

Rule on sidewalk improvements spelled out

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Homeowners and business developers now have more-specific guidance regarding their responsibility for improving sidewalks on their property.

The Crescent City Council approved an ordinance this week that clarifies guidelines established in 2018, which were found too ambiguous when city staff tried to enforce them.

Jon Olson, the city's director of public works, said the 2018 ordinance was created to detail what type of project would require a property owner's responsibility for improving a sidewalk, driveway or curb ramp. However, the ordinance did not make it clear what type of event or what project cost triggered the necessary improvement.

Under the new proposal, sidewalk improvements will be required:

- when new construction occurs on an empty lot;
- when adding habitable living space to a residence, such as a kitchen, and the cost of improvements exceeds 50% of the existing improvements;
- and when increasing the square footage of non-residential structures and the corresponding cost of the improvements exceeds 50% of the value of the existing improvement.

Olson said city staff had a rigorous discussion about how to arrive at the 50% value threshold.

“One was relatively easy for us to determine, and that was the value on the last assessment roll. And we allowed a different clause in here, to allow folks to get a broker’s opinion of the value of their home.”

Olson said the ordinance caps at 25% of the value of any proposed improvements, as to the amount the city requires homeowners and project managers to spend on sidewalk improvements.

For example, a \$100,000 project on an empty lot that met all of the other criteria for triggering sidewalk improvements would result in a maximum exposure of \$25,000 for the property owner.

Councilmember Isaiah Wright worried the new ordinance would work as a disincentive for certain improvement projects. “I know we don’t have a ton of vacant lots, but that seems like a lot of money,” Wright said. “Would that not seem likely to prevent people from wanting to build on our vacant lots?”

Olson said that indeed could turn out to be the case. “This is what we’ve been battling with back and forth,” he said, “the council’s desire to limit the exposure project owners have, but also create something we could clearly apply to everyone.

“For example, a recent church remodel converting to a residential unit has sidewalks that were old, but most were in compliance. So improvements were at about 5% or 10% of the total (improvements) cost, a much lower amount than the 25% cap.”

Mayor Blake Inscore asked for assurance the new ordinance would end any ambiguity. “The \$64,000 question,” said Inscore, “is does this ordinance give clarity and does it match with everything else in regards to building codes and municipal code, so that we won’t be back here again trying to correct something?”

In other matters, the City Council also adopted a vehicle response mitigation fee recovery program. Interim Fire Chief Bill Gillespie said the new fees will apply to emergency-response calls prompted primarily by traffic collisions.

The majority of fees will be billed to insurance companies through third-party vendor Fire Recovery USA. That would allow the fire department to recover a portion of its response costs, be they stemming from a traffic collision, vehicle fire, hazmat-related incident or related action prompted by a vehicle accident.

Gillespie said the average billing will be \$487 for automobile accidents and \$677 for vehicle fires.

Using numbers from the year 2018, the city would expect to recoup about \$9,500.