

ORDINANCE NO. 16-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF WINDSOR HEIGHTS, IOWA, BY AMENDING CHAPTER 136, GOVERNING SIDEWALK REGULATIONS

WHEREAS, in June of 2015, the City of Windsor Heights adopted a complete streets policy, in which the City pledged its commitment to designing streets for cyclists, pedestrians and public transit users; and

WHEREAS, in furtherance of this policy, city officials have been developing a plan to promote the safety of pedestrian access, movement, and protection within the community; and

WHEREAS, the City Council of the City of Windsor Heights recognize that sidewalks are a necessary component of public transportation and public infrastructure; and

WHEREAS, the City Council of the City of Windsor Heights do hereby find and declare that the revisions to the Sidewalk Regulations ordinance are necessary and will promote the health, safety and general welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDSOR HEIGHTS, POLK COUNTY, IOWA:

SECTION 1. Purpose. The purpose of this ordinance is to amend and recreate Chapter 136 of the Windsor Heights Code of Ordinances to promote the health, safety and general welfare of the City of Windsor Heights, and to ensure compliance with the City's policy with regard to complete streets.

SECTION 2. Amended. Chapter 136 of the Windsor Heights Code of Ordinances, Sidewalk Regulations, is amended as reflected in the attached Exhibit A.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance shall be effective after the final passage, approval and publication as provided by law.

Passed and Approved this ____ day of _____, 2016.

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Publish Date: _____

Diana Willits, Mayor

(SEAL)

ATTEST:

Marcia Woodke, Interim City Clerk

CHAPTER 136

SIDEWALK REGULATIONS

136.01 PURPOSE

The purpose of this ordinance is to promote the health, safety and general welfare of the City of Windsor Heights, and to ensure compliance with the following goals in accordance with the City of Windsor Heights Complete Street Policy passed on July 6, 2015:

1. Promoting the safety of pedestrian access, movement, and protection for the physically able, physically challenged, children or seniors (or variously-abled) within the community;
2. Insuring that the ADA guidelines are met for all sidewalk or pathway installations, existing and proposed;
3. Promoting attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental, and historical features of developing or existing neighborhoods;
4. Connecting to existing and projected sidewalks or pathways whenever the opportunity arises to insure an interconnected pedestrian system;
5. Insuring that all development actively implements the building of sidewalks or pathways for new construction, reconstruction, or rehabilitation.

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

1. "Pedestrian Friendly" or "walkability" means the presence of facilities and design features that make an environment safe and attractive to pedestrians. These include: walkable distances between uses, (i.e. under ¼ mile); sidewalks, paths and walkways; continuous visual interest (i.e. uninterrupted line of buildings, attractive barrier in front of parking lots, murals on blank walls, infill development, pocket parks, etc.); consumer uses (i.e. restaurants, shops, cinemas, housing); trees for shade; awnings for shelter; buildings and landscaping elements sited to avoid wind tunnel effect, and to provide sheltered areas; visual texture in the streetscape (i.e. interesting storefronts, public art, plantings, pavement patterns, etc.); people presence (i.e. sidewalk cafes, street vendors, late business hours, residents using front porches and yards); good maintenance and inclusion of site amenities; buffers between cars and pedestrians (i.e. planted medians, on-street parking, grade separation); paths connecting adjacent uses; crosswalks and ramps; traffic calming devices; traffic lights.
2. "Crosswalk" means any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing. If there is no marking, a sidewalk crossing is implied at each leg of every intersection by the extension of the lateral lines of the sidewalk on each side, or where the sidewalk would be if there is none.
- 1.3. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
- 2.4. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

~~3-5.~~ “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; and,
- g. Sidewalk ~~not present~~ is missing panels.

~~4-6.~~ “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.

~~5-7.~~ “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

~~6-8.~~ “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

~~7-9.~~ “Portland cement” means any type of cement except bituminous cement.

