



City of Hutchinson
Public Works Department

Sidewalks, Trails & Walkways Policy

Revision 2021

Construction, Repair and Maintenance

According to City Code §90, it is the property owner's responsibility to keep and maintain sidewalks abutting their property. The City of Hutchinson has developed this policy in an effort toward consistent quality and to provide for periodic review and maintenance of the City's sidewalk network. Under this policy, the City provides services at its discretion. These services may exceed those required by the City Code. This policy and any related action by the City Council or employees are not intended to replace the responsibility of the abutting property owner. The City reserves the right to enforce the requirements of the City Code (specifically §90). The City also reserves the right to deviate from this policy at any time and for any reason determined to be in the best interest of the City.

I. Introduction.

Throughout this document, the term 'sidewalk' includes all sidewalks, trails, walkways and related appurtenances, unless otherwise specified. These include infrastructure designed specifically for use by pedestrian and bicycle traffic.

- Sidewalks are constructed of concrete, are less than 10' wide and typically follow the route of adjacent to roadways.
- Trails are constructed of bituminous or concrete and are typically 10' wide or wider. Trails may be adjacent to roadways, but often they are not.
- Walkways are constructed of aggregate, bituminous or concrete up to 10' wide, often are not located adjacent to roadways and often serve a specific purpose for a defined area.

Due to limited resources, the Public Works Department and other City officials must exercise discretion and professional judgment in determining whether and when sidewalks need to be constructed, rehabilitated, repaired, maintained or replaced.

Discretion exercised in decisions relating to sidewalks shall consider at least the most current Hutchinson Area Transportation Plan and the following factors:

<i>Sidewalk location</i>	<i>Amount of traffic</i>
<i>Accessibility for users with limitations</i>	<i>Nature and severity of condition</i>
<i>Available budget</i>	<i>Recovery of costs from other sources</i>
<i>Available resources</i>	<i>Public safety issues</i>
<i>History of prior issues</i>	<i>Work necessary to coordinate repairs</i>

II. **Abutting Property Owner Obligation.** As noted in §90 of the City Code:

“It is the primary responsibility of the owner of property upon which there is abutting sidewalk to keep and maintain such sidewalk in safe and serviceable condition.”

Both abutting property owners and sidewalk users are encouraged to report sidewalks that are in disrepair to the Public Works Department.

III. **Priority Criteria.**

The City intends to make provisions for sidewalks on or adjacent to public roadways and in public rights-of-way in a systematic manner. Priority is given to routes meeting the following criteria:

High traffic areas:

- Routes connecting to the Luce Line State Trail and major destinations (for example: major employers, downtown business district, business centers, schools, recreational facilities, and other commonly used public facilities).
- Major commercial areas where pedestrian traffic is essential.

Low traffic areas:

- Links to establish contiguous routes.
- Along priority routes.
- Other areas identified by the City.

IV. **Periodic, on-going inspections.**

Inspections of sidewalk conditions may be conducted in order to identify and initiate repair and maintenance projects. Inspections may be initiated upon receipt of information from outside sources or be scheduled using contractors, volunteers or City employees. The general policy for prioritizing repair and maintenance projects is:

- a) Vertical deflections of over ¾" identified during inspections have the highest priority for repairs. Insofar as is practical, considering available resources, the City intends to include these areas in interim repairs and/or have these identified locations repaired during the next repair project.
- b) Vertical deflections between ½" and ¾" identified during periodic inspections are reviewed for inclusion in future repair projects. Locations not included in the next repair project will be considered for future projects and/or be included in interim repairs.
- c) Vertical deflections of less than ½" will not generally be included in inspection reports unless the inspector determines that the location has a high potential for exceeding criteria in the near future.
- d) Horizontal deflections, pitting and cracking will be analyzed on a case-by-case basis.
- e) Interim repair procedures, such as cutting, grinding, patching, etc., may be utilized in any situation to improve the safety of the sidewalk. Interim repairs are prioritized based on the same priority criteria (a – d, above) and available resources.

V. Installation/Reconstruction/Significant Repair Costs.

For sidewalks.

The City may agree, at its discretion, to pay for any portion of the installation, reconstruction or significant repair cost. The costs of sidewalk installations, reconstruction, and significant repairs will generally be assigned in the following manner:

- a) A portion of the installation, reconstruction or significant repair costs for sidewalks on routes identified and approved by the City and/or listed in the City's Capital Improvement Plan may be assessed to abutting property owners. Assessments are prescribed by the current City Assessment Policy or are calculated in a manner otherwise prescribed by the City Council.
- b) The entire cost of installation, reconstruction or significant repair for sidewalks abutting properties requesting sidewalks, or those properties required by ordinance or agreement to have sidewalks, may be assessed to adjacent property owners. Assessments are prescribed by the current City Assessment Policy, are calculated in a manner otherwise prescribed by the City Council, or as identified in the terms of an agreement.
- c) Other sidewalk facilities will generally be installed, reconstructed and repaired by the City. The City reserves the right to assess for any sidewalk improvement, but generally does not intend to assess these costs, unless prescribed by the City Council or as identified in the terms of an agreement.
- d) Access ways installed perpendicular to the curb line, between the curb and sidewalk, are private facilities that are approved for installation within rights-of-way. These access ways are not addressed by the City during installation, reconstruction or significant repair.

For trails and walkways.

