

# CITY OF WASHINGTON

## PLANNING & DEVELOPMENT DEPARTMENT

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### MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission  
FROM: Jon R. Oliphant, AICP, Planning & Development Director  
SUBJECT: Public Hearing – Sidewalk Gap Construction Subdivision Code Amendment  
DATE: April 26, 2023

Chapter 152 (Subdivision Code) of the Municipal Code contains info pertaining to the City's "50/50 sidewalk program." Residents who want to replace their degrading sidewalk can apply for this 50/50 match program and either hire a contractor or have the City or our contractor replace it. The City then reimburses at a rate equivalent to 50% of our commodities bids. The City Council approved a code amendment to Chapter 98 (Streets and Sidewalks) in March to establish a pilot program to increase the City's share to 70% for all eligible projects in 2023. A prior amendment approved in November 2022 removed the City-mandated portion of the curb and sidewalk replacement program from Chapter 152 to make it solely voluntary.

Chapter 152 also contains language pertaining to the potential completion of gaps within the sidewalk network. The owner(s) of any lots that have not had construction within existing subdivisions can be obliged to construct those sidewalk gaps when 75% or more of the lots in a subdivision have had construction on the lots or three years after conditional acceptance of the public infrastructure improvements by the City, whichever is earlier.

The attached draft code amendment would transfer Section 152.022(I) to become Section 98.155(C). Section 152.022(K) would be stricken entirely, as the two previously referenced code amendments in November and March have addressed the language that currently exists in this section. The transfer would ensure that regulations pertaining to the construction of sidewalks as part of new subdivisions and developments are within the Subdivision Code while the replacement of existing curbs and sidewalks or gap construction within existing subdivisions is placed in the Streets and Sidewalks portion of the Municipal Code. Subdivision codes commonly address infrastructure construction associated with new subdivisions or developments. Staff feels that this separation will make it easier for developers and residents to identify the applicable portion of the Municipal Code that addresses new vs. existing infrastructure.

As a result, **staff recommends approval of the code amendment to transfer this language from Chapter 152 to Chapter 98 of the Municipal Code.** The Planning and Zoning Commission will hear this request at its meeting on May 3 prior to the scheduling of a first reading ordinance at an upcoming City Council meeting.

Attachment

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE SUBDIVISION CODE TO REMOVE CERTAIN SIDEWALK PROVISIONS OF THE CITY CODE AND AMENDING CHAPTER 98 OF THE CITY CODE, STREETS AND SIDEWALKS, TO ADD SAID SIDEWALK PROVISIONS THEREIN**

**WHEREAS**, the City of Washington (the “City”) has previously established sections of the Subdivision Code (Chapter 152) dedicated to outline sidewalk requirements; and

**WHEREAS**, the City has determined that some of the sidewalk requirements would be better suited in Chapter 98, Streets and Sidewalks, of the City Code; and

**WHEREAS**, the City Council has determined it is in the best interests of the City that certain sections of the Subdivision Code dedicated to sidewalks be rescinded from Chapter 152 and moved to Chapter 98 in the Municipal Code of the City of Washington.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Washington, Illinois as follows:

Section 1: The recitals; as set forth above, are incorporated herein as though fully set forth and shall be considered the express findings of the City Council.

Section 2: That Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by deleting Section 152.022(1), in its entirety and replacing it as follows:

~~“(1) Sidewalks shall be constructed in conjunction with the construction of the house, and same shall be completed when the house construction is completed. For those lots that have not had construction, when seventy five percent (75%) or more of the lots in a subdivision have had construction on the lots or three (3) years after conditional acceptance of the public infrastructure improvements by the City, whichever is earlier, then the owner of a lot in that subdivision shall complete the installation of a sidewalk within ninety (90) days of the date of being notified of same by the City. In the event an owner does not comply with the construction of said sidewalk within the time period stated above, then the City may, at its option, complete said installation and bill the owner for the cost of same. In such case the owner shall, within five (5) days of the submission of a bill, pay the City of same. In the event payment is not made, then the City may institute legal proceedings for the collection of said amount and may also file a lien on the lot upon which the sidewalk was constructed. No building permit for any improvement to any such lot shall be issued until the cost of installing the sidewalk incurred by the City has been paid in full.~~

~~For all previously platted subdivisions, where there has been a conditional acceptance of the improvements by the City more than three (3) years prior to the date of approval of Ordinance No. \_\_\_\_\_, then the owners of the lots in said subdivision shall have ninety (90) days from the date of Ordinance No. \_\_\_\_\_ to install sidewalks. If the sidewalks are not installed, the other provisions of this Section shall apply.~~