~~8-10.~~ “Sidewalk” means all permanent public walks in business, residential or suburban areas. Sidewalks should be a minimum of 4 feet (5 feet recommended) in residential areas and a minimum of 8 feet in commercial areas.

~~9-11.~~ “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.

~~10-12.~~ “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.

~~11-13.~~ “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. Bicycle trails within the city of Windsor Heights should be constructed at a minimum of ten (10) feet in width with a preferred width of twelve (12) feet whenever possible.

~~14.~~ “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.

~~12-15.~~ “Mature tree” means any tree with a diameter at breast height of 10 inches or greater.

136.032 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 following the conclusion of the weather event, the Public Works Director will provide a 24-hour notice in the door. Following the 24-hour notice the Public Works Director may have the natural accumulations of snow or ice removed ~~without notice to the property owner. The Public Works Director and~~ 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. Under extreme weather conditions, the Public Works Director may provide additional time for abutting property owners to removes snow, ice, and accumulations from the sidewalk.

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

136.043 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~~ is the economic responsibility of the City.

136.054 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~~ August – designated zone sidewalk inspections completed
- b) ~~July 7-15~~ August 31 - Notifications mailed to property owners ~~and 75 day initiated~~
- c) ~~October – April~~ property owner requests bids for repairs and selects contractor
- d) ~~May 1~~ seventy-five day initiated from May 1.
- ~~b)e)~~ July 15 – deadline for property owners to complete sidewalk repair.
- ~~e)f)~~ October 1 – November 30 July - October – ~~Eight weeks~~ three months for city to coordinate and schedule uncompleted repairs

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

136.065 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])

136.076 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.

136.087 ECONOMIC HARDSHIP PROCESS. To be eligible for an economic hardship waiver, the applicant must have a recorded legal or equitable title to the parcel and have an adjusted annual income that is at or below 80 percent of the median income guidelines for the Des Moines Metropolitan Statistical Area as established by the U.S. Department of Housing and Urban Development Block Grant (CDBG) programs (called median income guidelines) for the year in which the resolution of necessity for construction, reconstruction, or repair of the public improvement is approved by the city council. Any residential property owner seeking to qualify for economic hardship of sidewalk repair must meet the defined criteria as illustrated in (Appendix "E").

136.098 SIDEWALK CONSTRUCTION ORDERED. Based on Iowa Law, 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. 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 is the economic responsibility of the City.

(Code of Iowa, Sec. 384.38)

136.1009 STANDARD SIDEWALK SPECIFICATIONS. The ~~Public Works Director~~City Engineer 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").

136.110 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.

136.121 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.

136.132 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.

136.143 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.

136.154 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.

136.165 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 recommendation of the city engineer and should be based on a number of factors including environmental constraints and costs considerations. The design of sidewalks, necessary retaining walls, and materials will be subject to discussion at a public meeting prior to council providing final approval.

When constructing new sidewalks every effort should be made to limit the number of mature trees removed during the construction process. If a property owner 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.

136.176 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.

136.187 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.

136.198 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.

136.2019 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)

136.210 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])

136.221 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.

136.232 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.

136.243 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.

