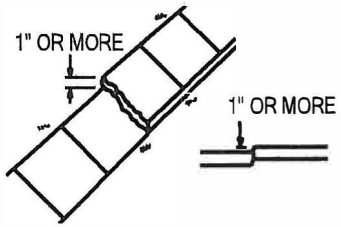
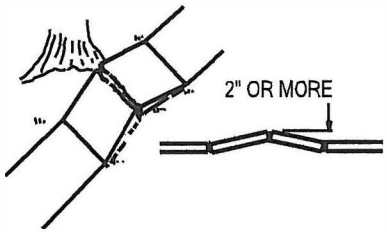
FIGURE "A"



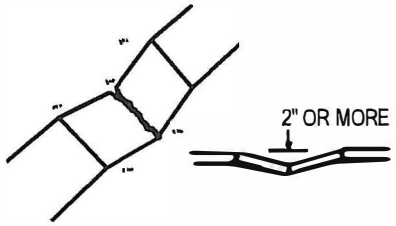
"A" Sidewalk faulted at joint or crack with 1" or more deflection.

FIGURE "B"



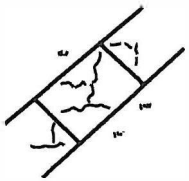
"B" Sidewalk raised more than 2" in 8 ft. from normal profile line of sidewalk.

FIGURE "C"



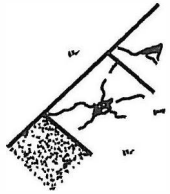
"C" Sidewalk sunken more than 2" in 8 ft. from normal profile line of sidewalk.

FIGURE "D"



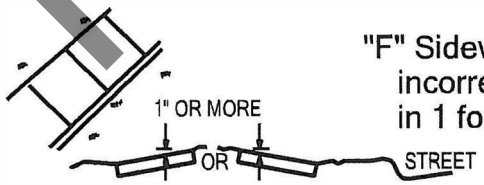
"D" Sidewalk cracked into 3 or more pieces per panel, or any single crack with 1/2" or greater openings.

FIGURE "E"



"E" Sidewalk cracked and/or spalled (small crater like holes deeper than 3/8") with part of sidewalk missing, forming holes deeper than 3/8".

FIGURE "F"



"F" Sidewalk cross slope is incorrect, greater than 1" in 1 foot.

FIGURE "G"

"G" Sidewalk not present.

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SIDEWALK REPAIR "HOW-TO" GUIDE

Thank you for reviewing the Sidewalk Repair "How-To" Guide. It contains valuable information on completing the necessary corrections to your sidewalk.

A. How to get started:

Examine the markings on your abutting sidewalk:

1. **White paint represents panels that need to be removed and replaced**. If your panel is raised, creating a 1" fault, slab lifting is an alternative option. However, if the panel is cracked or cracks during the slab lifting process, the panel will be required to be replaced. Filling, leveling or ramping of deficiencies with concrete or asphalt material is not an acceptable repair method and will not be allowed.
2. **Review** the Sidewalk Inspection letter thoroughly for pictures and the estimated square footage in need of repair to insure it matches.
3. **Calculate the deadline**: You have **75 days** from date of notice to make repairs utilizing your own contractor or notify the City to make the needed repairs checking appropriate box on the enclosed permit application.

B. A sidewalk permit application is required to work on the sidewalk. Regardless of who will be doing the work, the application must be turned in prior to commencing replacement or slab lifting. A permit application is included with this packet.

C. Sidewalk installation or panel replacement steps:

1. **The sidewalk contractor or property owner must contact IOWA ONE CALL-prior to any sidewalk construction**. http://www.iowaonecall.com/A notice must be given to IOWA ONE CALL 1-800-292-8989 at least forty-eight (48) hours prior to the commencement of your project, excluding Saturdays, Sundays and legal holidays. There is no fee for the service.
2. **The sidewalk contractor or property owner needs to contact the City to schedule a sidewalk installation (pre-pour) inspection 24 hours prior to pouring any concrete**. A City inspector will review the layout and forms to ensure compliance with the minimum Sidewalk Installation Design Standards. Please remember that once sidewalk removal has occurred, barricades need to be installed for the safety of pedestrians until the new sidewalk is completed.
3. **Upon an approved installation (pre-pour) inspection the sidewalk may be poured and finished**. Following the concrete placement and finishing, the sidewalk shall be backfilled with clean dirt and seeded. Sidewalk removal, replacement and backfill process should take place within a 14 day period of time.
4. **Once the sidewalk has been poured and finished, the forms removed, the sidewalk has been backfilled, grass seed applied to the disturbed areas, and any construction debris has been removed, a final inspection needs to occur.** Contact the City to report that the installation has been completed and a City inspector will review the property.

