

# ORDINANCE NO. 620

## **An Ordinance of the Municipal Code of the City of Kiel Amending Chapter 8 (Zoning Code)**

The Common Council for the City of Kiel do ordain as follows:

SECTION 1: Chapter 8.02 is hereby amended to read as follows:

### **8.02 SIDEWALK CONSTRUCTION AND REPAIR**

#### (2) REPAIR OR REPLACE.

~~(a) Inspection. The City Council in conjunction with the authorized designee shall conduct by July 1 of the designated year, a biennial annual inspection of the City to determine where sidewalks should be repaired or replaced. Sidewalk sections in need of repair or replacement under Para. (b) will be marked with a single dot of paint; a white dot signifies replacement, and a pink dot signifies the possibility of repair, though replacement is always an option.~~

a.

b. Defective Sidewalk. The following are definitions of defective sidewalk:

- (1) Vertical Displacement: The shifting of sidewalk in a vertical direction, resulting in a long-term change in elevation. Repair by mudjacking using polyurethane foam or replacement is required when vertical displacement has occurred where sidewalk is 3/4 inches high or greater for 12 inches of a joint.
- (2) Horizontal Displacement: The shifting of sidewalk in a horizontal direction, often evidenced by cracking or splitting. Repair or replacement is required when horizontal displacement has occurred where sidewalk has greater than a 1/2 inch crack for 3 feet or longer. If the crack is level, it may be repaired by cleaning and filling the crack with concrete epoxy. If the crack is not level, it must be replaced.
- (3) Profile Variance: An inconsistency or difference of quality within the sidewalk from a side view. Repair or replacement is required when the profile varies over 4 inches per slab. Depending on the circumstances, the agent may require either repair or replacement.
- (4) Inverse Slope: An opposite or contrary position of the rise and fall within the sidewalk, typically indicated by trapped water. Depending on circumstances, the agent may require either repair or replacement.
- (5) Surface Imperfections: Irregularities on the upper layer of sidewalk. Repair or replacement is required when there are cracks measuring over 10 feet per slab, a missing piece of 3 inches x 3 inches or greater, or spalling of 50% or greater. Replacement will oftentimes be required, but a missing piece of up to 12 inches x 12 inches may be cleaned and filled with concrete epoxy.

DEFECTIVE SIDEWALK AND ACCEPTABLE REPAIRS

CRITERIA	DEFECT	REPAIRS*
<i>Vertical Displacement</i>	3/4" high or greater for 12" of joint	~Replace ~Mudjack
<i>Horizontal Displacement</i>	Greater than 1/2" for crack 3" or longer	~Replace ~Level crack may be cleaned and filled with concrete epoxy
<i>Profile Variance</i>	Over 4" per slab	~Replace ~Mudjack
<i>Inverse Slope</i>	Trapped water	~Replace ~Mudjack
<i>Surface Imperfections</i>	> 50% or more of slab spalled >Missing 3"x3" or greater >Over 10' of cracks per slab	~Replace ~Missing piece up to 12" x 12" may be cleaned and filled with concrete epoxy

\*Ramping of Vertical Displacement or Concrete Overlay of sidewalk are NOT acceptable repairs

c. Notice of requirement to repair or replace sidewalk.

- (1) The authorized designee shall by **August 1 of each year** send a notice to the owners of all properties indicating the City's determination that sidewalk section(s) should be repaired or replaced. The notice shall specify the following:
  - i. The City or its agent will perform the **repair or** replacement if the property owner does not indicate **by December 1 to the City or its agent 20 days after service of notice** that they will either hire a private contractor to perform the required sidewalk work or do the work themselves.
  - ii. The property owner must complete the required sidewalk work by the following August 15, and that if work is not completed by that date, the City may itself or by its agent perform the work.
  - iii. If the City or its agent performs the **repair or** replacement, the cost shall be charged to the abutting property owner.
  - iv. Failure to repair or replace the sidewalk by the due date, unless excused for good cause by the **authorized designee City**, shall be a violation of the Kiel Municipal Code is subject to forfeiture established in Section 25.04.

d. Method of Repair or Replacement:

- (1) If the City or its agent performs the **repair or** replacement, the cost of the work shall be charged to the abutting property owner. The property owner may choose to pay with a single invoice, or by special assessment under Section 3.09.

(2) Property Owner. Property owners in all areas, including in subdivision projects, shall have the alternative of repairing or replacing sidewalk abutting their properties by contracting for or carrying out themselves such repair or replacement when required to repair or replace their sidewalks as set forth in Section 8.02(3)(c). Property owners other than for new sidewalks in subdivisions beginning with the Rockville Subdivision shall be sent a notice by the authorized designee indicating the City's determination that sidewalks must be installed, repaired or replaced, in accordance with Section 8.02(3)(c) of this ordinance and the notice shall provide the property owner to whom the notice is sent time within which to advise the city if they will hire their own contractors to carry out the installation, repair or replacement of the sidewalk as ordered, or perform work themselves, with notice and return as provided for in Section 8.02(3)(c). An indication of acceptance shall be provided in writing to the authorized designee at the Kiel City Hall by the date determined in Section 8.02(3)(c).

(3) Where Notice Is Not Given to City. With respect to any sidewalk which has been the subject of an order to construct, repair or replace, where notice is not received from the property owner within the time limits established pursuant to Section 8.02(3)(c), the City shall by City personnel or on bids through a private contractor install, ~~repair or~~ replace said sidewalk, and shall charge the entire cost thereof to the abutting property owner.

e. Appeal to Council.

(1) Any owner who is served with a notice as set forth in Section 8.02(3)(c) to comply with this section, who believes they are aggrieved, may petition the City Council for a variance requiring that a sidewalk not be constructed, replaced or repaired, provided such petition is filed with the Administrator within 20 days after receipt of such notice. Such petition shall be accepted or rejected by the City Council within 20 days after it has been filed with the Administrator.

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SECTION 2: This ordinance takes effect upon passage and publication in accordance with the law.

Ordinance No. 620 introduced on September 24<sup>th</sup>, 2024 by Alderperson \_\_\_\_\_, seconded by Alderperson, \_\_\_\_\_

Upon a call of votes thereof, the result was as follows:

\_\_\_\_\_ Votes Cast  
\_\_\_\_\_ Votes Aye  
\_\_\_\_\_ Votes Nay

The mayor declared Ordinance No. 620 introduced and approved this 24<sup>th</sup> day of September 2024

COUNTERSIGNED:

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MICHAEL STEINHARDT, Mayor

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DAVID FUNKHOUSER, Administrator