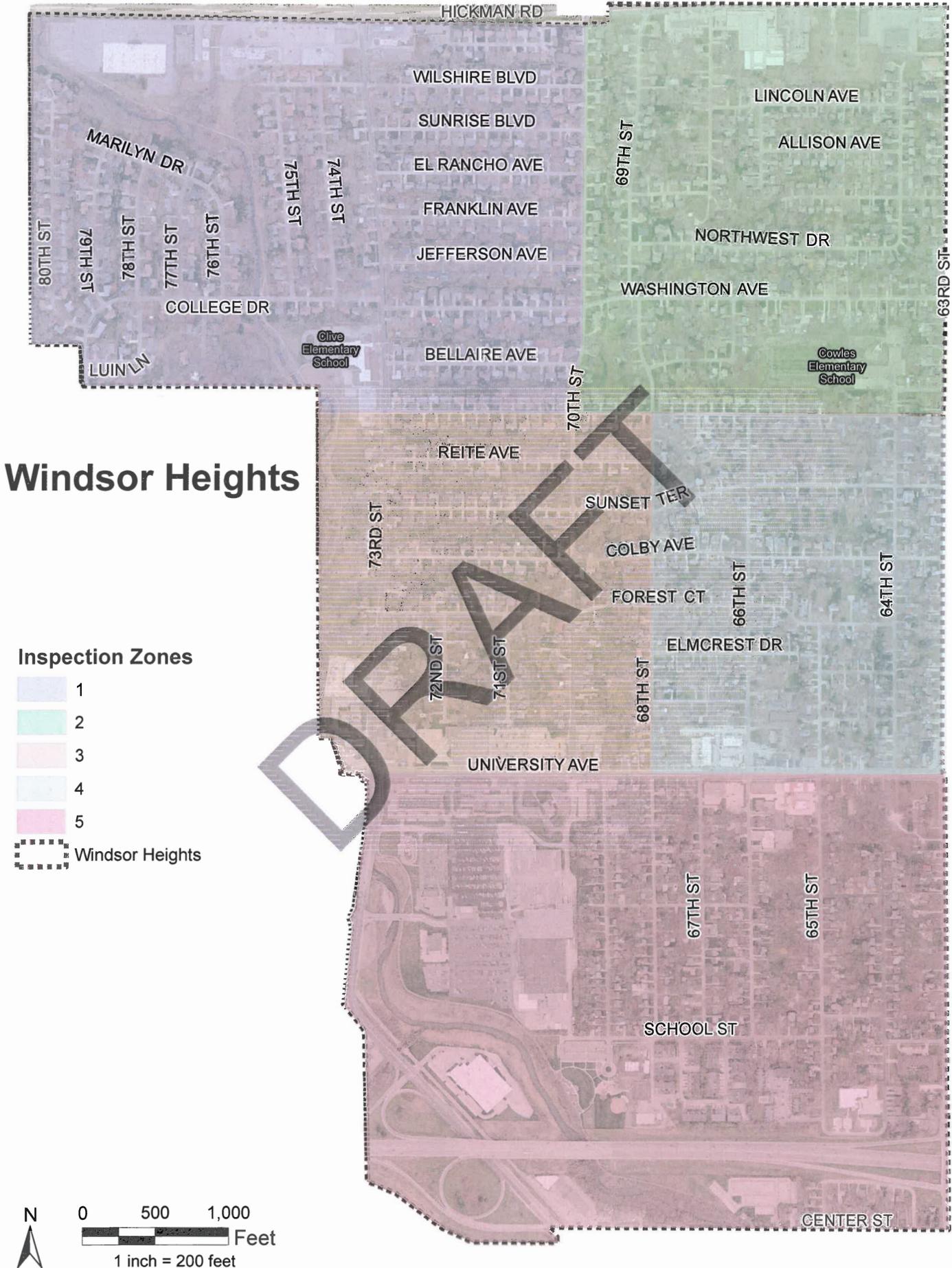
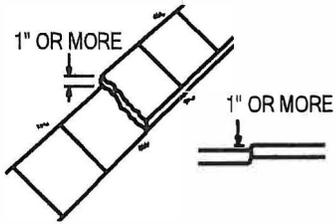
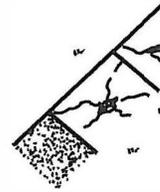


FIGURE "A"



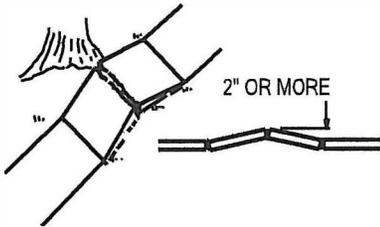
"A" Sidewalk faulted at joint or crack with 1" or more deflection.

