

ORDINANCE NO. 566

An Ordinance of the Municipal Code of the City of Kiel Repealing and recreating Sections 8.01 and 8.02 (Street and Sidewalk Grades and Sidewalk Construction and Repair)

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

SECTION 1: Sections 8.01 and 8.02 are repealed and recreated to now read as follows:

8.01 STREET AND SIDEWALK GRADES.

- (1) ESTABLISHMENT. The grade of all streets, alleys and sidewalks shall be established by the City Council and recorded by the Administrator in ~~his~~ **their** office. No street, alley or sidewalk shall be worked until the grade ~~thereof~~ is established.
- (2) ALTERATION OF GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part ~~thereof~~ in the City unless authorized or instructed to do so by the City Council or ~~the authorized designee~~. All such alterations of grade shall be recorded in the Office of the Administrator by the Administrator or the officer authorizing alteration.

8.02 SIDEWALK CONSTRUCTION AND REPAIR.

(1) NEW CONSTRUCTION.

~~(2) CITY TO INSTALLATION.~~

- a. ~~Inspection. The City Council in conjunction with the authorized designee shall conduct by August 15 of each year, an annual inspection of the City to determine where sidewalks should be constructed installed. The authorized designee shall by September October 15 of each year send a notice, indicating the City's determination that sidewalks should be constructed installed.~~
- b. Construction
 - (1) ~~City.~~ Under authority of Section 66.0907, Wis. Stats., the City shall by City personnel or on bids through a private contractor ~~construct install~~ sidewalks along or upon any street, alley or highway in any new subdivision development in the City, and shall charge the entire cost thereof to the abutting property owner. The City shall provide through protective covenants and restrictions language establishing the authority of the City to install and assess the costs of sidewalks in new subdivision developments.
 - (2) Property Owner's Option ~~ALTERNATIVE~~ to Construct ~~INSTALL, REPLACE OR REPAIR~~ Sidewalks. Owners of properties ~~other than in new subdivisions except those~~ beginning with development of the Rockville Subdivision shall have the ~~alternative option to construct of installing~~ sidewalk abutting ~~said~~ properties when required by this Ordinance, by contracting for or carrying out themselves such construction, when required as set forth in Section 8.02(1)(c).

- c. ~~WHEN SIDEWALKS TO BE CONSTRUCTED~~ Requirement to construct sidewalks. Sidewalks shall be constructed along each side of the streets in any City block where curb and gutter has been installed when any of the following conditions set forth in (i), (ii) or (iii) are met:
- (1) 50% of the property in the block has been improved with building improvements.
 - (2) 50% or more of the property in the block has sidewalks.
 - (3) The City Council, by resolution, determines that construction of sidewalks would better safeguard the welfare of the public.
 - (4) With respect to properties zoned conservancy (C-1), the City Council may determine that no sidewalk shall be required even where the terms of subs. (a) or (b) above are met.
 - (5) The word "block" in this section shall mean that area between one intersection and another or between an intersection and a cul-de-sac or dead end on both sides of the street.
- d. Specifications. All sidewalks within the City shall be repaired, rebuilt and constructed in accordance with the following specifications:
- (1) Width.
 - i. Sidewalks in residential areas shall be 5' in width and shall be placed 1' from the lot line unless otherwise specified by the established grade ordinance for a specific street.
 - ii. Sidewalks in areas zoned for business (Fremont Street) shall, in general, extend from the building front to the back of the curb. In areas where buildings are set back from the street line, the sidewalk shall extend from the street line to the back of the curb.
 - (2) Longitudinal Grade (Parallel to Street).
 - i. The grade of the sidewalks shall conform to the established grade ordinance and plan for the street on which the sidewalk is to be constructed. Any deviation from the grade ordinance must be approved in writing by the **authorized designee**.
 - ii. No deviation of a sidewalk from the established grade shall be more than 3/4". ~~Any sidewalk shall be repaired when a deviation from grade of 3/4" or more occurs.~~ Any change in the longitudinal grade shall be constructed in such a manner as to be smooth and pleasing in appearance. Abrupt breaks in grade shall be avoided.
 - (3) Transverse Grade.
 - i. Sidewalks shall slope from the lot line toward the street in order to provide adequate drainage. This slope shall in general be 1/4" per foot or 1-1/4" across a 5' sidewalk. In areas where it is advantageous to meet existing conditions, this slope may be increased to a maximum of 1/2" per foot. The minimum transverse grade for sidewalks shall be 1/8" per foot.
 - (4) Thickness OF SIDEWALKS.
 - i. In residential areas, sidewalks shall be 4" thick with the exception of driveway sections which shall have a minimum thickness of 6".