Inspections are available Monday – Friday 7:30 AM - 2:30 PM, by calling 515-279-3662

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SIDEWALK REPAIR & DESIGN INSTALLATION STANDARDS

1. The 4' wide public sidewalk thickness shall be 4" (minimum) of Portland cement concrete, NOT LESS than 5000 psi concrete mix is required. . Where the sidewalk crosses the driveway, the thickness shall be 6" (minimum) or the thickness of the driveway, whichever is greater. Sidewalks are generally divided into 4'x4' panels, except through driveway approaches where they may be longer. Partial panel replacements are not allowed.
2. Transverse expansion joints shall be installed whenever sidewalk is placed where the sidewalk meets the driveway and at a property line. Expansion joints shall also be placed along longitudinal joint between the sidewalk and all sides of the driveway.
3. Expansion joints shall be constructed by installing a 1/2 inch thick strip of non-extruded, pre-molded joint material for the full depth of the concrete. Any expansion joint material protruding above the finished work shall be carefully trimmed to the level of the abutting concrete.
4. Contraction joints for sidewalks may be either sawed or formed by a hand jointer or groover tool with less than 1 /2 inch width. In lieu of forming, joints may be sawed with a 1/8 inch blade saw to a depth of 1/3 the pavement thickness. The spacing of the contraction joints will equal the width of the sidewalk.
5. Sidewalk panels that contain a fault of 1" or greater and are without cracks, mud jacking (leveling) may be an option. A uniform horizontal and vertical alignment with all adjoining slabs shall be required. However, if the panel is cracked or cracks during the slab lifting process, the panel will be required to be replaced. Grinding of the fault area is not permitted.
6. It is not an acceptable manner of repair to lay in patch material. Filling, leveling or ramping of deficiencies with a concrete or asphalt type material is not an acceptable repair method and will not be allowed. Contact the City Inspector for more information.
7. Finish edges of sidewalk with an edging tool having a radius of approximately 1/2 inch. Broom the sidewalk surface with a soft broom at right angles to the side forms.
8. The contractor shall remove all the material which will be displaced by the sidewalk, including all soft, spongy and all vegetation or other perishable matter. Sidewalk subgrade should be brought to a firm unyielding surface by tamping with a hand tamper weighting not less than fifty (50) pounds. Vibrating tampers will be permitted when granular subgrade is used. Compacted 1" road stone or approved equal is an acceptable granular sub-grade (sand is not acceptable).

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Windsor Heights Public Works 515-279-3662

Sidewalk Program Economic Hardship Application

Application Form

INSTRUCTIONS: Please answer the following questions as completely and accurately as you can. The information requested will only be used by the City of Windsor Heights to determine your eligibility for the Program and will not be released without your written consent. When completed, please mail or deliver this application and the required documentation to: Public Works Department, 1145 66th Street Suite 1, Windsor Heights, IA 50324. If you need assistance in filling out the application or if you have questions, please contact the Public Works Department at (515) 279-3664.

