foot traffic, through the cost effective replacement of those sections of sidewalk determined to be out of compliance with safety criteria. Typically, resolving property drainage issues around sidewalks requires more extensive grading and sidewalk replacement than is intended in the scope of this program. It is possible that a repaired section of sidewalk may continue to be subject to flooding even after safety repairs are completed.

- **What if I have an irrigation or Invisible Fence system near the sidewalk?**

It is important for a property owner to notify both the City and contractor of the presence of an invisible fence or irrigation system below or near the any sidewalk section to be repaired. Though these systems should not be installed within the public right of way, the contractor shall make every attempt to not disturb the system during the excavation and replacement of sidewalk. Should the system be accidentally disturbed or broken, it is the property owner's responsibility to repair any part of the system installed within the public right of way.

- **Can I have the contractor perform additional concrete work that's not required by the City?**

Yes, by working directly with the contractor, a property owner can make separate arrangements for additional concrete work and payment. We have seen this occur with property owners desiring to have their entire driveway and or/approach replaced, or other parts of sidewalk on their property. Some improvements may require a separate permit so property owners are encouraged to check with the City before having any contractor work on your property.

- **Are curbs included with this project?**

No, curbs are not addressed with the Safe Walks program though the Ohio Revised Code does indicate that maintenance of curbing is also the responsibility of the property owner. City Council does not currently feel that the condition of the existing curb, though very poor in places, presents the same level of safety concern that deteriorated sidewalk sections do. This is not to say that the street curbing does need to be addressed in areas; however the City does not have the financial resources to initiate curb improvements, nor do property owners already burdened with the cost of sidewalk repair.

- **Will missing sections of sidewalk be addressed under the Safe Walks program?**

No, though there are many areas of town where sidewalk is missing. State and City code does not provide a mechanism to require property owners to install sidewalks where they are missing. The City does have access to some funding that can be utilized toward the installation of sidewalks across properties in some areas of town, and has initiated several sidewalk infill projects over the past several years to address the issue. Requests for infill sidewalk projects can be submitted by writing, email, or contacting the Department of Planning and Community Development at 740.203.1600.

- **Is it safe to spread salt on new sidewalk?**

No. The use of salt or other ice melting products promotes rapid and frequent freezing and thawing of water on the surface of new concrete sidewalk, which in turn can damage the surface, causing it to flake, pit or spall. It is best to stick with sand on new sidewalk until a year has gone by to allow the surface to fully cure.