

RESOLUTION NO. G-1245

A RESOLUTION REESTABLISHING AND AMENDING THE SIDEWALK REPAIR ASSISTANCE PROGRAM FOR THE CITY OF NEWTON, KANSAS.

WHEREAS, by virtue of the provisions of K.S.A. 12-1808 *et seq.*, and by virtue of the corresponding provisions of Newton City Code Section 20-101, property owners are responsible for the maintenance and repair of abutting public sidewalks; and

WHEREAS, these requirements are enforced by City inspection staff members through the issuance of notices and orders directing the repair of sidewalks, or portions thereof, found to be in disrepair; and

WHEREAS, damaged sidewalks in disrepair present a danger to the health, safety and welfare of pedestrians; and

WHEREAS, the City desires to facilitate the provision of safe sidewalks for pedestrians; and

WHEREAS, the City recognizes that the costs of causing sidewalk repairs can be significant; and

WHEREAS, the City has previously utilized a sidewalk repair assistance program, which yielded positive results prior to the available funding being utilized; and

WHEREAS, the City has determined that it is a worthwhile use of public funds to provide a rebate to property owners for repairing sidewalks found to be in violation of the City Code; and

WHEREAS, this program shall serve to assist property owners with sidewalks that are in violation of the City Code as opposed to property owners that effectuate repairs solely for aesthetics or beautification; and

WHEREAS, the governing body has determined it to be advisable to reestablish the Sidewalk Repair Program subject to the amended provisions herein; and

WHEREAS, it is the intent of the City Commission to provide a rebate for those property owners approved for the program to help lessen the financial burdens associated with the making of such repairs of sidewalks found to be in disrepair.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS, that a Sidewalk Repair Assistance Program (the "Program") is hereby reestablished which shall operate in the following manner, to wit:

1. Eligibility. Persons eligible to participate in the Program are those property owners who have been in receipt on or after January 1, 2020, or who are hereafter in receipt, of an official notice issued by the City inspection staff directing the property owner to make designated repairs to public sidewalks abutting such property owner's property, and who then make application for participation in the Program within the time framework set forth herein. Those property owners who are approved for participation in the Program and complete the necessary repairs will receive a City-issued rebate subject to the Program terms and conditions.

2. Funding. The Sidewalk Repair Program is solely funded by the Governing Body. Once the funds in the Sidewalk Repair Program have been exhausted, no further applications will be approved and the Sidewalk Repair Program will end. It is at the discretion of the Governing Body to continue to fund the Sidewalk Repair Program prior to or after the exhaustion of the original funds. The Governing Body may amend or discontinue the Sidewalk Repair Program at any time regardless of any available funding. The Governing Body hereby appropriates the following funding in furtherance of the Sidewalk Repair Program:

- (a) \$75,000.00 designated for property owners that have been issued a Notice of Sidewalk Violation from the City in calendar year 2020; and
- (b) \$75,000.00 designated for property owners that receive, or have received, a Notice of Sidewalk Violation from the City in calendar year 2021.

3. Application and Deadline. The Office of Revitalization and Preservation is hereby authorized to create and distribute an application for the Program that is consistent with the terms of this Resolution (the "Sidewalk Rebate Program Application"). In order to participate in the Program, the property owner must submit a complete Sidewalk Rebate Program Application to the Office of Revitalization and Preservation on or before December 31, 2021.

4. Repairs. All repairs must be performed in compliance with all applicable requirements and specifications as determined by the City Engineer. No rebate shall be issued unless and until said repairs are inspected and approved by the City Engineer.

5. Program Benefits. Program benefits for eligible property owners are as follows:

- (a) Each property owner that is approved for the Program is entitled to a City-issued rebate to assist in offsetting the costs of making sidewalk repairs. The City-issued rebate is limited to a maximum amount of \$3.50 per square foot of

sidewalk repaired or replaced, and also subject to a maximum City-issued rebate payment per property street frontage of \$800.00.

- (b) The area that is repaired or replaced and subject to reimbursement is limited to the public sidewalk which is on the street frontage, that being on the street right-of-way and running parallel to the street, and shall not include any sidewalk serving as an approach or entrance into the property or any structures thereon.
- (c) Corner properties with sidewalks along each intersecting street shall be regarded as having two property street frontages, each of which shall be separately eligible for participation. Notwithstanding, a property owner may submit a single application for consideration.
- (d) The City Engineer is hereby authorized to provide additional rules and regulations associated with this Program.
- (e) The Program will provide a rebate only to the sections of sidewalks that are found to be in violation of the City Code. A property owner is not eligible to receive a rebate for the areas of any abutting sidewalk that is not required to be repaired.

6. Program Requirements. In order to receive the designated program benefits, the following requirements must be satisfied:

- (a) The property owner has received a Notice of Sidewalk Violation from the City;
- (b) The property owner has obtained a Right-of-Way Permit to repair the subject property.
- (c) The property owner has submitted a complete and executed application, on a form to be provided by the Office of Revitalization and Preservation;
- (d) The property owner has been approved for participation by the City;
- (e) The property owner has completed repairs in accordance with this Program;
- (f) The City has completed a final inspection and approved the work.

7. Non-participating property owner repairs. Nothing herein shall compel any property owner to participate in the Program. However, non-participation in the Sidewalk Repair Assistance Program does not alleviate a property owner from the duty to repair the abutting sidewalk pursuant to Newton City Code Section 20-101. Non-eligible or non-participating citizens may perform the work themselves or utilize any licensed contractor of their choosing; provided, however, that:

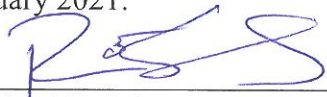
- (a) A permit for the making of any such repairs within the public Right-of-Way must be obtained from the City Engineering and Inspection Office prior to any such repairs being undertaken; and
- (b) The repairs must be performed in compliance with all applicable requirements and specifications of the City Engineer.

8. Administrative Authority. The City Manager is hereby authorized with the discretion to amend this program and effectuate any actions to fulfill and administer the general intent of this Resolution.

9. Repealer. Resolution G-941 and Resolution G-1047 are hereby repealed.

10. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the City Commission of the City.

PASSED AND ADOPTED this 9th day of February 2021.



Richard E. Stinnett, Mayor

ATTEST:



Denise R. Duerksen, City Clerk