

Village of Avoca Sidewalk Replacement Policy

Policy: Sidewalk Repair and Replacement Policy							Policy #25		
Effective: August 1, 2022				Author: Eric R. Tyner					
Approved by Board:		Mayor:	Trustee:	Trustee:	Trustee:	Trustee:		Filed:	Clerk:

I. Purpose: To establish a standardized policy for the repair and replacement of all pedestrian thoroughfares (sidewalks) which are located within the public right-of-way along the streets of the Village of Avoca and or located in the open public spaces of the Village of Avoca. This policy is to be implemented and adhered to by all Village of Avoca employees and officials, both elected and appointed, during their official duties and tenure in the employment of the Village of Avoca.

II. Policy: It shall be the policy that every employee or official, either elected or appointed, who is in charge or responsible in their official duties or capacity for the Village of Avoca for the replacement and or repair of the sidewalks for the Village of Avoca, are covered under the following provisions set forth in this policy. This policy is being implemented to ensure all property owners with public sidewalks located on their property are covered under this standardized procedure for the repair and replacement of sidewalks in a timely manner.

III. Definitions:

A. Sidewalks:

1. Sidewalks shall be defined as any pedestrian public thoroughfares located in the Village of Avoca and are designed to provide a safe and hazard free lane for transportation for pedestrian movement throughout the Village of Avoca. Sidewalks shall generally be constructed of concrete and located along public streets in the Village of Avoca, but can be constructed of other material and located in public spaces under specific circumstances.
2. Sidewalks shall further be defined as any pedestrian or walkways designed for public pedestrian traffic located on and/or maintained by the Village of Avoca. These sidewalks shall be generally located in the Village Public parks located within the boundaries of the Village of Avoca.
3. Sidewalks are constructed on both sides of the streets to minimize unnecessary pedestrian crossings, thereby increasing pedestrian safety. The policy of the Village of Avoca is to replace and repair all damaged and broken sidewalks in order of the sections to be determined most hazardous on a yearly basis as allowed by budgetary constraints.

4. All existing public sidewalks already constructed and in use at the effective date of this policy shall be grandfathered for dimension and construction of the existing sidewalks installed. The current standard dimensions of public sidewalks is 4" thick, 4' wide concrete, with 4" of crushed aggregate base course.
5. With the construction of any new sections of public sidewalks the section in a driveway for the dimensions shall be 4" thick, 5' wide concrete, with 4" of crushed aggregate base course. Sections of new public sidewalk crossing existing driveways shall maintain the width and slope of a sidewalk, but shall be handled as a "driveway" for thickness and pavement purposes.
6. The addition of sidewalks to the Village of Avoca shall be a priority in any Grant applications sought by the Village for that section of the Village as determined by the project or Grant application being prepared.

B. Employees:

1. Any person in the employment of the Village of Avoca, either full-time or part time, hired under the provision of the State of New York.
2. Employees are further defined as receiving, biweekly, or monthly and quarterly compensation in the form of funds and/or benefits by the Village of Avoca.
3. Employees for the purposes of this policy shall include full-time employees of the Village Street Department who are charged with the repair, replacement and maintenance of Village of Avoca owned sidewalks..

C. Officials:

1. Any person who is appointed to a job description for the Village of Avoca, either elected or appointed, for the duties they are performing.
2. Officials may be compensated for the duties they are performing by funds or benefits, as provided for the job description they are occupying.
3. Certain officials may be occupying job description that do not receive any form of compensation, but shall also be covered by the provisions as outlined in this policy.

D. Village Trustee Liaison to the Street Department:

1. The Village Board of Trustees member that has been assigned to be the Village Board Liaison to the Street Department shall be named and approved at the yearly organizational meeting for the Village of Avoca.
2. The Village Trustee assigned as the Liaison to the Street Department shall be responsible to report to the Mayor and the Board of Trustees any reported defective sidewalks or pedestrian thoroughfares reported to be in need of repair or replacement in the Village of Avoca.

