

**CITY OF CHOWCHILLA**

# **Sidewalk Repair Assistance Program**





# Sidewalk Repair Assistance Program

## CITY OF CHOWCHILLA

Public Works Department

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## Overview

The goal of the Sidewalk Repair Assistance Program is to prevent and repair sidewalk trip hazards in a timely manner in the interest of public safety and welfare and to assist property owner with repair costs.

## Background

According to the California Streets and Highways Code, The primary provision requiring a property owner to repair a defective sidewalk is Streets and Highways Code section 5610.

### §5610. Maintenance by lot owners

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under alike duty in relation thereto.

The term 'sidewalk' includes the park strip, curb, gutter and other improvements to protect the sidewalk.

The Americans with Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities. Sidewalks must be accessible for individuals with disabilities.

This assistance program is in no way intended to relieve property owners of their responsibilities, but rather it is intended to assist property owners with the cost of repairing or replacing sidewalks.

## Purpose

To establish criteria and guidelines for:

- Defining when concrete replacement is required;
- Defining responsibility for all costs related to sidewalk repair;
- Determining the loan program and limits;
- Determining property owner and City participation costs under the 50-50 program.

## Policy

### 1. Duty of the Owner

When a sidewalk, driveway approach, curb, gutter or appurtenance becomes defective, unsafe or hazardous, or in such condition that it endangers persons or property or interferes with public convenience, it shall be the duty of the owner of the abutting property to reconstruct or repair same and the expense of such work shall be borne by the abutting property owner. When a sidewalk, driveway approach, curb, gutter or appurtenance is found to be defective, unsafe or hazardous, the Director of Public Works shall notify the owner of the abutting property of their obligation to reconstruct or repair the same. In order to assist with sidewalk repairs, the City has created this sidewalk repair assistance program.

### 2. Sidewalk Maintenance Criteria

Sidewalk trip hazards for the City of Chowchilla are defined by the following criteria and will require repair:

- An abrupt surface elevation change, such as a raised or sunken joint, that causes more than ½ inch difference in elevation shall require the sidewalk to be repaired.
- Any concrete spalling of the surface, regardless of depth, shall be cause for repair of the area. "Spalling" means the deterioration of the concrete surface that results in flaking or popping off the surface of the concrete, leaving a rough and/or uneven surface.
- Any crack or gap that is more than ½ inch width is cause for repair.
- Any change in grade that causes water to pool in the gutter beyond the edge of the gutter pan and onto the street.
- Any defect that causes the sidewalk to not be in compliance with ADA requirements for which the City has received a notice of impediment to accessibility.
- Any defect that the City determines to pose a hazard to the public.

#### 2.1 Approved Means of Making Repairs

- The preferred method is to remove and replace the defective concrete to a joint or score line.
- Grinding or saw cutting to eliminate abrupt surface elevation change, such as a raised or sunken joint is only allowed up to a maximum depth of 1 inch; and must be long enough for the ground off or cut area to meet ADA slope requirements.
- Filling or ramping up of an area to eliminate a raised or sunken joint, regardless of material is not allowed for permanent repairs, but may be allowed by the City for temporary fixes until a permanent repair is made.
- In unique circumstances only, the City may approve alternative repair methods that results in improvements that have the same durability that would result from the area being removed and replaced completely to current City Standards.

## 2.2 Additional Related Provisions

- The cause of the failure, such as tree roots, or poor sub-grade compaction shall be remedied before the repairs are made.
- Repairs shall result in the finished product being compliant with handicap accessibility requirements, unless the existing surrounding improvements do not allow for the repaired section to meet current standards, then the repair shall be made to match the surrounding areas and standard under which it was originally installed.
- Pursuant to the California Streets and Highways Code section 5600, property owners are responsible for the maintenance and repair of the sidewalks, curbs and gutters, and driveway aprons that are contiguous to their property. The City is responsible for the pavement adjacent to the gutter.

## 3. Sidewalk Repair Assistance Program

The City of Chowchilla Sidewalk Repair Assistance Program utilizes limited funds to offer two cost assistance options for the required repairs: the Sidewalk Repair Cost Assistance Program and the 50-50 Cost Assistance Program. All properties are eligible to participate in the Sidewalk Repair Assistance Program.

### 3.1 Sidewalk Repair Cost Assistance Program

This program will allow property owners to enroll in the Sidewalk Cost Assistance Program, which will allow the City of Chowchilla to complete the necessary repairs on behalf of the property owner. A loan to the property owner from the City of Chowchilla up to an amount of \$1,000 will be provided in order to complete the required sidewalk repairs. As the property owner is responsible for completing the necessary repairs, the City will bill the responsible property owner the actual cost of the repairs through their utility bill, divided into equal amounts over 36 months.