FIGURE "E"



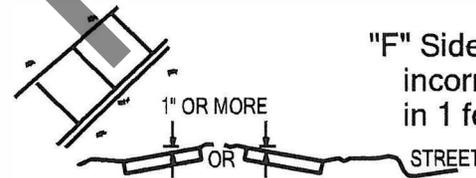
"E" Sidewalk cracked and/or spalled (small crater like holes deeper than 3/8") with part of sidewalk missing, forming holes deeper than 3/8".

FIGURE "B"



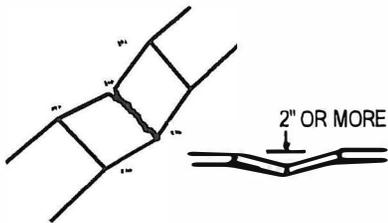
"B" Sidewalk raised more than 2" in 8 ft. from normal profile line of sidewalk.

FIGURE "F"



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

FIGURE "C"



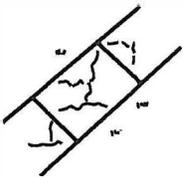
"C" Sidewalk sunken more than 2" in 8 ft. from normal profile line of sidewalk.

FIGURE "G"



"G" Missing Panels.

FIGURE "D"



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

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 May 1st 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 sod. 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, sod 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

SIDEWALK REPAIR & DESIGN INSTALLATION STANDARDS

1. The 4' wide public sidewalk thickness shall be 4" (minimum) of Portland cement concrete, NOT LESS than 4000 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).

Windsor Heights Public Works 515-279-3662



**CITY OF WINDSOR HEIGHTS
SIDEWALK ECONOMIC HARDSHIP PROGRAM INSTRUCTIONS
August 1, 2016**

What is the Sidewalk Economic Hardship Program?

The Sidewalk Economic Hardship Program is adopted by the City Council to assist low and moderate income home owners by completing necessary repairs in conjunction with the City of Windsor Heights Sidewalk Repair Program. Only residential properties where the owner resides are eligible.

- **You must apply for Economic Hardship within one hundred eighty (180) calendar days of the date of the NOTICE TO REPAIR SIDEWALK (Driveway approaches are not included in this program).**

Who Is Eligible For Assistance?

You are eligible if you apply for the subsidy within the specified timeframe listed above, and meet both of the following requirements:

1. You must be either the property owner or the contract buyer, and live at the property at the time the Notice to Repair Sidewalk is issued. The property includes only the land around the home within the single parcel as identified for tax purposes by the Polk County Assessor.
2. The adjusted annual income (as defined below) of your household does not exceed the following limits based upon your household size:

| HOUSEHOLD SIZE | ADJUSTED ANNUAL INCOME |
|----------------|------------------------|
| 1 | \$43,050 |
| 2 | \$49,200 |
| 3 | \$55,350 |
| 4 | \$61,500 |
| 5 | \$66,450 |
| 6 | \$71,350 |
| 7 | \$76,300 |
| 8 | \$81,200 |

What Is My Adjusted Annual Income?

Your adjusted annual income, which is determined as follows:

ADJUSTED ANNUAL INCOME equals HOUSEHOLD INCOME (gross) minus HOUSEHOLD ADJUSTMENTS (A-I below)

HOUSEHOLD INCOME is the total of all income received by the household members residing at the property. It includes the gross income received by all members of the household during the last twelve (12) months. This income includes any wages, unemployment compensation, pensions, Social Security, interest, dividends, board, rentals, public assistance, or any other means of income. Child support received (or difference) is not included. People paying rent (such as where a person is renting space within the owner's home) are not considered household members, and these people's income is not considered as household income. However, the rent paid by these people to the property owner is considered as household income.

HOUSEHOLD ADJUSTMENTS are the total of the following adjustments as they apply to your household:

- A. Medical expenses which exceed 7.5% of the total household income and are not covered by insurance are deducted.
- B. Income received from a non-profit child-placing agency for care of one or more children placed in property owner's home is deducted.
Occupational expenses not compensated by property owner's employer are deducted.
Expenses paid for the care of children or disabled household members in order for the property owner or spouse to maintain employment are deducted.
- C. The income of household members (other than property owner or spouse) that are under the age of 18, full-time students, or disabled or handicapped is deducted.
- D. The first three hundred dollars (\$300) of spouse's income is deducted.

