

SIDEWALK MAINTENANCE PROGRAM

FREQUENTLY ASKED QUESTIONS

Revised May 18, 2023

- **Why does the City have a Sidewalk Maintenance Program?**

The Sidewalk Maintenance Program is an ongoing effort to evaluate sidewalks throughout the community, identify deficiencies, and to make repairs as necessary. Maintaining a safe sidewalk network is especially important to pedestrians with physical limitations and mobility challenges.

- **What do the blue and white dots mean?**

Staff from the Public Works Department will perform inspections of all sidewalks. Sections of sidewalks found to be out of compliance with sidewalk safety criteria are marked with a dot of blue or white paint. A 'WHITE' dot indicates a section of sidewalk needs to be repaired or replaced and is the property owner's responsibility. A 'BLUE' dot indicates a section of sidewalk will be repaired or replaced at the City's expense. The City sidewalk ordinance specifies that sidewalk damaged as a result of tree roots from a City street tree planted within the grass area between the sidewalk and curb is the responsibility of the City to repair.

- **Why do I have to pay to fix public sidewalk?**

The responsibility to maintain and repair sidewalks in any community in Ohio is regulated by the Ohio Revised Code (729.01) which states that the condition and maintenance of sidewalks is the responsibility of the adjacent property owner. The City of Delaware's codified ordinances reflects this position in Section 909 "Sidewalk Maintenance & Repair" and requires local property owners to keep sidewalk adjacent to their properties, free of snow, ice, debris, and in a safe and walkable condition.

- **What if I disagree with the requirement to repair the sidewalk on my property?**

If a property owner disagrees with the requirement they may appeal to the City for additional consideration. By requesting an appeal, the City will contact you and a representative from the Public Works Department will meet with you at your property to review the inspector's findings and answer any questions you may have. If following the meeting you remain in disagreement with the required repairs, you will be offered an opportunity to appear before the City's Public Works Committee to explain your position regarding the required sidewalk repairs. The Public Works Committee, made up of three (3) City Council members, will render a decision regarding your property. The decision of the Public Works Committee is final. The Public Works Committee typically meets bi-monthly. Written appeals may be submitted in advance of the meeting in lieu of attendance.

- **What is the cost of the program to a property owner?**

Costs vary depending on the extent of the amount sidewalk to be replaced; in general, a single five-foot by five-foot square of sidewalk costs approximately \$250-\$400 to replace. The City will continue to waive all permit and inspection fees to property owners associated with sidewalk maintenance repair work.

- **If I hire my own contractor, do I need a permit to repair my walk?**

Yes, a permit is required for all sidewalk work; however, there is no fee for sidewalk maintenance and repair. Permits provide the City notification that work is being completed so that our records can be updated accordingly and required inspections can be arranged with your contractor before the section of sidewalk is repaired. Permits can be obtained by contacting the Public Works Department customer service line at 740-203-1810 or by email at pwcs@delawareohio.net

- **Am I responsible for completing sidewalk repairs if I just purchased my home?**

If a property switches ownership prior to deficiencies being corrected, it is the seller's responsibility to notify the buyer of this deficiency. The responsibility for the cost of sidewalk repairs lies with the current property owner at the time the repairs are completed. If you purchase a home after the previous owner received notification of the required sidewalk repairs, but before the repairs are completed, then you are responsible to complete the repairs and pay for the work.

- **What if a sidewalk section marked as my responsibility is actually on my neighbor's property?** The city does not perform property surveys prior to evaluating and marking sidewalk for repair. We do the best to determine where property lines are, however, it is not always clear by looking between two homes. Upon receipt of a letter requesting repairs be completed, we ask that you contact your neighbor if there are concerns regarding the property line location and associated repair responsibility.

- **When will I be invoiced for sidewalk repairs performed by the City?**

If the City must complete repairs on behalf of the property owner, the Public Works Department notifies the Finance Department of the final cost of repairs associated with a particular property. The Finance Department in turn will mail an invoice for this cost directly to the property owner. Payment is generally due within 60 days of receipt of the invoice.

- **What if I can't pay the invoiced amount?**

There are provisions within the sidewalk ordinance to assess the cost of repairs against the property including administrative and inflationary costs. These charges will appear on the property taxes for the property

- **How much time do I have to complete the sidewalk repairs?**

The amount of time to complete required repairs varies depending on the time of year the deficiency was identified. Typically, the city provides a property owner with up to 90 days to complete the requested work. However, this time may be extended to 180 days if the inspection was identified close to the beginning of winter.

- **What are the approved methods to repair sidewalk?**

Repairs generally require the expertise of a licensed contractor familiar with local construction standards, and who have proper training and equipment.

Surface Planing: In some cases where a section of sidewalk is raised relative to an adjacent section creating a tripping hazard, the raised edge can be ground down with the use of a concrete planer. Surface planers can be rented from a local tool supply business, though they do require appropriate instruction and experience to be utilized effectively and safely. This method is generally limited to a discontinuity of one inch or less in height. Planing is inexpensive and extends the life of sidewalk without having to incur the cost of replacing it. Excessive planing can lead to a weakened sidewalk section subject to cracking.

Replacement: The most common method to repair a section of sidewalk is to remove it and replace it with new concrete. Replacement establishes a permanent sidewalk repair that can be constructed to match the edges of surrounding sections of walk.