#### 3.1.1 Loan Assistance Program Guidelines

- A City Representative, along with the property owner determines the work to be covered in the program.
- The City will obtain bids from contractors that have a valid State of California Contractor's License, proof of insurance and a current City of Chowchilla business license. Bids must be calculated using prevailing wages.
- The City will review the bids and select the contractor to perform the work based on the lowest bid provided.
- Property owner enters into an agreement with the City pursuant to these guidelines. The agreement will list the term and monthly payments.
- The contractor obtains an encroachment permit from the City, free of charge.
- Work performed must meet the City of Chowchilla Standards and must be inspected and approved by the City inspector.

- Once work is completed, the City pays the contractor in full for all repair costs.
- Reimbursement of the loan shall begin on the following month's utility bill.
- Nonpayment of these charges may be assessed, at the City's discretion, upon the property in the form of an assessment lien.

### **3.2 50-50 Cost Assistance Program**

This program will assist property owners with repairs to damaged sidewalk/curb/gutter caused by street trees. Street trees are identified as those trees placed within the City's right-of-way in the park strip between the street and the sidewalk. The property owner's share of the cost under this program shall be based on 50% of the eligible cost items and 100% of the ineligible cost items. The City will contribute a maximum payment of up to \$1,000 for the eligible costs. Once work has been completed, the property owner will have the option of either reimbursing the City their portion of the cost or having the City bill the responsible property owner through their utility bill, divided into equal amounts over 24 months.

#### **3.2.1 Loan Assistance Program Guidelines**

- A City Representative, along with the property owner determines the work to be covered in the program.
- The City will obtain bids from contractors that have a valid State of California Contractor's License, proof of insurance and a current City of Chowchilla business license. Bids must be calculated using prevailing wages.
- The City will review the bids and select the contractor to perform the work based on the lowest bid provided.
- Property owner enters into an agreement with the City pursuant to these guidelines.
- The contractor obtains an encroachment permit from the City, free of charge.
- Work performed must meet the City of Chowchilla Standards and must be inspected and approved by the City inspector.
- Once work is completed, the City pays the contractor in full for all repair costs. Upon completion of the work, the City will send a bill to the property owner that their 50% portion of the cost is due, or if the agreement between the property owner and the City called for a loan, the payback of the loan shall begin on the following month's utility bill.
- Nonpayment of these charges may be assessed, at the City's discretion, upon the property in the form of an assessment lien.

#### 4. Sidewalk Repair Timing

The City of Chowchilla will evaluate all complaints received regarding city sidewalk areas that damaged/dangerous and need to be repaired. Once this evaluation is complete, a Notice to Repair Sidewalk will be drafted, identifying the sidewalk repairs for required for the area. Customers will be sent the notification of any deficiencies abutting their property and the timeline for repair will be initiated. If the owner does not correct the defect, or eliminate the hazard in, or make the repairs to said sidewalk, or construct the sidewalk as required within sixty (60) days of the giving of the notice, or such longer time as the council by may specify, the city may construct or repair said sidewalk or sidewalks and assess upon each lot, parcel or part thereof the whole cost of the same, including expense to defray cost of notice, engineering, advertising and attorney's fees, in the form of an assessment lien.

#### 5. Inspection

The City's Concrete Sidewalk Maintenance Program has two inspection components:

- 1) **Proactive inspection** for sidewalk trip hazards and completed by city staff
- 2) **Reactive inspection** of sidewalk trip hazards from public complaints.

Proactive inspection involves City Public Works staff regularly surveying City sidewalks for damage. Reactive inspection involves investigation by the Public Works Staff in response to public complaints.

##### 5.1 Proactive Inspection

Public Works staff conducts field reconnaissance of potential sidewalk trip hazards on a daily basis when completing their other tasks.

Upon identification of a sidewalk trip hazard, Public Works staff executes one of the following actions:

- Alert sidewalk users of the hazard by spray painting in white and notify the responsible party via certified mail that permanent or temporary patch work must be completed within required time frame of 60 days.

##### 5.2 Reactive Inspection

In response to complaints from the public, the Public Works Department will inspect the area and inform the property owner of any identified deficiency.

#### 6. Levels of Priority

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

- 1) Locations where a pedestrian has tripped are top priority for action.
- 2) Sidewalk defects that are considered sidewalk trip hazards and are located within a high-volume pedestrian area are second priority.
- 3) Sidewalk defects that are considered sidewalk trip hazards and are not located within a high-volume pedestrian area are third priority.



