

**TITLE 13**

**STREETS AND SIDEWALKS**

## **Title 13**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

- 13.15**      **Obstructions**
- 13.20**      **Excavations in Public Streets**
- 13.30**      **Lighting of Streets**
- 13.40**      **Street Naming and Numbering Ordinance**
- 13.42**      **Street Name, Inventory Listing**
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## Chapter 13.15

### OBSTRUCTIONS

#### Sections:

**13.15.010 Prohibited**

**13.15.020 Penalty for Violation**

**13.15.010 Prohibited.** It shall be unlawful for any person or persons to obstruct any street, alley, or sidewalk for the use of foot passengers, by the side of any public highway in the Town of Petersburg in Pike County, Indiana with boxes, barrels, waste paper, or any garbage of any kind unless in the necessary act of receiving merchandise or for repairing and building purposes. (Ord. Sept. 4, 1890)

**13.15.020 Penalty for Violation.** Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, thereof, in any court of competent jurisdiction shall be fined the sum of Twenty-five Dollars (\$25.00) for each and every day, said streets, alley or sidewalks are so obstructed. (Ord. 2008-18, Dec. 15, 2008) (Ord. Sept. 4, 1890)

## Chapter 13.20

### EXCAVATIONS IN PUBLIC STREETS

#### Sections:

#### 13.20.010 Prohibited

**13.20.010 Prohibited.** An Ordinance prohibiting digging in and under the streets of the City was read to the Council, which Ordinance is recorded in Ordinance Record, pages 162 and 163. And, on motion regularly made and seconded, said Ordinance was adopted. (Ord. #18, Sept. 2, 1924) (Ord. May 20, 1920)

## Chapter 13.30

### LIGHTING OF STREETS

#### Sections:

#### **13.30.010 Lighting Near Railroad Crossings**

**13.30.010 Lighting Near Railroad Crossings.** An Ordinance providing for lighting of streets where railroads cross streets in the Town requiring the railroad to construct, operate, and maintain. (Ord. June 6, 1901)

## Chapter 13.40

### STREET NAME AND NUMBERING ORDINANCE

#### Sections:

- 13.40.010 Specifications of Street Signs and House Numbers**
- 13.40.020 Naming and Numbering Beginning**
- 13.40.030 Main Street shall be the Division Line**

**13.40.010 Specification of Street Signs and House Numbers.** Each street in said town of Petersburg, Indiana shall have a name and number painted or printed on a black metal plate 18 inches long and 4 inches wide. The letters and figures thereon to be white and each letter and each figure on said plate to be three inches long and of proper distance apart and that a number be given each dwelling and business, house and factory in said town and said number on said building shall be a metal plate of the same material, color and size as are on the streets.

Said plates names and numbers of streets be firmly posted or fastened to same building, post or structure that is solid and be posted 10 feet above ground. (Ord. Unnumbered, S1, Nov. 1, 1917)

**13.40.020 Naming and Numbering Beginning.** That the naming and numbering begin at the first of Main Street and continue thereon to the upper end of said Town. (Ord. Unnumbered, S2, Nov. 1, 1917)

**13.40.030 Main Street shall be the Division Line.** That Main Street shall be the division line and all streets and buildings in the South side will be South and all streets and buildings on North side will North. That said work is to be completed by the 1<sup>st</sup> of January 1918. (Ord. Unnumbered, S3, Nov. 1, 1917)

**Chapter 13.42**

**STREET NAME LISTING**

**Sections:**

**13.42.010 Street Name Listing**

**13.42.010 Street Name Listing.**

(1)	<u>Name</u>	<u>Description</u>
	Whitelock Drive	The highway located in the Southwest Quarter of Section 27, Township 1 North, Range 8 West, of Pike County, Indiana, sometimes known as "The Old Princeton Road" or "The Old Hosmer Road", and which connects State Highway 56 and State Highway 57 shall be and hereby is named Whitelock Drive. (Ord. 1975-11, S1 & 2, Nov. 17, 1975)