Applicant's Name: _____

Address: _____

Home Telephone: _____ Work Telephone: _____

- *Do you own any other property, other than the residence for which the waiver or deferral is being requested? ____ No ____ Yes – If yes, provide the following:*

  (1) Property Address: _____

  (2) Property Address: _____

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HOUSEHOLD COMPOSITION

Name of every household member	Relationship to head of household	Date of Birth	Male/ Female	Employed/ In School/ Retired/Other	Disabled (Y or N)

INCOME OF MEMBERS OF THE HOUSEHOLD

List all income sources of your household. This takes into account the income of all household members age 18 and older, and includes income derived from wages, salaries, tips, retirement, Social Security pensions, AFDC payments, alimony, child support, separate maintenance income, etc. **Attach additional sheets if necessary. Third party verification of income is required as well as a copy of your most recent federal income tax forms.**

Household member: _____
Income Source (list all if more than one): _____
Address of Employer: _____ Telephone: _____
Position Held: _____ Supervisor's Name: _____
Date Employed: _____ GROSS salary/year : _____
TOTAL income/year (all sources): _____

Household member: _____
Income Source (list all if more than one): _____
Address of Employer: _____ Telephone: _____
Position Held: _____ Supervisor's Name: _____
Date Employed: _____ GROSS salary/year: _____
TOTAL income/year (all sources): _____

Household member : _____
Income Source (list all if more than one): _____
Address of Employer: _____ Telephone: _____
Position Held: _____ Supervisor's Name: _____
Date Employed: _____ GROSS salary/year:: _____
TOTAL income/year (all sources): _____

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OTHER INCOME SOURCES OF HOUSEHOLD

List any other sources of income such as retirement, social security, investments, benefits, property rental income, or real estate owned not already disclosed.

Household Member	Income Source	Contact and Telephone number	Amount Per Year

ASSETS

Do you or any household member have any of the following accounts?

Checking Account(s) **____ No** **___Yes,** If yes, provide the following information.

Savings Account(s) **____No** **___Yes,** If yes, provide the following information.

Household Member's Name_____
Name of Bank or Financial Institution_____
Contact Name_____Telephone Number_____
Account Number #_____ Account Amount $_____
Does the account earn interest? ___Yes ___No If yes, how much interest is earned?_____

Household Member's Name_____
Name of Bank or Financial Institution_____
Contact Name_____Telephone Number_____
Account Number #_____ Account Amount $_____
Does the account earn interest? ___Yes ___No If yes, how much interest is earned?_____

Household Member's Name_____
Name of Bank or Financial Institution_____
Contact Name_____Telephone Number_____
Account Number #_____ Account Amount $_____
Does the account earn interest? ___Yes ___No If yes, how much interest is earned?_____

Do you or any household member have Certificates of Deposit (CDs)? ___No ___Yes, If yes, provide the following information.

Household Member's Name_____
Name of Bank or Financial Institution_____
Contact Name_____Telephone Number_____
Account Number #_____ Account Amount $_____
Does the account earn interest? ___Yes ___No If yes, how much interest is earned?_____

Do you or any household member have stocks, bonds, or money market account(s), or any other accounts not listed? ___No ___Yes, If yes, provide the following information.

Household Member's Name_____
Name of Bank or Financial Institution_____
Contact Name_____Telephone Number_____
Account Number #_____ Account Amount $_____
Does the account earn interest? ___Yes ___No If yes, how much interest is earned?_____

Household Member's Name_____
Name of Bank or Financial Institution_____
Contact Name_____Telephone Number_____
Account Number #_____ Account Amount $_____
Does the account earn interest? ___Yes ___No If yes, how much interest is earned?_____

*****Third party verifications are required of all assets and other income listed*.**

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Do you own any property assessed, valued, or appraised at $5,000 or more? Examples of property to be claimed include, but are not limited to: cars, jewelry, motor homes, travel trailers, motorcycles, campers, boats, and rental or investment real estate. ____ *No* ____ *Yes – If yes, provide the following:*

Item Description	Date Acquired	Value

****The burden of verification for valuing these assets rests on the applicant****

CERTIFICATION BY APPLICANT(S)

The applicant(s) certifies that all information in this application, and all information furnished in support of this application, is given for the purpose of obtaining a sidewalk waiver or deferment is true and complete to the best of the applicant's knowledge and belief. The applicant(s) understands that any intentional misrepresentation may disqualify him/her from obtaining a sidewalk waiver or deferment.

The applicant(s) further certifies that he/she is the owner or mortgage holder of the property for which the Economic Hardship Application is filed.

PENALTY FOR FALSE OR FRAUDULENT STATEMENT: U.S.C. Title 18, Sec. 1001, provides: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies. . .or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or documentation knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Verification of any of the information in this application may be obtained from any source named herein.