E. Village Maintenance Supervisor

1. The Avoca Village Maintenance Supervisor shall be the person appointed by the Mayor and approved by the Board of Trustees responsible to oversee the repair and replacement of any defective sidewalks located in the Village of Avoca.
2. The Avoca Village Maintenance Supervisor shall also be the person responsible to oversee all the maintenance of all public sidewalks within the Village of Avoca and snow removal of the sidewalks during inclement weather.

IV. Care and Maintenance

A. Snow Removal

1. The policy of the Village of Avoca is to assist property owners within the Village of Avoca with the clearing of snow from public sidewalks to provide a safe pedestrian transportation route throughout the Village of Avoca.
2. After each snowfall event, snowfall greater than 2 inches of accumulation, the Street Department will clear public sidewalks adjacent to streets of the Village of Avoca in a manner and order to be determined by the Village Maintenance Supervisor.
3. The removal of snowfall from the public sidewalks shall take secondary consideration to the removal of snowfall from the Village streets. In the event adequate staffing within the Street Department allows for the simultaneous removal of snowfall from the streets and public sidewalks, the Village Maintenance Supervisor shall assign Street Department employees accordingly.
4. The owner of property abutting any public sidewalk shall keep the thoroughfare clear of any objects or debris within one foot of either side of the public sidewalk to ensure a clear path for proper snowfall removal. The Village of Avoca will not be liable for any damage of public property for lawn decorations, landscaping, or other objects located within 1 foot of any public sidewalk during snow removal.
5. It shall be the responsibility of the property owner to clear any snow accumulations for abutting residential sidewalks. Any snow removal for these abutting sidewalks shall be kept out of the public sidewalk previously cleared by the Street Department.
6. It shall be known that the Village of Avoca will clear all public sidewalks to provide a safe pedestrian walkway, **but at no time shall the Village of Avoca place salt or any form of snow melting material on public sidewalks for the purpose of snow and/or ice melting.**

B. Summer Maintenance

1. As a general rule, the Village of Avoca will not perform maintenance of public sidewalks during summer months, unless special circumstances exist. The care and maintenance, such as edging and weed /grass removal, shall fall upon the property owner.

V. Replacement and Repair

- A. Each year, the Village of Avoca performs sidewalk maintenance to repair defective sections of public sidewalks throughout the Village. These repairs ensure safety for pedestrians as well as reduce liability for property owners and the Village.

- B. The Village of Avoca shall establish and maintain a line item in the Village Budget for the annual replacement of sections of public sidewalk deemed to be unsafe or in a state of disrepair.

1. Installation Schedule – Replacement sidewalks to be installed by the Street Department shall be installed between the months of May and October of each calendar year and shall be scheduled and prioritized by the Village Maintenance Supervisor by level of disrepair from highest to lowest. Criteria to be used in this determination shall include, but not be limited to the following:

- a. Health hazard exists from the amount of pedestrian traffic,
- b. Where safety would improve areas of existing high levels of pedestrian traffic,
- c. During water line or road repair where public sidewalk have been removed or damaged,
- d. Sections of sidewalks directed to be replaced by the Board of Trustees.

C. Cost of Replacement

1. The Village of Avoca shall contribute 100% of project cost for replacement of public sidewalks as determined by the Village of Avoca on a hazard basis only, without aesthetic considerations.
2. The Village of Avoca will offer property owners the opportunity to improve the appearance and safety of their property and the neighborhood with a Shared Sidewalk Replacement Program..
 - a. In the event a property owner requests that a section of public sidewalk or the entire public sidewalk on their property be replaced by the Village of Avoca on an aesthetics basis, the following provisions shall be applied:
 1. The property owner shall complete the attached “Sidewalk Replacement Request” form attached to this policy and deliver the form to the Village Clerk at the Village of Avoca Offices at 3 Chase Street in Avoca, NY.