## Chapter 13.65

### VOLUNTARY COOPERATIVE SIDEWALK REPLACEMENT PROGRAM

#### Sections:

<b>13.65.010</b>	<b>Eligible Property Owners</b>
<b>13.65.020</b>	<b>Application and Approval Process</b>
<b>13.65.030</b>	<b>Reimbursements</b>
<b>13.65.040</b>	<b>Restrictions</b>
<b>13.65.050</b>	<b>Sidewalk Construction Standards</b>
<b>13.65.060</b>	<b>Financial Resources</b>
<b>13.65.070</b>	<b>Replacement of Sidewalks by Owners</b>
<b>13.65.080</b>	<b>Continuous Improvement Plan</b>
<b>13.65.090</b>	<b>Effective Date</b>

**13.65.010 Eligible Property Owners.** All residential and commercial properties are eligible for the program. For the purposes of this program all churches, not-for-profits, service clubs, and other-non residential properties are considered commercial properties.

Agreements for cost sharing will only be signed with property owners. The City will not enter into these agreements with a lessee or unauthorized agent of the property. (Ord. 2006-3, S1, July 3, 2006)

#### **13.65.020 Application and Approval Process.**

- (1) Pre-Application: Owner must solicit at least two quotations for presentation to the City Board of Public Works and Safety (hereinafter referred to as the "Board") from competent, insured contractors. The owner will then complete attached application (exhibit 1). Upon application, the owner shall provide Board with a detailed drawing and measurements that show the length and width of the proposed walk. Photographs of the area shall also be presented to the Board. Quotations from insured contractors shall include the cost of removal of existing sidewalk.
- (2) Presentation to Board: The Board will review the project application. Board will determine that the project is on the public right of way, review any handicap ramp access requirements, review the construction standards for the sidewalk; including material, dimensions, and terrain concerns. Any trees along the right of way must be noted that may have an adverse impact on the concrete with its root system. Upon review of the quotations, the Board may elect to request the owner to solicit and submit additional quotations.

- (3) Approval: A majority vote of the Board shall constitute approval of the project. Decision of the Board shall be final.
- (4) Cost Sharing Agreement: Upon approval, the owner will sign an agreement with the Board agreeing to condition. (exhibit 2)
- (5) Certificate of Insurance and Contractor Requirements: Contractor shall provide the city with a certificate of insurance which shall include liability coverage in the amount of \$500,000 (five hundred thousand dollars). Contractor must supply the Clerk-Treasurer of the City with a current IRS form W-9.
- (6) Permits: City will issue an improvement location permit at no charge to the property owner. Homeowner must check with the office of the county building inspector for any additional required permits. Improvement Location Permit will not be issued until Certificate of Insurance has been received from the contractor.
- (7) Construction: Construction may proceed only after majority vote of approval by the Board; Receipt of Certificate of Insurance; Completed IRS form W-9; Issuance of all necessary permits; and executed Cost Sharing Agreement signed by the City and by the Owner.
- (8) Contractor Selection: The owner may contract with the contractor of their choice. The city reserves the right to exclude any and all contractors. (Ord. 2006-3, S2, July 3, 2006)

**13.65.030 Reimbursements.** Board will only approve reimbursement for up to 50% (one-half) of the lowest bid. Owner will be informed of actual dollar value of City's cost share approval at the time of Board approval. Upon receipt of final bill from contractor, the owner will submit a copy of actual bill to the City. City will make payment of cost sharing pledge in accordance with the originally agreed sum and satisfactory inspection by the designated City representative. City issued check will be made payable to the contractor performing the work. Payment will not be made for partial completion. (Ord. 2006-3, S3, July 3, 2006)

**13.65.040 Restrictions.**

- (1) Change Orders: Any changes in the scope of the project should be approved by the Board in advance. Change orders to the project by the homeowner may not be taken under consideration for payment by the Board after the fact. Any change orders approved by the City will be in writing and attached to the original agreement.