Signature of Owner:_____ Date: _____

Signature of Owner: _____ Date: _____

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Effective 05/27/2015

2015 SHTF Income Limits									
		1	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Extrememly Low Income	**30%**	22,500	22,500	25,875	25,875	25,875	26,100	27,900	29,700
Very Low Income	**50%**	37,500	37,500	43,125	43,125	43,125	43,500	46,500	49,500
Low Income	**80%**	60,000	60,000	69,000	69,000	69,000	69,600	74,400	79,200
	100%	75,000	75,000	86,250	86,250	86,250	87,000	93,000	99,000

Effective 3/28/2016

2015 HUD Income Limits									
.		**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**
Extrememly Low Income	**30%**	16,150	18,450	20,750	24,300	28,440	32,580	36,730	40,890
Very Low Income	**50%**	26,950	30,800	34,650	38,450	41,550	44,650	47,700	50,800
Low Income	**80%**	43,050	49,200	55,350	61,500	66,450	71,350	76,300	81,200
	100%	53,900	61,600	69,300	76,900	83,100	89,300	95,400	101,600

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CITY OF WINDSOR HEIGHTS

SIDEWALK REPAIR PERMIT

Complete and return to the City in the enclosed envelope.

Return to: Windsor Heights Public Works
1145 66th Street Suite 1
Windsor Heights, Iowa 50324

DATE: _____

PROPERTY ADDRESSS: _____

NAME OF PROPERTY OWNER: _____

DAYTIME PHONE: _____

ADDRESS OF PROPERTY OWNER: _____
(If different than above)

☐ **I AM HIRING MY OWN CONTRACTOR**

CONTRACTOR NAME: _____

ADDRESS/PHONE NO: _____

☐ **I REQUEST THE CITY TO PERFORM THE WORK AND BILL ME ACCORDINGLY**

☐ **I AM PERFORMING THE WORK MYSELF**

SCOPE OF WORK:

☐ **RAISING PANEL** ☐ **REPLACING PANEL**

Comments:

_____
_____
_____
_____

***All work must be inspected and approved by Windsor Heights Public Works. Call 515-279-3662. Inspections are available Monday – Friday 7:30 AM to 2:30 PM