- ii. Sidewalks in areas zoned for business shall be a minimum of 5" thick and driveway sections shall be a minimum of 7" thick.
 - iii. A 2" thick crushed gravel base shall be provided for all sidewalks.
- (5) Concrete Composition.
- i. Concrete shall ~~be ready mixed and its cement content per cubic yard on a cement only mix should be 5.5 sand or a total poundage of 517# minimum or a 3500~~ meet 4500 PSI standards ~~mix with a minimum cement content of 480# per cubic yard.~~ All mixes will be used with a maximum slump of 5" and also a minimum air content of 6% plus or minus 1% maximum. All delivery tickets must have the mix formula on them and one copy of each shall be provided to the **authorized designee** not later than 24 hours after delivery of the mix to the construction site. Abutting property owners who mix their own concrete shall meet the same standards of structural integrity for their sidewalks as those for the ready-mix sidewalk described in this subsection.
- (6) Forms.
- i. All forms for the sidewalk shall be of wood or steel and shall be set true to line and grade, substantially constructed so they will not be disturbed during the placing of concrete. In each case, the forms shall be the full depth of the walks. All sharp breaks in line or grade shall be avoided.
- (7) Placing and Finishing Concrete.
- i. Concrete shall be placed only on a damp subgrade, puddled and compacted in the forms or vibrated to secure a solid mass free of all voids. After the concrete has been compacted, it shall be struck off and worked to a smooth and even contour with a wood float, followed by a steel trowel. After the final troweling, the surface shall be lightly stripped with a fine brush to produce a fine grained, smooth but sanded texture.
 - ii. The sidewalk shall be constructed with contraction joints. The contraction joint shall extend into the concrete to a depth of 1". A 1/2" asphalt expansion joint shall be placed at intervals not less than 45' and not more than 60'. Expansion joints shall be the full thickness of the walk.
 - iii. The edges of all sidewalk joints shall be rounded with an edge of 1/4" radius.
- ~~(8) Curing.~~
- ~~i. ~~As soon as possible without marring, the finished sidewalk shall be covered with wet burlap, cotton mats, straw or earth and kept moist for 3 days. As an alternate where practical, clear or white pigmented membrane seal coats may be used if at the end of 3 days they retain within the concrete at least 85% of the original mixing water. In cold weather, sidewalks shall be protected from freezing during the curing period.~~~~

(3) REPAIR OR REPLACE.

- a. Inspection. The City Council in conjunction with the **authorized designee** shall conduct by August 15 of each year, an annual inspection of the City to determine where sidewalks should be **installed**, 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.
- 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 ~~September~~ ~~October~~ 15 of each year send a notice to the owners of all properties indicating the City's determination that sidewalk ~~section(s)~~ should be ~~installed~~, repaired or replaced. ~~on the list of those inspected and for which installation, repair or replacement was found to be needed.~~ The ~~said~~ notice shall specify the following:
- i. The City or its agent will perform the ~~installation~~, repair or replacement ~~found needed~~ if the property owner does not indicate by ~~a date specified in the letter not sooner than~~ December 15 that they will either hire a private contractor to perform the required sidewalk work or do the work ~~themselves himself~~.
 - ii. The property owner must ~~himself or by his contractor~~ complete the required sidewalk work by the following August 15, and that if ~~said~~ work is not completed by that date, the City may itself or by its agent perform ~~the said~~ work.
 - iii. ~~The notice shall further indicate that~~ If the City or its agent performs the ~~installation~~, repair or replacement ~~found needed~~, the cost ~~of said work~~ shall be charged to the abutting property owner. ~~The notice shall also indicate that~~
 - iv. Failure to ~~install~~, repair or replace the sidewalk by the due date, unless excused for good cause by the ~~authorized designee~~, shall be a violation of the Kiel Municipal Code is subject to forfeiture

established in Section 25.04. ~~The notice shall be served upon such property owner by certified first class mail.~~

d. Method of Repair or Replacement:

(1) City. If the City or its agent performs the repair or replacement, the cost of ~~said 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 ~~said the~~ notice shall provide the ~~said~~ 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 ~~of said alternative~~ shall be provided in writing to the ~~authorized designee~~ at the Kiel City Hall by ~~said property owners by~~ the date determined ~~as provided~~ 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 himself~~ aggrieved ~~thereby~~, 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.

(4) PENALTIES.

a. Any property owner who violates any provision of this section shall upon conviction be punished by a forfeiture established in Section 25.04 of this Municipal Code. Each 24-hour period during which a violation exists shall constitute a separate offense.

SECTION 2: This ordinance shall take effect upon passage and publication in accordance of law.

Ordinance No. 566 introduced on July 9, 2019 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. 566 introduced and approved this 9th day of July, 2019.

MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

JAMIE J. AULIK, City Administrator