

MUNICIPAL ORDER 14-2025

**A MUNICIPAL ORDER ADOPTING A REVISED SIDEWALK
POLICY AND CONSTRUCTION AND MAINTENANCE
PLAN.**

WHEREAS, on May 3, 2016, by Municipal Order 16-2016, the City of Owensboro created a Sidewalk Committee and adopted the City of Owensboro Sidewalk Policy and Construction and Maintenance Plan; and

WHEREAS, the Sidewalk Committee has proposed revisions to the Sidewalk Policy and Construction and Maintenance Plan deemed necessary to improve maintenance of sidewalks in the City; and

WHEREAS, the City of Owensboro desires to adopt the revised Sidewalk Policy and Construction and Maintenance Plan, a copy of which is attached hereto.

**NOW, THEREFORE, BE IT ORDERED BY THE CITY OF OWENSBORO,
KENTUCKY, AS FOLLOWS:**

Section 1. The City of Owensboro hereby adopts the revised Sidewalk Policy and Construction and Maintenance Plan.

Section 2. The Mayor, City Manager, and appropriate staff members are hereby authorized to sign any and all other documents deemed necessary to the furtherance of the authority outlined herein.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE
READING**, this the 19th day of August, 2025.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk

SIDEWALK POLICY and CONSTRUCTION AND MAINTENANCE PLAN

1) Introduction:

This Sidewalk Policy and Construction and Maintenance Plan ("Policy") is an update and continuation of the Policy that has been in effect since 2003. As such, the Policy shall cover the construction of new sidewalks and the repair of existing sidewalks that are located in the public right-of-way and that have been dedicated and accepted by the City of Owensboro for public use.

It is the goal of the Policy to address the following sidewalk issues, listed in descending order of importance:

- First:** Repairing severely damaged (hazardous) sidewalks that are non-compliant with the current ADA regulations.
- Second:** Installation of ADA-compliant ramps throughout the City.
- Third:** Filling in missing short sections between sidewalks.
- Fourth:** Filling in large areas without sidewalks.
- Fifth:** Aesthetic considerations.

2) Sidewalk Fund:

The City Board of Commissioners has approved a capital projects program fund, which includes an annual budgeted line item to be earmarked for the maintenance and construction of sidewalks in the public right-of-way. This fund will be used to purchase materials, equipment, labor, and professional services necessary to implement the Policy.

3) Sidewalk Committee:

A Sidewalk Committee is established under this Policy in order to oversee the Policy. The Sidewalk Committee is comprised of the City Engineer, the Assistant City Engineer, the Public Works Director, the Deputy Public Works Director/Operations, the Street Manager, the Loss Control Manager, the Construction Inspector, and the Engineering Technician. The Sidewalk Committee shall meet periodically, but at least annually, to review the work schedule and to make recommendations for changes and adjustments whenever necessary.

4) Implementation Plan:

In order to provide for the efficient and orderly implementation of the Policy, the City is divided into sidewalk districts that are based upon the Neighborhood Alliance Board boundaries of the City ("NABs").

5) Sidewalk Inventory & Condition Assessment:

The Engineering Department shall periodically inventory as many sidewalks as allowed by time and budget, for the purpose of creating a sidewalk condition index ("Index"). This information shall be used to prioritize and update the sidewalk maintenance prioritization plan ("Plan").

When inventorying the sidewalks, the Engineering Department shall use the following rating system to compile data to form the Index:

- a) "Slight Cracking" denotes a crack that is superficial, up to $\frac{1}{8}$ " in width and/or with a vertical displacement less than $\frac{1}{8}$ ". (1 point)
- b) "Moderate Cracking" denotes a crack that is between $\frac{1}{8}$ " and $\frac{1}{4}$ " in width and/or has a slight vertical displacement, up to $\frac{1}{2}$ ". (2 points)
- c) "Severe Cracking" denotes a crack that is over $\frac{1}{4}$ " in width and/or has a vertical displacement of $\frac{1}{2}$ " to 1". (3 points)
- d) "Vertical Separation" denotes a section of sidewalk in which the vertical separation is greater than 1". (5 points)

6) Prioritization Plan:

Each NAB shall be ranked based upon the results of the Sidewalk Inventory. In determining which NAB the Engineering Department will go into next, priority will be given to the NAB with the highest point total in the most recent Index ("Prioritized NAB").

Once the Engineering Department has begun work in a NAB, it will continue in that NAB until the sidewalks have been inspected and the required repairs and replacements have been made.