2. The Village Maintenance Supervisor shall secure the request and respond to the property address to meet with the property owner. The Street Superintendent shall examine the public sidewalk, secure all measurements required to give a cost estimate, and then calculate the cost of replacement of the public sidewalk being requested.
3. The property owner will then be notified of the cost to replace the requested section of public sidewalk. The cost incurred by the property owner shall be limited to the cost of all materials, such as fill, concrete, topsoil and seed, to be used in the project.
4. The Village of Avoca shall incur the cost of the replacement of the requested section of public sidewalk to include the removal of the old sidewalk, placement of metal sidewalk forms, pouring and spreading of the concrete, removal of the forms and cutting thereafter. Once the sidewalk is complete the Street Department will backfill of topsoil and seeding.
5. Once the cost of the replacement of the public sidewalk to the property owner has been calculated, the property owner shall be notified of the cost by the Village Maintenance Supervisor. Payment for the project shall then be made to the Village Clerk's Office. Once the payment is received, the Village Maintenance Supervisor shall be notified to place the project on the list of public sidewalk replacements.
6. **At no time shall a requested public sidewalk replacement be moved up the list of sidewalk replacement because the property owner is paying for the replacement. Hazardous sidewalk replacement by the Street Department shall take priority over any sidewalk replacement for aesthetic purposes.**

VI. Driveways

- A. The replacement of public sidewalks that cross existing private driveways in the Village of Avoca require special consideration in the repair and replacement of the sidewalk due to the pressures exerted on the sidewalk due to vehicular traffic. The Village Maintenance Supervisor shall take the presence of an existing driveway into consideration when replacement of these sections of sidewalks to ensure the sidewalk can withstand the pressure being exerted.
- B. Typically, a higher pressure concrete mixture shall be used in that section of public sidewalks where vehicular traffic has been established. The replacement of this section of concrete may also need to be thicker in construction in consideration for the type of vehicular traffic used in that area.

VII. Replacement of Sidewalk due to Property Owner Activity or Negligence

- A. In the event a public sidewalk is broken, damaged, or needs to be replaced due to vehicular traffic where a driveway is not established, the nature of the

damaged public sidewalk shall be investigated by the Village Maintenance Supervisor and reported to the Village Board of Trustees for possible further action.

- B. In the events a public sidewalk is broken or damaged due to any reason that can be attributed to the property owner, such as putting in septic, landscaping, construction, or for any practical reason, the damage to the public sidewalk shall be documented by the Village Maintenance Supervisor and reported to the Village Board of Trustees for possible further action to recoup the cost to replace the damaged sidewalk.

VIII. Exceptions

- A. No request for public sidewalk replacement shall be exempt from the above procedure and policy, unless under extreme circumstances and;
 - 1. The Village Maintenance Supervisor requests any deviation after consultation with the Mayor due to extreme or emergency circumstances. In this event, the Mayor shall immediately notify the Board of Trustees of the circumstances surrounding the departure from this procedure and shall be discussed at the next Board of Trustees monthly meeting.

Village of Avoca Street Department

Sidewalk Replacement Request

Please review the Village of Avoca Policy for Sidewalk Repair and Maintenance, which is available at the Village Clerk's Office. The Village of Avoca is trying to upgrade and replace all broken sidewalk to ensure safe pedestrian traffic throughout the Village. If your main sidewalk running parallel to your address is in question, please provide the following information.

Property Owner Information:

Name: _____
Address: _____
Contact Number: _____

Address of Sidewalk (if Different):

Property Owner: _____
Address: _____

Please outline the sidewalk is in need of replacement: _____

of Sidewalk Blocks: _____ Driveway Blocks: _____ Blocks Displaced by Trees: _____
Other Areas of Concern: _____

Does the main sidewalk attach to any property sidewalks or handicap ramps: Yes No

Please attach photographs of the sidewalk area asking to be replaced or repaired.

All requests will be reviewed by the Village Maintenance Supervisor with the Board of Trustees at the monthly Board of Trustee's Board Meeting and the requesting property owner will be notified on the status of the request within 30 days of submission.

- Official Village Use Only -

Date Received: ____/____/____ Official Receiving: _____

Forwarded to Village Maintenance Supervisor on: ____/____/____ Other _____

Sidewalk Inspected On: Date: _____ By: _____

Action Taken to be Taken: ☐ Replacement ☐ Repair ☐ No Action ☐ Other _____

If Replacement Scheduled: Date: _____ Cost: _____

Is sidewalk replacement being requested under Section V, C, 2? ☐ Yes ☐ No

If sidewalk is being requested at owners expense, estimate for replacement will be: \$ _____