

**ORDINANCE 2021-**

**AN ORDINANCE ADOPTING § 93.11 THE PUBLIC SIDEWALK REPLACEMENT PROGRAM**

WHEREAS, the Town Council of the Town of Dayton is the municipal legislative body of the unit;

WHEREAS, the Town Council desires to formally adopt and ordain a 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, the Town Council of the Town of Dayton seeks to enact Chapter 93.11 of the Code of Ordinances for the Town of Dayton and said additions are attached as Exhibit A:

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Dayton, Indiana, that the Code of Ordinances for the Town of Dayton be amended by enacting Chapter 93.11, as follows:

**93.11 ADOPTING THE PUBLIC SIDEWALK REPLACEMENT PROGRAM BY REFERENCE**

(A) The Public Sidewalk Replacement Program Ordinance for the Town of Dayton, Indiana, as amended in Exhibit A, is incorporated by reference as part of this chapter and it is hereby enacted and adopted and approved as a general ordinance of the Town of Dayton.

(B) Two copies of the Public Sidewalk Replacement Program Ordinance for the Town of Dayton, Indiana, as enacted, are on file in the office of the Town Clerk-Treasurer for public inspection.

(C) The Town Council shall be responsible for implementation and enforcement of this Ordinance.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer

## Exhibit A

### 93.11 THE PUBLIC SIDEWALK REPLACEMENT PROGRAM

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

(B) Sidewalks in need of replacement or repair shall only be identified by request of the property owner of the sidewalk in need of repair or replacement. Property owners may notify the Town of their desire to repair or replace their sidewalk through the Sidewalk Replacement Application.

(C) Inspection and Rating:

- 1) Once a Sidewalk Replacement Application is submitted, the town manager shall physically inspect the sidewalk and make a recommendation to the town council regarding whether the application should be approved or declined.
- 2) The town council will vote to approve or decline the application.
- 3) Factors to be considered by the town manager and town council 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.

(D) The Town shall determine the reimbursement rate, in dollars per square foot of sidewalk, for the costs of sidewalks to be replaced by the Public Sidewalk Replacement Program. The property owner and the Town will each pay one half (1/2) of the reimbursement rate. Any amount billed by the contractor greater than the reimbursement rate will be paid by the property owner. The Town will pay 100% of the costs and expenses associated with any sidewalk curbs that are required by the Americans with Disabilities Act (ADA). The property owner shall submit documentation to the town manager showing the contractor has been paid in full before the Town will issue payment to the property owner.

(E) All sidewalk repairs performed pursuant to the Public Sidewalk Replacement Program shall be performed by a contractor selected by the property owner and approved by the Town. The contractor must install sidewalks that are compliant with the Americans with Disabilities Act (ADA).