**(I) Intentionally Omitted.**

Section 3: That Chapter 152 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by deleting Section 152.022(K), in its entirety, and replacing it as follows:

~~(K) Payment by Private Property Owner(s): The City shall participate in the cost of construction and/or replacement of sidewalk and curb in accordance with the following criteria:~~

~~1. For City mandated new sidewalk and/or curb construction or replacement sidewalk and/or curb installed by the City or by a City-awarded contractor (not applicable to properties where sidewalk construction is otherwise regulated by the Subdivision Code, Zoning Code, or Building Code):~~

~~Option 1: The abutting property owner may elect to pay the City fifty percent (50%) of the cost at the time of construction or replacement. The City shall pay the remaining fifty percent (50%).~~

~~Option 2: The abutting property owner may elect to pay the City fifty percent (50%) of the cost of the cost, plus six percent (6%) interest, compounded annually, which may be spread over a period of not to exceed five (5) years, beginning in the year of construction. The City shall pay the remaining fifty percent (50%).~~

~~2. For sidewalk and/or curb replacement installed by the City or by a City-awarded contractor at the request of the owner of an abutting property, the abutting property owner shall pay the City fifty percent (50%) of the cost at the time of replacement. The City shall pay the remaining fifty percent (50%).~~

~~3. In the case where a private property owner enters into an agreement with a private contractor to replace sidewalk and/or curb located within City-owned right-of-way, subject to prior approval of the City, the City will reimburse the property owner an amount equal to the actual cost of materials only based on the City's final inspection measurements.~~

~~4. Property owners may request for sidewalk and/or curb abutting their property to be replaced. In order to either be placed on the City's replacement program or reimbursed for the cost of concrete material when~~

~~the property owner contracts with a private contractor to have the work done, the sidewalk and/or curb must be in Poor or Very Poor condition. The following identifies and lists Poor or Very Poor conditions:~~

- ~~(a) Poor condition sidewalks are those which have cracks greater than three-eighths inch (3/8") wide and greater than three-eighths inch (3/8") vertical separation between squares or cracks within the same square, significant surface sealing or pitting, broken sections of sidewalk are loose and shift easily under the weight of walking, and/or some sections may be entirely missing. Poor condition curb would have multiple spalls per panel.~~
- ~~(b) Very Poor condition sidewalks are those which have cracks greater than one and one-eighths inch (1 1/8") wide or one and one-eighths inch (1 1/8") vertical separation between squares or cracks within the same square, excessive cracking, sealing or pitting, and/or sections of broken sidewalk can be lifted out or are entirely missing. Very Poor condition curb would have excessive spalling and exposed reinforcement per panel.~~

~~The amount of material reimbursement is based on the City's annual concrete bid price per lineal foot and the City's final inspection measurements. Sidewalk replacement is typically reviewed and replaced per full square panel, typically four feet by five feet (4'x5'). Curb replacement is typically reviewed and replaced per full jointed segment, typically ten to fifteen feet (10-15').~~

~~The City reserves the right to accept, defer, or reject voluntary requests for replacement, subject to budgetary constraints.~~

**(K) Intentionally Omitted."**

Section 4: That Chapter 98 of the City Code of the City of Washington, Tazewell County, Illinois, be, and the same hereby is amended by adding Section 98.155(C) as follows:

**"(C) Sidewalks shall be constructed in conjunction with the construction of the house, and same shall be completed when the house construction is completed. For those lots that have not had construction, when seventy-five percent (75%) or more of the lots in a subdivision have had construction on the lots or three (3) years after conditional acceptance of the public infrastructure improvements by the City, whichever is earlier, then the owner of a lot in that subdivision shall complete the installation of a sidewalk within ninety (90) days of the date of being notified of same by the City. In the event an owner does not comply with the construction of said sidewalk within the time period stated above, then the City may, at its option, complete said installation and bill the owner for the cost of same. In such case the owner shall, within five (5) days of the submission of a bill, pay the City**

**of same. In the event payment is not made, then the City may institute legal proceedings for the collection of said amount and may also file a lien on the lot upon which the sidewalk was constructed. No building permit for any improvement to any such lot shall be issued until the cost of installing the sidewalk incurred by the City has been paid in full.**

**For all previously platted subdivisions, where there has been a conditional acceptance of the improvements by the City more than three (3) years prior to the date of approval of Ordinance No. 3205, then the owners of the lots in said subdivision shall have ninety (90) days from the date of Ordinance No. 3205 to install sidewalks. If the sidewalks are not installed, the other provisions of this Section shall apply.”**

**Section 5:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

**Section 6:** If any provision of this ordinance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

**Section 7:** This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK