

**Resolution No 17-964, a Resolution Approving a City of Wentzville Sidewalk and Driveway Repair Policy and Matters Relating Thereto**

**WHEREAS**, Chapter 505 of the City Code of Ordinances adopts the Engineering Design Criteria and Standard Specification and Construction Details for streets, sidewalks and driveways, and

**WHEREAS**, The City Code of Ordinances does not clearly address private driveway and sidewalk repair responsibility and there is confusion among property owners regarding the extent of their responsibility, and

**WHEREAS**, the Board of Aldermen of the City of Wentzville, Missouri, find it is in the best interest of the residents of Wentzville to clarify repair responsibility for driveways that access public streets,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI as follows:**

**Section 1:** The Board of Aldermen of the City of Wentzville, Missouri, approves the City of Wentzville Sidewalk and Driveway Maintenance Policy (the "Policy") in substantially the form attached hereto as Exhibit A.

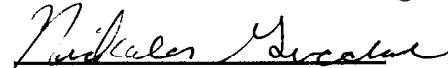
**Section 2:** The Director of Public Works and other appropriate officers, agents and employees of the City are authorized to implement the Policy in substantially the form as set forth in Exhibit A attached hereto and incorporated herein by reference, and to take such further actions as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 3:** The portions of this Resolution shall be severable. In the event that any portion of this Resolution is found by a court of competent jurisdiction to be invalid, the remaining portions of this Resolution shall be deemed valid, unless the court finds the valid portions of this Resolution are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the governing body of the City has enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. All prior resolutions in conflict herewith shall be and are hereby repealed.

**Section 4:** This Resolution shall be in full force and effect from and after its passage and approval.

Resolution No. <sup>17-964</sup> ~~(ID # 7431)~~

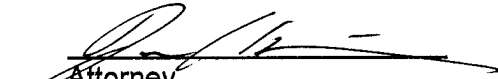
APPROVED BY THE BOARD OF ALDERMEN THIS 26 DAY OF July, 2017

  
Mayor, Nickolas Guccione

Attest:

  
City Clerk, Vitula Skillman

Approved as to Form:

  
Attorney

## CITY OF WENTZVILLE SIDEWALK AND DRIVEWAY REPAIR POLICY

### 1. Introduction and Scope

This policy applies to curb ramps, sidewalks, multi-use trails, and driveways installed in public right of way. It is the policy in the City of Wentzville that curb ramps, sidewalks or trails installed as part of a private driveway are repaired and maintained by the driveway owner. This includes curb ramps providing pedestrian accessibility across a commercial driveway or private roadway access which shall be maintained by the owner. Curb ramps, multi-use trails, sidewalks and private driveways shall be constructed and maintained in accordance with the City Code of Ordinances and the 2011 Proposed Public Right Of Way Accessibility Guidelines (PROWAG) or most current edition. The current link to this information is <https://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines/introduction>

Upon dedication, sidewalks within City right-of-way, that are not part of a private driveway, and curb ramps within City right-of-way providing pedestrian accessibility across public roadways are repaired by the City through the Public Works Department. When City sidewalks or curb ramps are broken or damaged by others, repairs shall be made by the responsible party under a building, construction, or right-of-way permit issued by the City. The City may also make the repairs to damaged sidewalks or curb ramps and invoice the responsible party if known.

Residential and non-residential property owners are responsible for the repair and upkeep of their private driveway including the sidewalk within the driveway. This includes repairs needed due to cracks, heave, or settling. The Public Works Department is not authorized to repair or replace any portion of a private driveway including the sidewalk within a private driveway except under the following conditions:

- 1) To provide relief from street movement pressure at a driveway by installing an expansion joint between a private driveway apron and street curb. This work may only be performed with the written consent of the driveway owner.
- 2) To fill in the gap with expansion material between a driveway apron and the street curb due to street movement away from the driveway. This work may only be performed with the written consent of the driveway owner.
- 3) When the grade or alignment needs to be adjusted as part of a street or sidewalk improvement or repair project, the City may replace affected portions of a private driveway within right-of-way.
- 4) To facilitate installation, repair, or maintenance of a public water, storm or sanitary sewer under a private driveway, the City may repair or replace a private driveway and/or sidewalk section located within easement.
- 5) No other maintenance, replacement, or repair of private driveways or sidewalks within private driveways is authorized to be performed by the City under this policy.

## 2. Inspection policy

The Public Works Department performs annual inspections of City maintained streets, sidewalks, and curb ramps. A city wide inspection schedule for City maintained facilities is arranged so that all City maintained streets, sidewalks, and curb ramps in City right of way are inspected at least once every four (4) years.

City maintained sidewalks and curb ramps are prioritized for repair when:

- Vertical joint or crack displacement exceeds  $\frac{3}{4}$  inch.
- Horizontal crack displacement exceeds  $\frac{3}{4}$  inch.
- The sidewalk doesn't drain and dry within 24 hours of up to  $\frac{1}{2}$  inch rain.
- Uneven change in slope  $>1$  inch in 4 feet due to heave or settlement
- Manholes or water valves are  $>1$  inch above the sidewalk

Walkway inspection along roads with speed limits of 25 mph may be performed visually from a moving ATV with warning lights activated. Walkway inspections along streets greater than 25 mph should be performed from the sidewalk or trail itself or in certain cases from a full size City vehicle driven upon the adjacent street with appropriate vehicle warning lights activated.

## 3. Repair/Replacement policy

Upon completion of the annual inspections, the Public Works Department implements a repair and replacement program. This program is subject to modification based upon sidewalk and curb ramp conditions and the availability of resources for repair. The program will:

A. Prioritize replacement of sidewalks and curb ramps identified by citizen concerns and by the annual survey so repairs are selected by highest priority within funding allocations.

B. Prioritization should weigh the following factors:

1. The nature and severity of the condition needing replacement or repair
2. History of falls or complaints
3. Proximity of walkways needing repair to similar repair work
4. The budget for replacement or repair of curb ramps and sidewalk
5. Availability of employees, equipment, and other resources

C. Repair/Replacement- Sidewalk and curb ramp repair may be accomplished by the following methods:

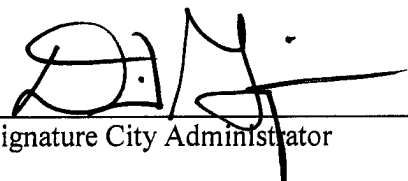
1. Remove and replace.
2. Raise or lower section(s) of sidewalk using compacted stone as a sub-base.
3. Leveling may be achieved by mud jacking.
4. Grinding of heaved joints may be performed to achieve a uniform surface.
5. Where displacement has been caused by large tree roots, the tree owner may be notified to remove the tree.

4. **Modification and Publication of policy**

This policy shall be effective on the signature date of the Resolution adopting this policy as approved by the Board of Aldermen. The Director of Public Works with approval of the City Administrator is granted the authority to approve minor modifications to this policy. The effective version of this policy shall be published on the City website under the Department of Public Works.

  
\_\_\_\_\_  
Signature Director of Public Works

7/31/17  
Date

  
\_\_\_\_\_  
Signature City Administrator

7/27/17  
Date