

TOWN OF LAGRANGE

ORDINANCE NO. 2014-9-2(a)

**AN ORDINANCE CONCERNING
THE REPLACEMENT OF SIDEWALKS
IN THE TOWN OF LAGRANGE**

WHEREAS, it is the intent of the LaGrange Town Council on behalf of the Town of LaGrange to encourage the construction, replacement and maintenance of sidewalks throughout the Town.

WHEREAS, this intent can best be accomplished in a joint effort with the Town of LaGrange and the property owner working together.

WHEREAS, the Town understands that when public safety or other compelling issues are involved, an emergency order may be necessary to resolve the issue of damaged sidewalks.

NOW THEREFORE, it is resolved that the following guidelines will be used to accomplish this intent and the program will be administered by the LaGrange Town Manager.

A. 75/25 Sidewalk Replacement Program:

1. The Town Manager will receive requests for sidewalk replacement, inspect the affected property, determine the condition and need for replacement, and keep an up-to-date list of interested and eligible participants.
2. The Town Manager will annually invite quotes from a minimum of three contractors on the replacement of eligible sidewalks. Only sidewalks in a residential zone or on lots used for a single family residence are eligible for this program.
3. The Town Manager, along with the contractors, will inspect the requested sidewalk replacement locations, measure and mark the area to be replaced during a mandatory pre-quote conference. A sidewalk section may not be split. If any portion of a section is on the adjoining property, the complete section will be replaced as if it were the participant's. The sidewalk program is intended to replace complete sidewalks. The replacement of only one or two sections is expensive, due to minimum charges, and is not encouraged by the Town. This program is a replacement program. New sidewalks or first time sidewalks may be made eligible only by specific agreement of the LaGrange Town Board.
4. Town Council will receive said quotes and take same under advisement.

5. The Town Council will direct the Town Manager to contact property owners affected by any sidewalk project, advising said property owners of the nature of the project, of the Town Council's decision to go forward with same, of the approximate cost to said property owner, and of the availability of this program to said property owner. The property owner may then apply, and if accepted, shall be responsible for 75% of the cost of the project to the pro rata extent it affects the property owned by said applicant.
6. Town Manager shall report findings to Council and recommend action.
7. Council shall award project to the lowest responsive and responsible quoter.
8. Within two weeks prior to the commencement of construction by the lowest responsive and responsible quoter, participant shall submit payment of their 75% of the total of the projected project cost as concerns their real estate to the LaGrange Clerk-Treasurer by check, cashier's check, or money order, payable to the contractor, unless prior to said time property owner has entered into an agreement with the Town of LaGrange providing for a low interest loan to property owner for their share of the expense, repayable to the Town in three annual payments. The initial interest charged for said agreement shall be 3%, but may from time to time be modified based upon the cost of money to the Town of LaGrange. In any such case, the Clerk-Treasurer shall hold payments for the contractor until the work is completed and accepted by the Town. Payment required hereunder may be delivered in person to the Town Hall, mailed to the Town Hall at 1201 North Townline Road, LaGrange, Indiana, 46761, and any party wishing to become involved in the low interest loan program for said sidewalks, shall apply at the Town Hall through the Town Manager, and all of said process must be completed on or before two weeks prior to construction, or the monies paid hereunder. Any party who fails to make and complete arrangements prior to said two week period shall be deemed ineligible for said low interest loan. Loan documents shall be in the form attached and fully executed prior to said two week period.
9. A letter of approval will need to be obtained from the Clerk-Treasurer's office.
10. Handicap accessible sidewalks shall be installed, paying special attention to ramping at intersections, meeting ADA Federal Standards for slope and width.
11. Replacement will be limited to a minimum width of 4 foot sidewalks and a maximum width matching the existing sidewalk found on the property, running the length of the property in the public right of way.
12. Any payment due and owing hereunder made more than thirty (30) days after the date said payment is due, there shall be added to such payment a ten percent (10%) penalty. The penalty shall be calculated by multiplying .10 times the amount of the payment that is made late. All costs of collection, including attorney fees, shall be assessed against any late payment, and the real estate, as provided herein. If any payment is not made upon its due date, upon ten (10) days advance written notice, all sums due and owing shall become a lien on the real estate and shall be collected as such lien, and may by affidavit tendered from the LaGrange town Clerk-Treasurer to the LaGrange County Recorder and the LaGrange County Auditor be placed upon the real estate tax roles of the County

of LaGrange and assessed and collected as any other lien against the real estate of any such party, or pursuant to any Note and Mortgage executed hereunder.