- 4) Public complaints on sidewalk defects that are not considered sidewalk trip hazards and do not involve actual sidewalk trip incidents are fourth priority.

## **7. City Standards**

City standards are updated periodically based on new information and technology. The data collected from the City's Concrete Sidewalk Repair Assistance Program provides valuable information regarding maintenance requirements.

## **8. Sources of Funding**

Funding for this program will come from the City's Local Transportation Fund (LTF) and Gas Tax Funds.

## NOTICE TO REPAIR SIDEWALK (SAMPLE)

TO: \_\_\_\_\_ Date of Mailing \_\_\_\_\_ ,20\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuant to California Streets and Highways Code Section 5610-5618 and local law, property owners are legally responsible for maintaining and repairing the public sidewalks abutting their property. Likewise, the City is responsible for routinely inspecting sidewalks for defects and enforcing the necessary repair work. This Notice to repair Sidewalk will serve two purposes: (1) to inform you of the defects to your sidewalk(s), (2) to establish a time line for making the necessary repairs. This is an important notice. Please read carefully.

**YOU ARE HEREBY NOTIFIED** that a portion of the sidewalk/curb/gutter that abuts your property located at \_\_\_\_\_, Chowchilla, California 93610, has been inspected and all or a portion thereof has been found to be defective. Enclosed with this notice is a photograph which shows the approximate location of the defects which need to be repaired, a copy of the California Streets and Highways Code, and an overview of the City's Sidewalk Cost Assistance Program.

1. The following repairs *are necessary* in order to repair the defects: Repair damage to 20 feet of sidewalk/curb/gutter abutting the property on the north side of the property starting at the west side of the driveway approach. Additionally, 10 feet of the driveway approach is to be replaced in order to alleviate drainage issues. Damage is caused by tree roots uplifting the affected areas. The curb and gutter is curved and replacement will need to match existing curvature and sloped to drain. Refer to the City of Chowchilla Standard Specifications and Standard Drawing for typical curb and gutter construction specifications.
2. You have 14 calendar days from the above date of mailing to *begin* the repairs. You may elect to participate in the City's Sidewalk Cost Assistance Program if you choose. Participation in the program is not mandatory, but making the necessary repairs and completing them in 60 days *is* mandatory.
3. Your property will be inspected 60 days from the above date of mailing and if the repairs are not fully completed on that date, the city will proceed to make the necessary repairs and assess all (100%) of the total costs against your property. The entire amount will then be due along with your property tax.

If you have any questions regarding the contents of this notice, please call Jason Rogers, Director of Public Works, 130 S. Second St., Chowchilla, CA 93610. The phone number is (559) 665-8615 x300.

Thank you for your attention to this matter.

Sincerely,

Jason Rogers  
Director of Public Works

## Sidewalk Repair Cost Assistance Program Application

*TO BE ELIGIBLE FOR REIMBURSEMENT, APPLICATION MUST BE APPROVED BY THE CITY BEFORE WORK BEGINS.*

*Submit completed applications to: City of Chowchilla, Public Works Department  
130 S. Second Street, Chowchilla, CA 93610*

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Location of Work (Sketch diagram attached or on reverse of form showing location, include estimated footage):

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Address of Property Owner (if not location of requested repair) \_\_\_\_\_

Email Address: \_\_\_\_\_

I hereby apply for participation in the following program and agree to comply with the conditions herein.     **Cost Assistance Repair Program**     **50-50 Cost Repair Program**

1. Maximum city participation will be:
  - a. Total amount not to exceed \$1,000.
  - b. If eligible for the 50-50 Cost repair program; 50% for replacement of sidewalks and/or curbs and gutters adjacent to your property damaged by street trees (trees between sidewalk and road), not to exceed \$1,000
2. Property Owner agrees to repay to the City the total agreed upon cost of the needed repairs.
3. The City shall bill the property owner for the cost of the repairs on the property owner's Utility Bill in equal installments over 36 months.
4. Failure to repay the loan shall result in a lien on the property.

Applicant Signature: \_\_\_\_\_ Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

To be filled out by City Staff			
	Date	By	
Received by City	_____	_____	Repair Loan <input type="checkbox"/> 50/50 Program <input type="checkbox"/>
Approved	_____	_____	Property Owner Cost _____
Applicant Notified	_____	_____	City Cost _____
Work Started	_____	_____	Total Loan Amount _____
Work Completed	_____	_____	