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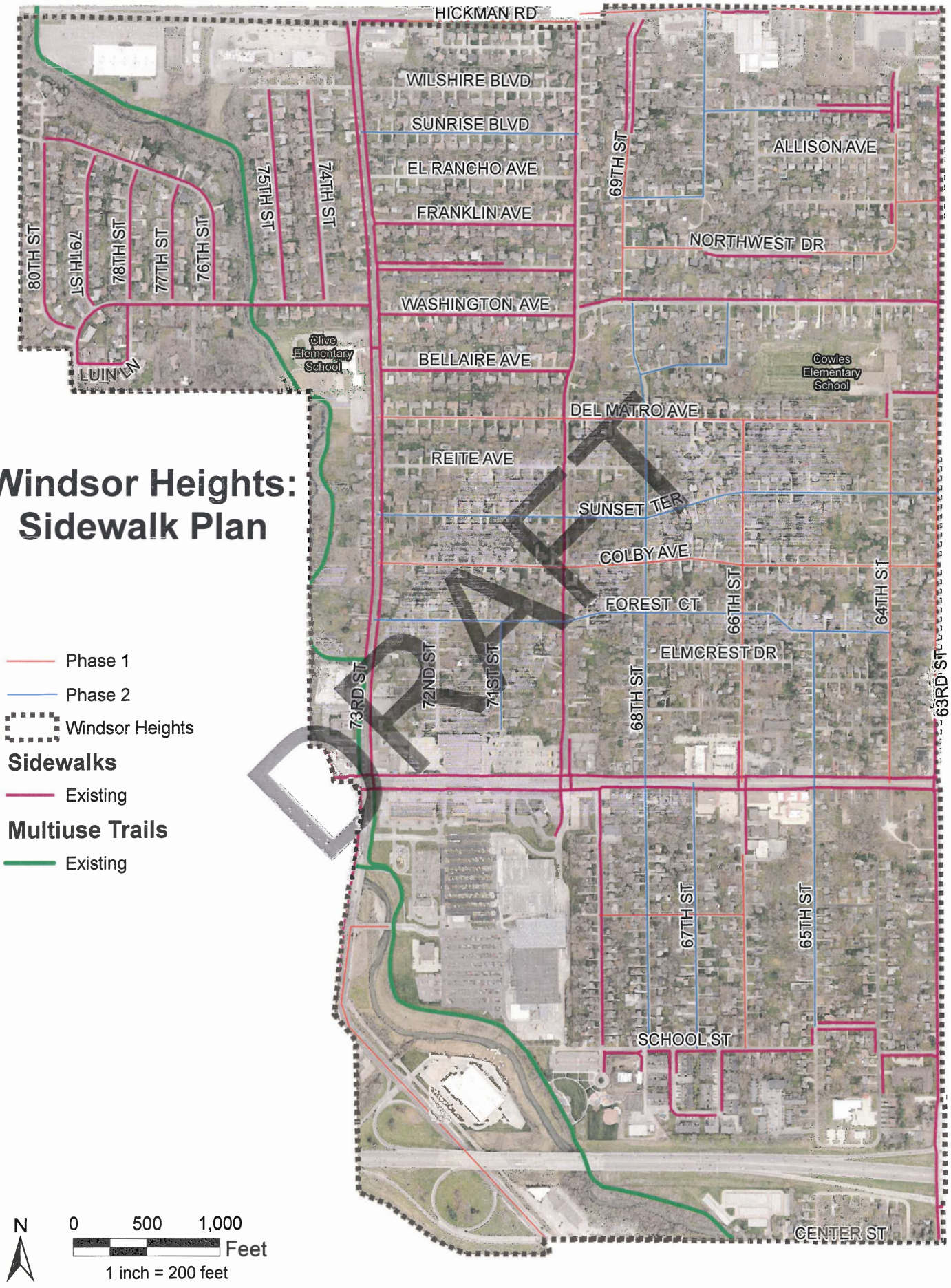
Windsor Heights:
Sidewalk Plan
Phase 1
Phase 2
Windsor Heights
Sidewalks
Existing
Multiuse Trails
Existing
N
0
500
1,000
Feet
1 inch = 200 feet
HICKMAN RD
WILSHIRE BLVD
SUNRISE BLVD
EL RANCHO AVE
FRANKLIN AVE
WASHINGTON AVE
BELLAIRE AVE
DEL MATRO AVE
REITE AVE
SUNSET TER
COLBY AVE
FOREST CT
ELMCREST DR
SCHOOL ST
CENTER ST
ALLISON AVE
NORTHWEST DR
LUIN LN
80TH ST
79TH ST
78TH ST
77TH ST
76TH ST
75TH ST
74TH ST
73RD ST
72ND ST
71ST ST
69TH ST
68TH ST
67TH ST
66TH ST
65TH ST
64TH ST
63RD ST
Clive Elementary School
Cowles Elementary School
DRAFT

CHAPTER 136

SIDEWALK REGULATIONS

136.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.
3. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics (Appendix "B"):
    a. Sidewalk faulted at joint or crack with 1 inch or more deflection.
    b. Sidewalk raised more than 2 inches in 8 feet from normal profile line of sidewalk.
    c. Sidewalk sunken more than 2 inches in 8 feet from normal profile line of sidewalk.
    d. Sidewalk cracked into 3 or more pieces per panel, or any single crack with ½ inch or greater openings.
    e. Sidewalk cracked and/or spalled (small crater line holes deeper than 3/8 inch with part of sidewalk missing, forming holes deeper than 3/8 inch.
    f. Sidewalk cross slope is incorrect, greater than 1 inch in 1 foot.
    g. Sidewalk not present.
4. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
5. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
6. Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any
7. "Portland cement" means any type of cement except bituminous cement.
8. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
9. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
10. "Shared use path" means a paved pathway, typically from eight (8) to twelve (12) feet in width, physically separated from motorized vehicular traffic within the roadway right-of-way or within an easement adjacent to the roadway right of way. Primarily used by pedestrians and bicyclists, shared use paths are also used by joggers, skaters, wheelchair users (both nonmotorized and motorized). A shared use path's primary purpose is to provide pedestrians with connections to trails, other neighborhoods, shopping centers, businesses and other venues of interest. In addition, the shared use path may be used for recreational purposes.
11. "Bicycle/recreational trail" means a PCC, blacktop or gravel bicycle/recreational route developed primarily for outdoor recreational purposes. Trails are largely designed for pedestrians and other users to "experience" the outdoors and may be used by a variety of users, but they are not primarily designed for transportation purposes.
12. "Trailhead" means an outdoor system developed to serve as an access point to a bicycle/recreational trail which generally includes an area to park vehicles and typically is a

