



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

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Legislative File No: 2005-0417

TO: Mayor and City Council Members
FROM: Roger Rouse, DPS Director, 841.2497
DATE: July 6, 2005
SUBJECT: Sidewalk Ordinance Amendment

REQUEST:

To gain City Council approval on an amendment to Section 94-143 of Chapter 94, Sidewalks, of the Code of Ordinances to replace the time required for notice and compliance with notice to a property owner to repair a sidewalk or remove an encroachment from a sidewalk.

BACKGROUND:

In November 1993, the Rochester Hills City Council adopted a new ordinance, which put into effect provisions requiring maintenance of sidewalks of local streets by adjoining property owners. The purpose of the ordinance is to insure that sidewalks are kept in good repair so they are safe. The ordinance required, upon determination by the Department of Public Service that a sidewalk is in need of repair, that the DPS serve written notice to the property owners and provide 30 days for the property owners to complete the work. If the property owners failed to make the repairs within the 30 days, the City would perform the repairs and bill the property for the cost plus 15% for engineering supervision and general administrative expense.

In 1995 the first Sidewalk Repair Program was established. In several of the affected neighborhoods, the age of the sidewalks and lack of maintenance over the years had resulted in an extensive repair project that was very costly. At its May 17, 1995 meeting, the City Council heard from a number of residents about the 1995 Sidewalk Repair Program. As a result of the citizen input, the Council took the first step toward changing the ordinance in order to give property owners additional time to make sidewalk repairs on their own. At the City Council meeting on June 21, 1995, the second reading for the ordinance amendment to allow 365 days notice to the residents on the Sidewalk Repair Program was approved.

Concerns from the Department of Public Service and our City Attorney over the excessive length of time allowed to make the repairs resulted in City Council determining it would be more appropriate to change the timeline from 365 days to 120 days. The second reading of the ordinance amendment was approved by City Council on April 17, 1996.

Since that time, Michigan Municipal Risk Management Authority (MMRMA) has developed guidelines for Sidewalk Repair Programs that help protect communities from the potential for incidents that result in claims for damages. MMRMA recommends that once a sidewalk has been shown problematic, it must be repaired, replaced, or otherwise safeguarded within the 30-day time limit established by law.

RECOMMENDATION:

The Department of Public Service recommends that the Rochester Hills City Council amend Section 94-143 of Chapter 94 of the Code of Ordinances, Sidewalks, to reduce the time frame for property owners to perform sidewalk repairs or replacements from 120 days to 30 days.

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RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		