



City of Pflugerville

Legislation Text

File #: ORD-0555, **Version:** 2

Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville amending Title XIII General Offenses, Chapter 130 Offenses Against City Regulations, Section 130.13 Repair of Defective Sidewalks; providing for a Penalty as a Class C Misdemeanor and a fine in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, in an amount not to exceed \$500.00; providing that this Ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.

The current ordinance reads:

"When a sidewalk, driveway, curb, gutter or appurtenance becomes defective, unsafe or hazardous, it shall be the duty of the owner of the abutting property to reconstruct or repair same and the expense of such work shall be borne by the abutting property owner. When a sidewalk, driveway, curb, gutter, or appurtenance is found to be defective, unsafe or hazardous, the City Engineer, or his/her designee, shall notify the owner of the abutting property to reconstruct or repair same. A permit may be required to make the repairs pursuant to Chapter 96 Right-of-Way Management of the Code of Ordinances. Any owner who fails to reconstruct or repair such defective, unsafe or hazardous condition within 30 days from the date of the written notice from the City Engineer, or his/her designee, to do so shall be guilty of a misdemeanor." (Ord. 24-69-4-21, passed 4-21-69; Ord. 1452-20-07-28, passed 7-28-20)

Current practice:

For approximately five years budgeted funds have been approved for contracted sidewalk repair which has been utilized for such work. Staff will be proposing adding language "however the City is not prohibited from making repairs when deemed necessary" which will allow the City to continue current operations, making necessary repairs when needed thus aligning the City's daily operations similar to that of other communities such as Hutto, Round Rock, Cedar Park and others.

"When a sidewalk, driveway, curb, gutter or appurtenance becomes defective, unsafe or hazardous, it shall be the duty of the owner of the abutting property to reconstruct or repair same however the City is not prohibited from making repairs when deemed necessary. When a sidewalk, driveway, curb, gutter, or appurtenance is found to be defective, unsafe or hazardous, the City Engineer, or his/her designee, may notify the owner of the abutting property to reconstruct or repair same. A permit may be required to make the repairs pursuant to Chapter 96 Right-of-Way Management of the Code of Ordinances. Any owner who fails to reconstruct or repair such defective, unsafe or hazardous condition within 30 days from the date of the written notice from the City Engineer, or his/her designee, to do so shall be guilty of a misdemeanor." (Ord. 24-69-4-21, passed 4-21-69; Ord. 1452-20-07-28, passed 7-28-20)

The current operation consists of making repairs to sidewalks based on the following criteria:

Priority 1:

- Vertical separation is greater than 1 3/4"

- Three or more cracks or missing concrete
- Depression greater than 3" or holds water
- Raised greater than 3"

Priority 2:

- Vertical separation is 1 1/4" - 1 1/3/4"
- Two cracks in panel
- Depression 2" - 3"
- Raised 2" - 3"

Priority 3:

- Vertical separation of 1/2" - 1 1/4"
- Single crack in panel

Vertical Separation: Concrete panels being offset creating a potential hazard.

Raised: Where adjacent panels are raised at a joint causing an elevation difference or peak.

Depressions: Panels are lowered causing a low spot.

Work in general is initiated when a citizen request regarding a sidewalks condition is made, at which point an assessment is conducted using the priority criteria listed in the table above. Staff will evaluate the surrounding sidewalks in the area and assess conditions so that all needed repairs can be identified and scheduled.

Prior City Council Action

City Council approved Ordinance 1452-20-07-28 on July 14, 2020 to remove Chapter 96, Section 96.01 "Obstructing Streets & Sidewalks" and Section 96.08 "Repair of Defective Sidewalks" from the current Right-of-Way Management Ordinance and relocated them within City of Pflugerville Code of Ordinances to Title XIII General Offense, Chapter 130 "Offenses Against City Regulations" as New Section 130.12 and Section 130.13 respectively, as offenses applicable under chapter 130.

This ordinance was approved on first reading on November 24, 2020.

Deadline for City Council Action

Action on second reading is requested on December 8, 2020.

Funding Expected: Revenue ☐ Expenditure ☐ N/A ☒

Budgeted Item: Yes ☐ No ☐ N/A ☒

Amount: N/A

1295 Form Required? Yes ☐ No ☒

Legal Review Required: N/A ☐ Required ☒ Date Completed: 11/12/2020

Supporting documents attached:

Revised Sidewalk Ordinance

Recommended Action

Approve an ordinance on second and final reading with the caption reading: An Ordinance of the City of Pflugerville amending Title XIII General Offenses, Chapter 130 Offenses Against City Regulations, Section 130.13 Repair of Defective Sidewalks; providing for a Penalty as a Class C Misdemeanor and a fine in an amount in accordance with Code of Ordinances, Section 10.99 General Penalty, in

an amount not to exceed \$500.00; providing that this Ordinance shall be cumulative; repealing all ordinances to the extent they are in conflict; providing for severability; and providing an effective date.