beginning or ending point of a bicycle/recreational trail. The junction of two or more trails, where no other access point is provided to the trails, is not a trailhead.

136.02 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 48 hours, the Public Works Director may have the natural accumulations of snow or ice removed without notice to the property owner. The Public Works Director shall give the Council an itemized and verified statement of the costs and a legal description of the property. The costs shall be assessed against the property as taxes. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

(Code of Iowa, Sec. 364.12[2b & e])

136.03 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes (Appendix "C"); provided, however, that this section shall not be construed to require a property owner to take any action with respect to a public side walk or shared use path when said action is made necessary by the excavation or other activity of the city or a public utility. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

The abutting property owner will not be responsible for the cost of installing ADA ramps. In situations where ADA ramps are required the portion of the cost associated with the ramp will be covered by the City.

136.04 ANNUAL INSPECTION ZONES. The City will be responsible for inspecting the public sidewalks on a Five (5) year cycle within the city. 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 five zones as designated in (Appendix "A"). When a sidewalk defect is found to exist outside of the annual inspection zone, the City will initiate appropriate action as directed by this policy to have the sidewalk reconstructed.

The annual inspections will occur on the following timeline:

a) June 30th – designated zone sidewalk inspections completed
b) July 7-15 - Notifications mailed to property owners and 75 day initiated
c) September 26-30 – Deadline for property owner repair completion
d) October 1 – November 30 – Eight weeks for city to coordinate and schedule uncompleted repairs

(Code of Iowa, Sec. 364.12[2c])

136.05 CITY SHALL ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Public Works Director shall serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within seventy-five (75) days from the date the notice is mailed. . If, upon expiration of the 75 days as provided in said notice, the required work has not been done or is not in the process of completion, the Public Works Director Shall require the work to be done

and assess the costs against the abutting property for collection in the same manner as a property tax. No such assessment shall be made for the repair, reconstruction or replacement of a public sidewalk unless the city has served upon the person shown by the records of the Polk County recorder to be the owner of the abutting property, by certified mail, a notice requiring said person to repair, reconstruct or replace the public sidewalk within seventy five (75) days from the date said notice is mailed. All sidewalk improvements shall be performed under the supervision and inspection of the Public Works Director.

If work has not commenced following the 75 day notice, the sidewalk will be placed on a list for repair and the City's contractor notified to proceed with the repairs. Upon completion of the repair the property owner will be sent by regular mail an invoice of the actual cost of the repair with no administration fee. The property owner will have 30 days to pay the invoice. If the invoice is not paid within 30 days, the amount will be certified to the County Auditor to be added to the owner's property taxes.

Any unpaid costs for said repairs over $500 will be assessed and collected in the same manner as property taxes. There shall be returned to the City Council an itemized assessment schedule, verifying expenditures used in doing such work, and the legal description of the lots, or tract of ground abutting the sidewalk on which such work has been performed. Assessments may be spread over a ten-year period at an interest rate of 2% over current bank rates. Any costs less than $500 will be assessed in one installment. There will also be a $50 administrative fee if costs are assessed against the property.

The Public Works Director does not have the authority to assess property owners in cases where there is not an existing sidewalk. New sidewalk installation is the sole discretion of the Council. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 15th except where it is determined by the Director of Public Services or their designee to be an emergency excavation.