APPENDIX E

- E. Three hundred dollars (\$300) for each dependent of the property owner is deducted, who lives at this property and meets one of the following criteria:
 - o Under the age of 18
 - o Disabled or handicapped (regardless of age)
 - o Full-time student
- F. Non-recurring income, such as an inheritance is deducted.
- G. Five percent (5%) of the household income is deducted if the property owner and/or spouse are under the age of 60. If the property owner and/or spouse are 60 years old or older ten percent (10%) of the household income is deducted.

EXAMPLE: Adjusted Annual Income Calculation

Household has 5 members as follows:

| | |
|---|--------------|
| Property Owner is 50 years old w/salary of | \$32,000 |
| Spouse is 50 years old w/salary of | 20,000 |
| 20 years old non-student child w/ salary of | 10,000 |
| 18 years old student child w/salary of | 3,500 |
| 16 years old student child w/salary of | <u>2,000</u> |
| Household Income equals | \$67,500 |

The allowable Household Adjustments are as follows:

| | | |
|---|-----------------------------|--------------|
| 5% of Household Income | Item A | \$3,375 |
| \$300 for each dependent | Item B | 600 |
| \$300 of Spouse's Income | Item C | 300 |
| Income of the two students | Item D | 5,500 |
| | | |
| Total Medical Expenses | | \$11,650 |
| Minus Insurance Covered expenses | | 5,000 |
| Minus 7.5% of Household Income | | 4,200 |
| Equals Household Medical expense adjustment | | <u>2,450</u> |
| | Total Household Adjustments | \$12,225 |

ADJUSTED ANNUAL INCOME equals HOUSEHOLD INCOME minus HOUSEHOLD ADJUSTMENTS:
 \$67,500 - \$12,225 = \$55,275

The Adjusted Annual Income for the example household was \$55,275. This amount is less than the income guideline limit for a household size of five (5) as shown in the table on page one. Therefore, the example household qualifies for Economic Hardship, and the City of Windsor Heights would complete all of the necessary sidewalk repairs for this property.

How Much Must I Pay if I qualify for Economic Hardship?

If the property owner meets the above program requirements, the City of Windsor Heights will complete all of the necessary repairs for your property. You will not be required to pay for any of the repair costs.

When and Where Do I Apply for Economic Hardship?

Only the property owner or contract buyer can apply for sidewalk repair subsidy. For assistance in filling out the application form, please call or visit the City of Windsor Heights City Hall.

You will need to provide verification of all income received on a regular basis. A **copy** of your most current Federal Income Tax return and or pension, social security benefits and interest on savings must be provided with the application. Statements made on the application must be sworn to and are subject to verification by the City of Windsor Heights Public Works Department. If you have any questions or need additional program information, call 515.279.3662.

Mail to: City of Windsor Heights
 1145 66th Street, Suite 1
 Windsor Heights, Iowa 50324

City of Windsor Heights
SIDEWALK REPAIR ECONOMIC HARDSHIP PROGRAM
APPLICATION

1. Name _____ 2. Address _____
3. Date of Birth _____ 4. Age _____ 5. Race / Ethnic Group _____
6. Number of Family Members _____ 7. Telephone No. _____ 8. S.S. No. _____
9. Email Address (Please Print if Applicable) _____

If you wish to receive notification of decision by email, please circle appropriate response: YES NO N/A

10. OWNERSHIP: Applicant/Head of Household must have legal or equitable title to the parcel and reside at this location.
- A. If Titleholder, give date your deed was recorded _____ Book _____ Page # _____
- B. If Contract Buyer, give date your contract was recorded _____ Book _____ Page # _____

Schedule A -Annual Gross Income

List all amounts of income received during the last 12 months. Be sure to include the income of all members of the family who share the household and include any funds contributed or paid on a regular basis to the family by a household resident who is not a member of the family.