B. Emergency Repairs

If the Town Manager, after consultation with the LaGrange Town Marshal, should determine that as a result of incimate weather, accident, or other emergent event or reason, a stretch of sidewalk has become dangerous to the public to the extent requiring immediate and emergent attention, the LaGrange Town Manager may cause the employees of the Town of LaGrange to do the following:

1. Through either the use of yellow warning tape or other barricade, place sufficient warnings and guards so as to stop the public from entering upon the dangerous sidewalk.
2. To notify the owner immediately of the existence of this Ordinance and the safety issue existing upon their property, with a direction to repair and/or replace said sidewalk and to remove said safety issue and concern within a reasonable time, such time to be determined by the specific type of emergency and its danger to the public, but not to exceed ten (10) calendar days.
3. That if within said Notice period the owner has not taken steps and advised the Town Manager of said steps satisfactory to said Town Manager, the Town Manager shall cause the employees of the Town of LaGrange, if the need should be determined appropriate, to enter upon the property and remove the emergency to the general public and cause said property to be placed in as safe a condition as possible. The Town Manager shall then cause notice of the costs incurred as a result of same, and said costs, in addition to any costs of collection and attorney's fees, shall become a debt due and owing by the owner of said property.
4. If the owner of said property does not, within thirty (30) calendar days, contact the LaGrange Town Manager and make arrangements for the payment in full of said monies, said Town Manager is authorized to use any and all means possible to collect said sums, including placing a lien against the property so affected, and pursuing the collection of said lien and/or its foreclosure.

C. Inspections and Payments

1. Two (2) inspections by the Town Manager are required, the first when the sidewalk is formed and before it is poured; the second is the final inspection when the work is completely finished, including all grade work and re-seeding of grass. The Town Manager is authorized by the Town Council to inspect the project site and, upon satisfactory completion of the work, authorize payment. Payment will consist of the 75% paid by the participant and 25% paid by the Town.

D. Replacement of Sidewalks by Owners

1. The Town Council recognizes the fact that some property owners may want to replace sidewalks on their own property. The Town Clerk is authorized to issue permits for same.

E. New Sidewalks

1. The responsibility for construction of new sidewalks within the Town limits for a family dwelling, residence, and/or residentially zoned property of the Town of LaGrange is with the developer or owner of an undeveloped lot. In established areas of residentially zoned property without sidewalks, the Town Council will review individual sidewalk requests for new construction. The 75 - 25 side walk replacement program shall be available only to one or two family dwellings located within residential zones.

F. Sidewalk Specifications

1. Concrete mix design for sidewalks shall have a cement factor of six (6) bags (limestone) per cubic yard.
2. One-half ($\frac{1}{2}$) inch expansion joint shall be placed where new sidewalk meets old sidewalk, where new sidewalk meets curb, and at five (5) foot intervals.
3. All sidewalk shall be five (5) feet in width, except in case of the continuation of an existing sidewalk. Minimum sidewalk width shall be four (4) feet.
4. All sidewalks shall have a minimum thickness of four (4) inches for pedestrian traffic and six (6) inches for vehicular traffic.
5. Slope sidewalk toward street one-fourth ($\frac{1}{4}$) inch per foot.
6. Sidewalks shall remain the property and responsibility of the property owner.
7. Place contraction joints at intervals no greater than the width of sidewalk being constructed. Within area of six (6) inch thick concrete, a maximum spacing of ten (10) feet is allowed.
8. The surface shall have a "slip-resistant" texture or "broom finish".
9. A general permit will need to be obtained from the Clerk-Treasurer's office. The general permit shall require a fee of \$25.00.
10. Construction standards and detail drawings shall be maintained by Town Manager and available upon request.

ALL OF WHICH IS DULY ORDAINED this _____ day of _____, 2014.

LAGRANGE TOWN BOARD

ATTEST:

Clerk-Treasurer