

AN ORDINANCE AMENDING SIDEWALK ASSESSMENT POLICY

Ordinance No. 1209

The Common Council of the City of New London, Outagamie and Waupaca Counties, Wisconsin do ordain as follows:

Section 1. That §8.02(2) Sidewalks shall be repealed and replaced as follows:

(2) SIDEWALKS

(a) NEW. Whether by petition or as determined to benefit the safe travel of the public, when new sidewalk is installed within the current corporate limits, the cost of such sidewalk will be borne by the taxpayers of the City.

(b) REPLACEMENT. Where sidewalk already exist, but is found to be defective or otherwise in need of replacement and such defect or finding is due to normal wear, or the results of natural action such as tree growth, frost upheaval or erosion, the cost of the replacement shall be borne by the taxpayers of the City.

(c) REPLACEMENT DUE TO HUMAN ACTION. When sidewalk is defective or otherwise in need of replacement as a result of the action whether intentional or not of the property owner, his contractor or other contractor, then the cost of sidewalk replacement shall be borne by that party regardless of the age of the sidewalk now rendered defective.

(d) NEW SUBDIVISIONS. It shall be the determination of the Plan Commission in their site plan review, taking into account the location of the subdivision, its proximity to schools, parks and its access to existing sidewalk or trail systems, as to whether sidewalk will be required. If the Plan Commission determines new sidewalk is required the cost of the sidewalk will be borne by the developer.

(e) CONDITION. Sidewalk is defective or in need of replacement if it is unsafe to walk across due to its surface being eroded or damaged or if it is pitched so that during more than 2 months of the year any part extends more than $\frac{3}{4}$ inch above or below the adjacent block, or if it is cracked through at any point for more than 8 inches or if it bears 3 or more cracks of any depth more than one foot long.

(f) INSTALLATION. Sidewalks shall be installed in accordance with City plans and specifications, and installation shall be inspected by either the Department of Public Works or Building Inspector.

Section 2. That §8.02(8) (a) & (b) be repealed and replaced as follows:

(8) REPLACEMENT OF CURB AND GUTTER.

(a) If in the opinion of the Public Works Committee, or its designees, sections of curb and gutter need to be replaced, such replacement shall be installed according to Department of Public Works specifications, by contractors approved by the Department.

(b) ASSESSMENT. Curb and Gutter not replaced due to street reconstruction but due to other reasons and thus replaced by section is assessable per §8.02(1); however, such assessment may be reduced if the curb and gutter is less than 20 years old and the property owner is not responsible for its deteriorated conditions.

(c) REDUCTION OF PROPERTY OWNER ASSESSMENT SHARE.
If a section of curb and gutter is in need of replacement due to natural deterioration or action of persons other than the property owner the normal 50% assessment shall be reduced as follows:

- For curb & gutter less than 7 yrs old to 0%
- For curb & gutter between 8 and 11 years old to 12%
- For curb & gutter between 12 and 15 years old to 24%
- For curb & gutter between 16 and 18 years old to 30%
- For curb & gutter between 19 - 20 years old to 48%

Section 3. This ordinance takes effect following passage and publication.

BY _____
Gary Henke, Mayor

ATTEST _____
Susan Tennie, Clerk

1st Reading: March 10 2009

2nd Reading: April 14 2009

Published: April 23 2009