Notwithstanding the above sentence, the Sidewalk Committee may consider other factors in determining whether an exception to the general policy is warranted, on a case-by-case basis. These factors include, but are not limited to: natural disasters, emergencies, or other extraordinary circumstances, the volume of pedestrian traffic, proximity to public transportation boarding and drop-off points, and proximity to schools.

7) Criteria for Sidewalk Repair and Replacement:

Upon inspection, sidewalks in the Prioritized NAB shall be repaired and/or replaced if the following conditions exist:

- a) Vertical offset at joints larger than 1 inch.
- b) Intersecting cracks in one panel subject to displacement.
- c) Settlement in sidewalk larger than 4 inches in an 8-foot span.
- d) Rough surface due to deterioration of concrete that is deemed hazardous.

8) Sidewalk Specifications:

All sidewalk repairs, replacement, and construction shall comply with the requirements of the Public Improvement Specifications ("P.I. Specs"). This provision shall also apply to any developer who builds sidewalks in residential and commercial subdivisions.

Any sidewalk construction or repair shall be subject to inspection by the City Engineering Department for compliance with the abovementioned standards and for quality of material and workmanship.

9) Handicap Ramps:

Whenever the construction, repair, or replacement of a sidewalk is in close proximity to a street intersection, the handicap ramp or ramps on that corner shall be made compliant with ADA and City standards.

10) Trees and Tree Roots in the Vicinity of Sidewalks:

In certain locations trees have been planted in close proximity to sidewalks. Roots of such trees may have caused severe damage to sidewalks, the repair of which may require the cutting of these roots. In this case, the City Horticulturist shall be consulted prior to cutting any roots. In the event a sidewalk cannot be repaired or rendered compliant without the removal of a tree, the tree shall be removed after consultation with the City Horticulturist. If such tree is in the right-of-way, the sidewalk fund shall pay for the removal. If the tree is on private property, the property owner shall be responsible for its removal. See Tree Ordinance, Ch. 5, Art IV, Div 3.

The planting of trees with extensive root characteristics that may create a potential hazard for sidewalks are prohibited in areas adjacent to sidewalks.

11) Damage to Sidewalks Due to Private Construction Activity or Individual Acts:

If a private construction activity or individual acts cause damage to a public sidewalk, the party causing the damage shall be responsible for repairing and/or replacing the damaged sidewalk, as provided in Ordinance 24-41, et. seq.

12) Repair or Replacement of Sidewalks by Others:

If a resident or a group of residents chooses to repair or replace a damaged sidewalk that meets the criteria of Section 7 above before the scheduled repair or replacement, the sidewalk program and resident may partner in cost share. The percentage of cost share shall be determined annually by the Sidewalk Committee and will be subject to budgeted funds available. The Engineering Department will establish a cost estimate based on the current City Contractor unit bid prices, and the resident or group of residents shall remit payment for their cost share prior to work being performed by the City Contractor.

13) Utilities:

Utility companies shall also comply with the provisions of their individual Franchise Agreement with the City of Owensboro.

14) Construction of New Sidewalk by Others:

If a resident or a group of residents chooses to construct new sidewalk where none exists, the sidewalk program and resident may partner in cost share. The percentage of cost share shall be determined annually by the Sidewalk Committee and will be subject to budgeted funds available. The Engineering Department will establish a cost estimate based on the current City Contractor unit bid prices, and the resident or group of residents shall remit payment for their cost share prior to work being performed by the City Contractor.

15) Sidewalk Program Management and Construction:

The Sidewalk Program shall be managed by the City Engineering Department. The City Board of Commissioners, the City Manager, and the Sidewalk Committee shall provide guidance in the planning and implementation of the sidewalk plan.

In order to obtain the most efficient use of the sidewalk fund, this work may be bid and awarded to a private contractor to perform sidewalk repairs, replacement and construction of new sidewalk in missing sections. If, due to heavy workload, the private contractor cannot perform this work in a timely manner, then this work may be performed by the Street Department construction crews.

16) Requests for Exceptions and Appeals:

Any citizen may request an exception to the Policy. In assessing the citizen's request, the Sidewalk Committee shall consider the stated reasons for such exceptions listed in Paragraph 3 of Section 6 above. The Sidewalk Committee will return a decision within four (4) weeks.

Should the Sidewalk Committee reject the citizen's request for an exception, the citizen may appeal such decision, in writing, to the Assistant City Manager. The Assistant City Manager will review the request and will return a decision within two (2) weeks. The Assistant City Manager's decision will be final.