

**Title:** **Sidewalk Inspection and Repair Policy**

**Adoption Date:** May 2015  
**Supersedes:** December 2011

**Purpose**

The Engineering Department will systematically inspect all public sidewalks within the City’s jurisdiction and, upon determining that a sidewalk defect exists, will initiate appropriate action to have the sidewalk reconstructed.

**Background**

Prior to 1999 the City had an active sidewalk inspection program. Due to the amount of resources that the yearly inspections required, the method was changed to a more passive one. Rather than yearly inspection the City started to respond to repair sidewalks that generated complaints. In recent years this method was found to be to reactive and also left the public open to possible injuries. In addition the City’s insurance company also required that the City institute a sidewalk inspection program to minimize the possibility of lawsuits.

State statute 9-46 states that the abutting property owner has the duty to reconstruct, or cause to be reconstructed, all defective public sidewalks in the street right-of-way abutting their property.

**Policy**

The Engineering Department will be responsible for inspecting the public sidewalks. These inspections shall be made to determine if any of the public sidewalks, within a particular zone of the City, are defective as defined. The City will be divided into four (4) zones as designated in Appendix ‘A’. One zone will be inspected every year. Any citizen complaints will also be inspected during the year.

The public sidewalk will be considered defective when it exhibits one of the characteristics listed below:

1. **Problem 1:** The sidewalk has cracked, at a joint, with a vertical edge of 1-inch or more.
2. **Problem 2:** The sidewalk has cracked into four or more pieces,
3. **Problem 3:** The sidewalk has cracked into three or less pieces, and the cracks have horizontal separation of 1-inches or more.
4. **Problem 4:** The sidewalk is missing pieces, or sections (full depth).
5. **Problem 5:** The sidewalk has a hole ½-inch deep and 2-inches in diameter.
6. **Problem 6:** The sidewalk surface is spalling over 50 percent of a single panel to the point that loose material accumulates on the surface.

Once a portion of sidewalk is considered defective it shall be placed on a Notice to Repair or Rebuild Sidewalk. The Notice will be presented to the City Council for their approval. The Notice will include the name of the abutting property owner, the deadline to complete all of the work and the estimated cost that could be incurred by the City (this cost will also include either an 8% or a \$50 fiscal fee, whichever is greater). All of the Notices will be mailed to the abutting property owners as required by State statute.

After the allotted time, all of the defective sidewalks will be re-inspected by the engineering Department. The sidewalks that have been properly repaired will be removed from the Notice to Repair or Rebuild Sidewalk. If the abutting property owner is in the process of repairing the defective sidewalk then they shall be granted an extension to complete the repairs. The cost for repairing, or rebuilding, any sidewalks incurred by the City will be assessed to the abutting property owner.

The City shall notify the public immediately after the contract is awarded notifying them of the start of the project and the deadline for the contractor is to make the improvements.

As a general rule the abutting property owners shall be given 9 months to complete, or commence, the work. The City Council shall determine the appropriate timeframe.

Any person desiring to reconstruct or repair any sidewalk as part of this program shall, before commencing such reconstruction or repair, apply to the Engineering Department for a permit to Reconstruct/Repair Sidewalk.

Any sidewalks to be repaired by the City will be completely removed and reconstructed per current City standards. The property owner will be allowed to repair his sidewalk as outlined below:

**1. Repairs for Problem 1:**

- a. Remove and reconstruct panel
- b. Grind up to 1-inch off the vertical edge (area to be ground shall be at least 1-foot wide, so that the finish slope is at least 1-inch per foot). This will only be allowed once per sidewalk panel.
- c. Mud jacking panel or raising/lowering panel

**2. Repairs for Problem 2:**

- a. Remove and reconstruct panel

**3. Repairs for Problem 3:**

- a. Remove and reconstruct panel
- b. Fill crack with epoxy crack filler for cracks with a width smaller than 1-inch

**4. Repairs for Problem 4:**

- a. Remove and reconstruct panel

**5. Repairs for Problem 5:**

- a. Remove and reconstruct panel
- b. Fill holes with epoxy crack filler for holes smaller than 6-inches in diameter and less than 2-inches deep

**6. Repairs for Problem 6:**

- a. Remove and reconstruct panel

City personnel are authorized to inspect, approve or disapprove the reconstruction or repair of sidewalks as part of this program. The party reconstructing or repairing any sidewalk shall call for inspections by notifying the City Engineer when slab has been lifted and subgrade has been brought to the proper elevation, or forms have been set for slab replacement. In the case of slab replacement, a further inspection shall be called for and required upon completion after removal of forms; backfill and seeding have been completed.

The Engineering Department will maintain formal permanent records showing the date on which each sidewalk was last inspected, which properties were found to have defective sidewalks, the nature of the defects found,

and the action taken to correct the defect. The Engineering Department will be responsible for issuing all official “Notice to Repair or Rebuild Sidewalks”. All official notices will be sent by mail as required by SDCL

To the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy.

This Sidewalk Inspection and Repair Policy is not intended to create and should not be construed in any manner as creating a guarantee that any hazard associated with sidewalk conditions is eliminated by the City’s efforts to maintain public sidewalks in accordance with this Policy.

The inspector will determine as best he/she can, the location of property lines in order to determine the proper owner to send a notice to repair. It is the responsibility of the property owner to notify the City if they have received a notice for property other than theirs. If a defective sidewalk overlaps on two properties, a notice will be sent to both properties and they will share proportionately to their frontage on the defective sidewalk.

## **Revision Log**

April 2010: New policy

December 2011: Revised to include epoxy resin for repair code ‘B

December 2013: Revised Repair Code C – repair codes C and D were the same

March 2015: Changed ‘Repair Code’ to ‘Problem’. Updated all of the ‘Problems’ to better distinguish between sidewalk issues. Changed ‘for Repair Code’ to read ‘Repairs for Problem’. Revised all of the ‘Repairs for Problems’ to