(Code of Iowa, Sec. 364.12[2d & e])

136.06 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk (or of the contractor or agent of the owner) to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

136.07 ECONOMIC HARDSHIP PROCESS. Any residential property owner seeking to qualify for economic hardship of sidewalk installation or repair must meet the defined criteria as illustrated in (Appendix "E").

136.08 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.09 STANDARD SIDEWALK SPECIFICATIONS. The Public Works Director shall prepare complete plans and specifications for the construction, reconstruction, and repair of sidewalks and driveway crossings in sidewalks, which, upon approval of the Council, shall be kept on file in the office of the Clerk. The specifications shall include descriptions and location of barricades and warning lights. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision of and subject to inspection by the Public Works Director,

and in accordance with the plans and specifications adopted in accordance with this chapter (Appendix "D").

136.10 PERMITS FOR CONSTRUCTION OR REPAIR. No person shall make any sidewalk improvements unless such person shall obtain a permit from the Public Works Director (Appendix "F"). The permit shall state that the person will comply with the ordinances of the City and with the specification for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the Public Works Director. All such permits shall be issued upon payment of sidewalk construction or repair fee. A copy of such permit shall be filed and preserved in the office of the Public Works Director. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Engineer. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The Public Works Director may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements. The person who makes a sidewalk construction or repair permit application shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

136.11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Public Works Director shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five days from receipt of the permit. If the owner fails to comply with this notice, the Public Works Director shall have the work completed and the costs assessed to the property owner.

136.12 INSPECTION AND APPROVAL. Upon final completion, the Public Works Director shall inspect the work. The Public Works Director may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Public Works Director shall indicate this on both copies of the permit.

136.13 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising

from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.15 DETERMINING LOCATION OF NEW SIDEWALKS. The decision as to where to place new sidewalks, including the side of the street and placement in relation to the curb, should be made at the discretion of the city engineer and should be based on a number of factors including environmental constraints and costs considerations.

When constructing new sidewalks every effort should be made to limit the number of mature trees removed during the construction process. If a property own wishes to save a mature tree that otherwise would need to be removed to allow for the sidewalk, that property owner may choose to have the tree saved by providing an easement for the sidewalk to go around the tree. This easement would be provided at no cost to the city. The city is not responsible for replacing or compensating property owners for any landscaping located within the public right-of-way that is removed to allow for the installation of sidewalks.

136.16 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.17 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.18 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.19 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.20 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

(Code of Iowa, Sec. 364.12[2])

136.21 VEGETATION OVERGROWTH ON SIDEWALK. It is the responsibility of the abutting property owner to make sure that there is no vegetative overgrowth encroaching on the sidewalk. This includes grass encroaching onto the sidewalk thereby reducing the walkway width as well as keeping bushes and shrubs trimmed so that no part of the plant is encroaching on the sidewalk space. Tree branches should be a minimum of eight (8) feet above the level of the sidewalk.

136.22 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.23 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

MEMORANDUM

DATE: June 15, 2016

SUBJECT: Walkability/Pedestrian Master Plan

FROM: Walkability Policy Committee

TO: Windsor Heights City Council

The Windsor Heights Walkability Policy Committee was formed at the direction of the Council to address the following issues:

1. Develop a sidewalk master plan;
2. Develop a timeline for implementation;
3. Develop a recommendation for how to finance the sidewalk plan; and,
4. Update the Windsor Heights sidewalk policy.

The Windsor Heights Walkability Policy Committee held two meetings to address the above issues. The first meeting took place on May 31, 2016, with a second meeting occurring on June 6, 2016. This memorandum provides an overview of the committee's recommendations.

Sidewalk Master Plan:

At the May 31, 2016, meeting the committee identified where the City of Windsor Heights should locate sidewalks to create a connected pedestrian network in the city. The committee identified sidewalk implementation in two phases. Phase 1 focuses on completing key pedestrian links to schools and parks. Phase 2 focuses on secondary connections to complete a complete pedestrian network. The committee acknowledges that while the two phases do not result in sidewalks on all streets in the city, the plan does create a city-wide connected system with sidewalks on most streets. The proposed Sidewalk Master Plan is attached as *Appendix G*.