The City may agree, at its discretion, to pay for any portion of the installation, reconstruction or significant repair cost. The costs of trail and walkway installations, reconstruction, and significant repairs will generally be assigned in the following manner:

- a) The installation, reconstruction or significant repair of trails and walkways on routes identified and approved by the City and/or listed in the Capital Improvement Plan will generally be at City expense. If assessments are prescribed by City Council, assessments are calculated in accordance with the current City Assessment Policy, as prescribed by the City Council or as identified in the terms of an agreement.
- b) The entire cost of installation, reconstruction or significant repairs for trails abutting properties requesting trails, or those properties required by ordinance or agreement to have trails, may be assessed to adjacent property owners. Assessments are prescribed by the current City Assessment Policy, are calculated in a manner otherwise prescribed by the City Council, or as identified in the terms of an agreement.
- c) The City reserves the right to assess for other trail improvements, but generally does not intend to assess these costs. If assessments are approved, assessments are prescribed by the current City Assessment Policy, are calculated in a manner otherwise prescribed by the City Council, or as identified in the terms of an agreement.

VI. Maintenance, Repair and Removal Cost.

For sidewalks.

Sidewalks in disrepair or those that do not connect to contiguous routes identified by City may be removed and the right-of-way restored to turf.

The City may agree, at its discretion, to pay for any portion of the maintenance or repair costs. The City does not intend to bill or assess for maintenance or repair costs in cases where sidewalk maintenance or repairs affect less than 33% of a property's frontage. This is done at the City's discretion with the intent of reducing administrative costs related to billing and/or assessing small amounts.

The costs of sidewalk maintenance and repair will generally be assigned in the following manner:

- a) The cost of removing sidewalks, grading disturbed areas, and providing topsoil and seed is generally at the City's expense. Completing final turf restoration in disturbed areas is generally the abutting property owner's responsibility.
- b) Maintenance and repairs, in general, will be completed at the City's expense. Maintenance and repairs include the intermittent replacement or repair of sidewalk panels or other repairs over areas smaller than 33% of a property's frontage. This work is done at the discretion of the City, which maintains the right to bill or assess for repairs.

- c) That portion of maintenance and repairs exceeding 33% of a property's frontage, will generally be billed to the abutting property owner upon completion of the repair. Unpaid bills will be assessed to the property.
- d) Abutting property owners may coordinate replacement of private driveway panels or private access ways adjacent to a sidewalk. Replacements of any private driveway panels or private access ways are the property owner's expense.
- e) If the City determines that the activities of abutting property owner damaged sidewalks, the abutting property owner is responsible for repair costs. Property owners may complete repairs on their own, provided the repairs are inspected and approved by City employees. If the City initiates the repair, the entire cost of restoring the sidewalk will generally be billed to the abutting property owner. Unpaid bills will be assessed to the property.

For trails and walkways.

Trails and walkways in disrepair or those that do not connect to contiguous routes identified by City may be removed and the right-of-way restored to turf.

The City will generally pay for the maintenance and repair. The City does not generally bill or assess abutting property owners for maintenance and repair. This is done at the City's discretion with the intent of reducing or eliminating administrative costs related to billing and/or assessing small amounts.

The costs of maintenance and repairs will generally be assigned in the following manner:

- a) The cost of removing trails, grading disturbed areas, and providing topsoil and seed is generally at the City's expense. Completing final turf restoration in disturbed areas is generally the abutting property owner's responsibility.
- b) Maintenance and repairs, in general, will be completed at the City's expense. Maintenance and repairs include any repair or maintenance activity conducted to extend the useful life of the trail. This work is done at the discretion of the City, which maintains the right to bill or assess for repairs.
- c) Abutting property owners may coordinate replacement of private driveway panels or private access ways adjacent to a trail. Replacements of any private driveway panels or private access ways are the property owner's expense.
- d) If the City determines that the activities of abutting property owner damaged trails, the abutting property owner is responsible for repair costs. Property owners may complete their own, provided the repairs are inspected and approved by City employees. If the City initiates the repair, the entire cost of restoring the trail will generally be billed to the abutting property owner. Unpaid bills will be assessed to the property.

VII. **Snow Removal.**

It is the responsibility of the abutting property owner, using due diligence, to keep sidewalks clear for pedestrian travel. Snow remaining on sidewalks 24 hours after snow has stopped falling is a public nuisance. Sidewalks must be cleared to at least four feet (4') wide.

Beginning 24 hours after snow has stopped falling, property owners/tenants may be notified that their property is in violation. Beginning 12 hours after such notification, the City and/or its contractors may clean sidewalks and bill abutting property owners for that service. Unpaid bills will be assessed to the property.

There are certain sidewalks, identified by the City, which may receive some snow removal services from City employees and equipment. These services are provided on a priority basis, starting with the downtown area, moving to high traffic routes and finally to recreational routes. Priority of service starts over again after each snowfall, so service to lower priority routes may be delayed.

Snow removal services provided to identified sidewalks are provided at the City's discretion. Provision of these services does not relieve abutting property owners of their responsibility to maintain four feet of clearance whenever City services are delayed.

The City does not have a bare pavement policy; therefore, sidewalk snow removal will consist only of plowing or blowing snow from sidewalks. Sidewalks serviced by the City may be plowed in a manner that results in more than one windrow on some driveways or accesses. The City is not responsible for removing windrows left by sidewalk snowplows. When snow blowers are utilized by City operators to clear snow, the discharge may be directed away from the street or boulevard onto private property.

Prior to adding sidewalks to the City's snow removal map, the request will be reviewed by Public Works, Parks and Police personnel, who shall determine and recommend to the City Council whether the request should be granted and to assign a specific priority level to any newly added sidewalk. Public Works, Parks and Police personnel will consider the cost of providing the service, as compared to the number of sidewalk users, whether the route is contiguous in nature, and any other public safety concerns.

In the case of persistent issues with snow removal, the abutting property owner or City may request a section of sidewalk be removed from the City's snow removal map using the same process described for adding sidewalks to the snow removal map.