Slab Jacking: Jacking is a less intrusive repair but does require specialized equipment available to a limited number of Central Ohio contractors. With jacking, sections of sidewalk that have settled, are lifted back in to position by injecting high pressure cement grout underneath a sidewalk section through holes drilled in the sidewalk.

- **Is patching an acceptable repair method?**

No. The use of various leveling or patching compounds to repair deteriorated sidewalk surfaces, or as a means to eliminate a tripping hazard, are NOT an approved method of repair. These repairs generally fail within a year, especially in climates subject to freeze and thaw cycles in the winter months.

- **What if the damaged section of sidewalk is a result of tree roots, but marked as my responsibility?**

If you believe that your sidewalk was damaged by a street tree though marked as homeowner responsibility, you can appeal by contacting the City in writing. If there are no visible signs that roots are the cause of the damage, you will remain responsible for the cost of the repair. Sidewalk damage caused by a tree on the house side of the sidewalk is always the responsibility of the property owner.

- **What if a tree must be removed?**

There are instances where the roots of a street tree need to be trimmed in order to reconstruct a sidewalk properly. The City will approve adjustments to the sidewalk location in order to try to save a tree from removal. If in the opinion of the City Arborist, the root system is too damaged by trimming to reliably support the tree after trimming, the tree will be removed by the City. Trees that are removed will be replaced by new street trees at the direction of the City Parks and Natural Resources Department. Street tree removal and replacement will be paid for by the City.

- **How long will my property remain disturbed by the City's contractor's work?**

We understand that the sidewalk repairs present an inconvenience to both property owners and the neighborhood in general. We ask our contractor to have the sidewalk replaced within 14 days from those sections being removed. Once poured, the sidewalk can be walked on the following day though it takes several days to fully cure. During the 7-day curing period, the homeowner should not run any heavy vehicles or yard tractor equipment over the new walk. Restoration of the disturbed area around your walk should be completed within 7-days of being poured. In some cases, restoration may be delayed due to weather conditions.

- **Who is responsible for watering newly restored grass areas?**

The contractor is responsible to replace topsoil in all disturbed areas, plant grass seed, and protect the seed with mulch. It is up to the property owner to routinely water the reseeded areas to ensure germination and growth of the grass.

- **How long will my driveway remain inaccessible during construction?**

There are instances whereby sections of sidewalk to be repaired are within the driveway apron area. In these cases, the contractor is instructed to use a quick-set concrete mix that allows for the driveway to cure and be reopened to vehicle traffic in 24-hours from being poured. The quick-set mix adds cost. If a property owner does not require immediate driveway access to be restored, the standard 7-day cure concrete can be used by request to the City.

- **What if the new sidewalk is vandalized?**

Children may be attracted to the wet concrete and attempt to write a name, mark up, or ride a bike across the new walk. Unfortunately there is little the City can do to prevent this from occurring. We ask that residents watch out for each other while the work is proceeding to minimize the opportunity for this type of vandalism.

- **What if my downspout is under the section of sidewalk to be repaired by the City?**

Once the section of sidewalk is removed, the contractor will repair or replace a deficient section of downspout drain tile under the sidewalk as required with new PVC drain tile before pouring the new sidewalk. If the downspout drain interferes with the new concrete walk section, the contractor will notify the City and property owner that the drain cannot be reinstalled. It is then up to the property owner to relocate the downspout drain tile.

- **What if there is an existing drainage issue adjacent to the sidewalk repair?**

The Sidewalk Maintenance Program is intended to make sidewalks safer for pedestrian traffic. Resolving property drainage issues around sidewalks requires more extensive grading and sidewalk replacement than is intended in the scope of this program. It is possible that a repaired section of sidewalk may continue to be subject to flooding even after safety repairs are completed.

- **What if I have an irrigation or Invisible Fence system near the sidewalk?**

It is important for a property owner to notify both the City and contractor of the presence of an invisible fence or irrigation system below or near any sidewalk section to be repaired. These systems should not be installed within the public right of way. The contractor shall make every attempt to not disturb the system during the excavation and replacement of sidewalk. Should the system be accidentally disturbed or broken, it is the property owner's responsibility to repair any part of the system installed within the public right of way.

- **Can I have the contractor perform additional concrete work that is not required by the City? Yes.**

By working directly with the contractor, a property owner can make separate arrangements for additional concrete work and payment. Some improvements may require a separate permit, so property owners are encouraged to check with the City before having any additional work completed.

- **Are curbs included with this project?**

No. Curbs are not addressed through the Sidewalk Maintenance Program. The Ohio Revised Code indicates that maintenance of curbing is the responsibility of the property owner.

- **Will missing sections of sidewalk be addressed under the Sidewalk Maintenance Program?**

No. However, the City does have access to some funding that can be utilized toward the installation of new sidewalks to establish safe walking routes. Requests for infill sidewalk projects can be submitted by contacting the Public Works Department customer service line at 740-203-1810 or email pwcs@delawareohio.net

- **Is it safe to spread salt on new sidewalk?**

No. The use of salt or other ice melting products promotes rapid and frequent freezing and thawing of water, which in turn can damage the surface. It is best to use sand on new sidewalk until a year has passed to allow the surface to fully cure.