

## **ORDINANCE 1920**

### **AN ORDINANCE AMENDING ORDINANCE 1821 50/50 PUBLIC SIDEWALK REPLACEMENT PROGRAM**

**WHEREAS**, the Town Council of the Town of Munster is the municipal legislative body of the unit; and,

**WHEREAS**, with the passage of time various ordinances, codes, procedures of the Town of Munster must be amended; and,

**WHEREAS**, with the passage of time various practices, policies and procedures must be updated; and,

**WHEREAS**, The Town has 116 centerline miles of roadway with 232 miles of public sidewalk. Before 2017, data collection on sidewalk hazards occurred annually by Public Works using a drive-by approach within known substandard areas to identify conditions, allowing many areas to be overlooked; and,

**WHEREAS**, the Town Council did to formally adopt Ordinance 1821 on April 5<sup>th</sup> 2021 which established a 50/50 Public Sidewalk Replacement Program to provide additional funding and improve the Town's ability to repair or replace substandard public sidewalks within its limited budget; and,

**WHEREAS**, Munster Town Council amended Ordinance 1821 by adopting Ordinance 1866 on June 2<sup>nd</sup>, 2022, which capped the total financial responsibility of a resident owning a corner lot that was in need of sidewalk repair; and,

**WHEREAS**, Munster Town Council wished to further amended Ordinance 1821 to allow for forgiveness of costs associated with the sidewalk replacement program in cases of financial hardship.

Now, therefore, be it **ORDAINED** by the Town Council of the Town of Munster, Lake County, Indiana as follows:

The following provisions shall be added to Chapter \_\_\_\_\_, as follows:

#### **Section One - Eligible Sidewalks.**

The 50/50 Public Sidewalk Replacement Program applies only to the replacement of existing substandard sidewalks and does not apply to construction of new sidewalks or to private sidewalks.

#### **Section Two - Identification of Sidewalks for Replacement.**

Substandard sidewalks in need of replacement or repair shall be identified in one of two ways: Town-Identified Hazards and/or Resident Requests. Residents may notify the Town of substandard sidewalks and request repair or replacement through Sidewalk Replacement Applications.

### Section Three - Inspection and Rating.

- A. Once a substandard sidewalk is identified by either Town-Identified Hazards or Resident Requests, the Town Public Works department shall physically inspect the sidewalk and assign a rating of #1 (worst) to #4 (best). The Town shall utilize and exercise official judgment and discretion when ranking substandard sidewalks in need of repair.
- B. Factors to be considered in ranking substandard sidewalks in need of repair shall include, but are not limited to, the following: budgetary concerns, allocation of scarce resources, proximity to high traffic areas and those within school zones, hospital zones, and other areas targeted for any grant-funded street improvement projects, as well as the weighing of risks and benefits.
- C. Sidewalks with the worst condition ratings will generally be considered as first priority for either replacement or lifting.

### Section Four - 50/50 Cost Sharing.

- A. Costs of sidewalks replaced by the Town (except those being replaced due to damage caused by the Town) will be split equally with benefiting property owners, regardless of whether initiated from Town-Identified Hazards or Resident Requests. Residents are required to pay their 50% portion of the repairs to the Town Clerk-Treasurer's office prior to work being performed.
- B. Residential property owners' financial responsibility will not exceed a repair length equal to 75% of the lot frontage. For corner lots with complete sidewalk buildout, financial responsibility will not exceed a repair length equal to 50% of the total frontage. The cost of sidewalk repairs in excess of this maximum length will be paid for in full by the Town. For the purpose of calculating caps, lot widths will be obtained from the Lake County Surveyor GIS website. This cap applies to residential properties only.
- C. To minimize the financial burden on residents, Residential property owners that earn 40% of the Town of Munster household median income shall have the resident portion of the 50/50 sidewalk improvements waived.
  - a. Household Median Income shall be determined by the most recent data produced by the United States Census Bureau.
  - b. Residents that wish to apply for improvement waivers shall submit tax returns of all members of the household to the Clerk-Treasurer's Office for review.
  - c. If a resident household qualifies for an improvement waiver, their improvement cost waiver shall be placed on the next reasonable Council Consent Agenda.

### Section Five - Notification.

The Town shall notify owners of any addresses identified by the Town for sidewalk replacement of the 50/50 Sidewalk Program information by mail 30 days prior to work commencing and to alert residents of a forthcoming invoice from the Clerk-Treasurer's Office.

### Section Six - Appeal.

An owner of an address may petition the Town Manager to delay repairs by up to twelve (12) months. Costs associated with the repairs will be at the contracted price for that construction season. The owner shall remain liable for any instance of injury or notice of tort claim resultant of the failed sidewalk.

### Section Seven - Contractor.

All sidewalk repairs performed pursuant to the 50/50 Public Sidewalk Replacement Program shall be performed by a contractor selected by the Town.

Section Eight - Effective Date.

This Ordinance shall take effect upon the date of its publication which shall occur within thirty (30) days after passage.

**ORDAINED and ADOPTED** by the Town Council of the Town of Munster, Indiana on the \_\_\_\_ day of \_\_\_\_\_ 2022, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF MUNSTER,  
LAKE COUNTY, INDIANA**

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**Chuck Gardiner, President**

**ATTEST:**

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**Wendy Mis, Clerk-Treasurer**