

# **CITY OF LEWISTOWN PUBLIC SIDEWALK/CONCRETE REPAIR POLICY**

The City Manager and the City Commissioners of the City of Lewistown have determined that the following incentive program is in the best interests of the health, safety, and welfare of Lewistown citizens. To encourage the construction and maintenance of the public sidewalks/concrete of this community, the City of Lewistown will contribute in-kind services for removal of existing deteriorated concrete to eligible projects within the City subject to the conditions set forth herein.

**SUMMARY.** This program shall be applicable to the repairs of all public sidewalks/concrete, which are adjacent to residential, industrial or commercial property, throughout the entire City, including the Downtown Business District.

It is not the scope of the program to repair only a portion of damaged concrete. All damaged concrete, adjacent to property in the public right-of-way, that meets the City's repair criteria, must be replaced. The following area in the public right-of-way shall be considered for repair:

1. Sidewalk, Curb, and/or gutter which is supported by soil and adjacent to any public street (suspended concrete removal may be considered on a case by case basis and may require City Commission approval);
2. Detached sidewalk along any public street;
3. Mid-block walkways;
4. Two sections having an significant elevation difference at any location along the tooled joint or crack (to be determined by the Public Works Director);
5. Severe settlement of gutters that causes water to pond in the gutter, street, or on the sidewalk;
6. Severe spalling (crumbling of concrete surface); or

The operation of this program is contingent upon the City Commission appropriating sufficient funds in the Annual Appropriation to cover the personnel, materials and supply expenses. Any project which is estimated to exceed \$10,000 of city resources by the Public Works Department must be approved by the City Commission.

City participation may apply, depending on the availability of City funds, for any public sidewalk replacement which the Director of Public Works determines is required to maintain a public sidewalk in a reasonably safe condition. The replacement of private sidewalks and concrete which is not on the public right-of-way is excluded from City participation in this program. The construction of sidewalks which are required under the platting process of this City are also excluded from this program, this being the developer's responsibility.

The replacement of the sidewalk may be initiated either upon the property owner's filing of a written request for City assistance in the Department of Public Works or at the request of the Public Works Director (after being notified of a dangerous sidewalk). If the City initiates the process by sending written notification to the property

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owner of the legal requirement to repair the sidewalk, the written letter will also inform the property owner of the availability of this joint Public-Private Sidewalk Replacement Program. Applications for this program may be obtained from the Department of Public Works.

**The City may provide-in-kind assistance to a property owners or business by performing one or more of the following actions at no cost to the property owner:**

1. Removal of existing sidewalk/concrete and proper disposal;
2. Traffic Control;
3. Provide barricades during the repair of the sidewalk;
4. Provide a list of contractors to do the repair work without recommending any particular contractor.
5. Associated asphalt patch, if required;
6. Provide detectable warning plates free of charge for corner ramp repair/installation;

**The following steps outline the procedure for replacement of sidewalks/concrete:**

1. The City will publicize the program through media, fliers, posters, and other targeted means.
2. The property owner shall file a written application for repair/replacement assistance with the Department of Public Works. The Department of Public Works can be reached at 308 4<sup>th</sup> Ave South, or by calling (406) 535-1770.
3. After receiving completed application for participation, Public Works Director or his designated representative will meet the property owner to determine the scope of work to be covered by the program and shall inspect the sidewalk targeted for replacement.
4. After receipt of the completed application, if the Public Works Director determines that the application is not approved he will notify the property owner explaining the rejection.
5. As part of the completed application, property owner must sign a full release of liability and an indemnification agreement of the City, its employees, officials and agents for any work to be done by the City on this project. The applicant shall also sign an agreement stating the concrete will be replaced and will meet specifications within sixty days of removal. If the concrete is not replaced within the allotted timeframe, the city will have the concrete replaced at the expense of the homeowner. The city reserves the right to impose the costs on the property's taxes if the owner fails to meet the requirements of this policy.
6. Except for exceptional situations posing an imminent danger to the health or safety of the residents or other persons, City services shall be on a first-come, first-served basis with no minimum or maximum income eligibility requirement.
7. City work shall be contingent upon the availability of the Public Works employees.
8. The property owner must notify the City at least fifteen working days prior to the replacement of the sidewalk so the City can remove the existing sidewalk in a timely manner.

9. The property owner will be responsible for obtaining any necessary construction permits as well as scheduling any required inspections during the course of work. Any work on the deteriorated areas must conform to City Public Works design standards, Montana Public Works Specifications, and ADA requirements.
10. Applications shall be considered on a first come first serve basis. If the work is not completed within sixty (60) days of the original application and no extensions have been granted by the Public Works Director, the application shall be voided, and any request for funding would be considered a new application.
11. If the number of applications exceed funding, priority shall be given to high public traffic areas which are frequently used by children and seniors, or which are close to schools, senior housing, public facilities, or shopping areas.

**The City will not perform any of the following actions:**

1. Repair of sidewalk;
2. Grading of land prior to the pouring of the new concrete;
3. Recommendation of any particular contractor; or
4. Maintenance of the sidewalk after its repair.