Timeline for Implementation:

The committee recommends the following implementation timeline:

Phase 1 – All sidewalks identified in the first phase should be completed by the end of 2018.

Phase 2 – All sidewalks identified in the second phase should be completed by the end of 2020.

Cost Estimate and Financing:

The City Engineer developed a preliminary cost estimate for Phase 1 sidewalk implementation. The total estimated cost for Phase 1 implementation is $2,888,750. This estimate includes construction, engineering, legal, and administrative costs. A complete breakdown of Phase 1 costs is attached as *Appendix H*.

The Committee discussed a variety of options for financing the Sidewalk Master Plan. These included:

- Assessing abutting property owners for the entire cost of the sidewalk installation;

- Assessing abutting property owners for a portion of the cost of the sidewalk installation;
- Assessing all property owners for full or a portion of the cost of sidewalk installation; or,
- Issuing bonds to cover the full cost of sidewalk installation.

The committee recommends that the Council issue bonds to cover the full cost of new sidewalk installation, and that existing sidewalk maintenance will be covered by abutting property owner through the assessment process outlined in the updated policy.

Updated Sidewalk Policy

The committee reviewed the current sidewalk policy and developed recommendations for strengthening the language in the policy. The following is a summary of the changes made to the policy:

Section 136.01 Definitions

- Condensed and clarified the definitions for defective sidewalks; and,
- Added definitions for shared use path, bicycle/recreational trail, and trailhead.

Section 136.04 Annual Inspection Zones

- Added section on annual inspection zones that divides Windsor Heights into five zones;
- Inspections will occur on a five year cycle with the intent of identifying the defects outlined in Section 136.01;
- Added timeline for inspections; and,
- Updated language allows for the City to take action on a reported sidewalk defect regardless of the regular inspection cycle.

Section 136.03 Property Owner's Responsibility for Maintenance

- Added language regarding property owners not being responsible for the cost of installing ADA ramps. This cost will be covered by the City.

*Section 136.05 City Shall Order Re*pairs

- Strengthened "may" language to "shall";
- Added 75 day requirement for property owner to repair or replace sidewalk;
- Address language clarify that the Public Works Director does not have the authority to order sidewalk installation where there is not an existing sidewalk. This is a Council decision; and,
- Added language describing the assessment process.

Section 136.07 Economic Hardship

- Added section to address economic hardship process modeled off of the City of West Des Moines process.

Section 136.15 Determining Location of Sidewalks

- Added section describing how the City will determine where sidewalks should be placed within the right-of-way;
- Added language to encourage the protection of mature trees;
- Added language concerning the use of easements to avoid tree removal; and,

- Added language noting the City is not responsible for replacing or compensating property owners for landscaping located within the public right-of-way.

Section 136.21 Vegetation Overgrowth on Sidewalk

- Added section to address the property owner's responsibility for addressing the encroachment of vegetation on the sidewalk.

Overview of Recommendations

1. Windsor Heights should implement the attached Phase 1 and Phase 2 Sidewalk Master Plan (Appendix G);
2. Phase 1 should be completed by the end of 2018, and Phase 2 should be completed by the end of 2020;
3. Windsor Height should pay for the full cost of the sidewalk master plan by issuing bonds; and,
4. Windsor Heights should adopt the updated sidewalk policy along with supporting documents (Appendix A-F).

Additional Recommendations

- The City should pursue grant funding for the sidewalk along 63rd Street and 73rd Street;
- Bids must cover both concrete and interlocking paver system and the Council should consider material based not just on cost, but also on life cycle;
- Develop sidewalk installation standards for interlocking paver systems; and,
- Windsor Heights should form a committee to discuss overall walkability and public space issues in the city including but not limited to street design and layout, street trees, overhead power lines, on-street bicycle facilities, and other traffic calming measures.

Attachments

Chapter 136 – Sidewalk Policy

Appendix A – Map of Inspection Zones

Appendix B – Sidewalk Defect Graphics

Appendix C – How-to Guide for Sidewalk Repair

Appendix D – Sidewalk Repair Standards

Appendix E – Economic Hardship Applications and Income Limits

Appendix F – Sidewalk Permit

Appendix G – Sidewalk Master Plan Map