- | | |
|---|---------|
| 1. WAGES – HEAD OF HOUSEHOLD | _____ |
| 2. WAGES – SPOUSE | _____ |
| 3. WAGES – ADDITIONAL HOUSEHOLD MEMBERS | _____* |
| * _____ | * _____ |
| * _____ | * _____ |
| <hr/> | |
| 4. UNEMPLOYMENT COMPENSATION | _____ |
| 5. SOCIAL SECURITY | _____ |
| 6. RETIREMENT/PENSIONS | _____ |
| 7. FIP/RELIEF | _____ |
| 8. RENT/BOARD | _____ |
| 9. CHILD SUPPORT | _____ |
| 10. OTHER (List) | _____ |
| TOTAL ANNUAL GROSS INCOME | _____ |

Schedule B -Miscellaneous Information

Do you have the following information?
 (may not need depending on adjustments)

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Medical Expenses _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Amount of medical expenses covered by insurance. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Amount received from non-profit child placing agency for care of one or more persons under 18 placed in your household by such agency. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Any unusual occupational expense not compensated for by your employer. _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Amount paid for care of children/sick/incapacitated family members in order that head of household or spouse can work. _____ |

* Indicate if additional household member is one of the following:
 (a) Under 18 (b) Full-time Student (c) Disabled or handicapped

I hereby swear that the foregoing statements are a full, fair and truthful disclosure to the best of my knowledge and belief of the information sought. I certify that I have recorded title to, make my domicile in and that I am head of the household of the property for which I am making application for Economic Hardship. I further certify that I fully understand that any person or persons involved in making or conspiring to make false statements, claims, or affidavits in support of this application are subject to criminal prosecution. I do hereby give permission to the City of Windsor Heights to obtain pertinent information verifying my household income from my employer, bank and other income sources including federal, state, county and other agencies. This statement is my voluntary waiver of my rights to privacy strictly for the purpose of obtaining verification of my eligibility for this program only. This waiver is given with the understanding that complete privacy will be maintained by the City, as required under the Privacy Act of 1974.

I have read and understand this statement.

 Applicant (Head of Household) Date

 Application taken by Date Location

City of Windsor Heights
COMPUTATION OF ECONOMIC HARDSHIP
(This page for office use only)

NAME _____
 (Head of Household)

RECORDED LEGAL/EQUITABLE TITLE _____
 (Date)

1. TOTAL ANNUAL GROSS INCOME -FROM SCHEDULE A. _____

2. ADJUSTMENTS:

a) Medical expenses (Line 1 Schedule B)
 not covered by insurance (Line 2 Schedule B)
 in excess of 7.5% of TOTAL ANNUAL INCOME _____

b) Sum of Lines 3 thru 5 of Schedule B _____

c) Income of family member(s) (other than head
 of household or spouse) under 18 or a full-time
 student. (Schedule A) _____

d) First \$300 of income of spouse (Schedule A) _____

d) \$300 for each family member (other than head
 of household or spouse) under 18, or 18 and either
 disabled, handicapped, or a full-time student
 (Schedule A) _____

f) Non-recurring income (Schedule A) _____

g) 5% of household income or 10%
 of household income if over 60 _____

TOTAL ADJUSTMENTS _____

3. ADJUSTED ANNUAL INCOME (Line 1 less Line 2) _____

4. _____ % OF ADJUSTED ANNUAL INCOME _____

| <u>FAMILY SIZE</u> | <u>ADJUSTED ANNUAL INCOME</u> | <u>NO. OF FAMILY MEMBERS</u> _____ |
|--------------------|-------------------------------|------------------------------------|
| 1 | \$43,050 | |
| 2 | \$49,200 | |
| 3 | \$55,350 | |
| 4 | \$61,500 | |
| 5 | \$66,450 | |
| 6 | \$71,350 | |
| 7 | \$76,300 | |
| 8 | \$81,200 | |

 APPROVED BY DATE