

SIDEWALK REPAIR POLICY

1. Purpose

The Public health, safety and welfare of the citizens of Port Huron depends on a well maintained sidewalk system. The City of Port Huron recognizes not only its legal obligation, but also its moral obligation to maintain a sidewalk system that meets certain standards.

2. Municipal Code

Article 42-57, Duty of property owners to repair, of the City of Port Huron's Code of Ordinances states:

- "(a) No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe.
- (b) Whenever the Public Works Director shall determine that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon such sidewalk of such determination, which notice shall be given in accordance with Section 2-768. Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven days, within which such work shall be commenced and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair the sidewalk within the time limit therefor or in a manner otherwise than in accordance with the article, the Public Works Director shall have the sidewalk repaired. If the Director determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with such notice. The cost of repairs under this subsection shall be charged against the premises which the sidewalk adjoins and the owner of the premises and shall be collected as provided for single lot assessments."

Article 42-58, Permit, of the City of Port Huron's Code of Ordinances states:

"No person shall construct, rebuild or repair any sidewalk without first obtaining a written permit from the department and paying the fee as provided in Section 42-4, which pertains provisions concerning permits and bonds required by chapter."

Article 42-59, Line, grade, slope and specifications, of the City of Port Huron's Code of Ordinances states:

"No person shall construct, rebuild or repair any sidewalk, except in accord with the line, grade, slope and specification established by the department. The department shall furnish line and grade stakes as may be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in construction the work to the lines furnished by the department. When it is necessary to replace engineers stakes disturbed or destroyed without fault on the part of the City or its employees, a charge shall be paid as set by resolution of the City Council from time to time."

Article 42-60, Width and location, of the City of Port Huron's Code of Ordinance states:

"Unless otherwise prescribed by the City Council, sidewalks outside the Central Business District shall be five feet in width, and the outside edge shall be seven feet from the property line on sixty-six-foot streets and 10 feet from the property line on one-hundred-foot streets. Within the Central business District, the entire area between the curb and the private property line shall be paved."

3. Definitions

Sidewalk: That paved portion (usually concrete) of the right-of-way between the curb line (or edge of the roadway) and the right-of-way line, constructed for pedestrian use.

Disrepair: Sidewalks such that the following conditions are met.

1. Vertical displacement (of concrete flag) equal to or greater than ½";
2. Horizontal separation equal to or greater than ½" (between flags or cracks);
3. Spalling over 25% of a single flag with a depression equal to or greater than ½" or depressions equal to or greater than ½";
4. Excessive cracking creating a depression(s) equal to or greater than ½" or loose pieces;
- * 5. Vegetation protruding equal to or greater than ½";
6. Excessive cross slope greater than 1" per 12" (8%);
7. Edges not aligned.

Right-of-way: The land owned by a public utility over which is built a public road; a pathway or road with a specific description.

4. Policy

It is the policy of the DPW that all sidewalks within the City limits which have been reported as in disrepair by use of the Sidewalk Disrepair Notice form shall be investigated by the Department's ROW Agent for status and condition within five (5) working days of report. Sidewalks found to be in disrepair shall be logged and the land owner shall be notified by letter postmarked within three (3) working days. The logged report shall not be closed until the reported sidewalk is found to be in good repair.

Signed: _____

Lennie M. Naeyaert, P.E.

Director of Public Works

Date: _____

3.23.16