- (2) Decorative Walks: Sidewalks eligible for replacement must be basic concrete. City will not pay for decorative design, exposed aggregate, brick, or other non-standard sidewalks.
- (3) Construction Delays by Owner: Construction should commence within sixty (60) days of signed agreement. Should the owner fail to begin construction within sixty (60) days the city may extend additional appropriate time for construction as determined by the board. The city may elect to terminate the cost sharing agreement with written notice provided to the owner. All work must be completed and payment issued within the calendar year the project is approved.
- (4) Property Owner Default: If the property owner defaults in its obligation to pay the contractor, the city shall not be liable for paying the contractor the 50% of contractor's bill owed by the owner.
- (5) Restrictions on Project Size: All properties are limited to three hundred (300) feet of continuous five (5) foot width of sidewalk per application or one thousand five hundred (1500) square feet. Requests in excess of these restrictions must be approved by the City Common Council.

#### **13.65.050 Sidewalk Construction Standards.**

- (1) Width: Maximum width for sidewalk will be five feet. The minimum width around existing structures and trees shall be 3 feet in width. All exceptions must be approved by the Board.  
  
Commercial properties may exceed five feet in width to match existing adjacent commercial sidewalks as approved by the board.
- (2) Depth: Concrete walk must be four inch thickness. All driveway and alley approaches must have a depth of six inches.
- (3) ADA Requirements: ADA Guidelines for street/alley handicap accessibility must be maintained at all curb cuts and street intersections. INDOT guidelines are attached as (exhibit 3) shall be provided by City to owner for submission to bidding contractors.
- (4) Base: Concrete must have an acceptable base consisting of compacted B-borrow or compacted #53 stone.
- (5) Finishing: Float as necessary to produce a smooth and even surface. Perimeter should be edged with an edging tool. Finish with broom to a fine texture.

- (6) Expansion Joints: Expansion material must be utilized at all joints. At least one expansion joint must be installed in every five feet of linear sidewalk. Other joints may be deemed necessary by the contractor or Board. Commercial walks plans greater than 5 feet in width will be evaluated by city inspector and requirements will be communicated back to owner for any necessary revisions in the quotations.
- (7) Transitions: All transitions between existing walks, curbs, gutters, or driveways must be flush and free from abrupt changes.
- (8) Curing: Owner must allow adequate time for curing of concrete. Damage associated with premature usage of the walk by owner or contractor will not be reimbursed.
- (9) Cleanup: Contractor and Owner are responsible for cleanup of all forms, spilled material, and other debris generated by the project. (Ord. 2006-3, S6, July 3, 2006)

**13.65.060 Financial Resources.** The Board will earmark a set amount of funds to be utilized by the sidewalk replacement program. The City will utilize these funds on the above prescribed plan within public right-of-way only. At any future period these funds may be budgeted as a line item appropriation by the City council.

Upon depletion of the allocated funds for a calendar year, a waiting list may be initiated for such time as funding is available.

Priority will be given on a first come, first serve basis as permitted by funding. Upon receipt of multiple requests, the Board will consider the walkways with the greatest public good and may prioritize funding in that criterion. The vote of the Board shall be final in determining priority projects.

At its discretion, the city may suspend this program due to funding constraints. (Ord. 2006-3, S6, July 3, 2006)

**13.65.070 Replacement of Sidewalks by Owners.** The Board recognizes that owners may wish to replace their sidewalks without hiring a professional contractor. In this situation the owner may make application to the Board of works for reimbursement of the concrete material only. Labor will not be reimbursed and the sidewalk must be constructed to the construction standards as provided by the City. The Board may, at its discretion, approve reimbursement, to the owner upon inspection of the work. A improvement location permit is required prior to sidewalk construction. (Ord. 2006-3, S7, July 3, 2006)

**13.65.080 Continuous Improvement Plan.** In an effort to provide for continuous improvement of infrastructure along the public right of way and to provide for enhanced public safety, all funds still undesignated for cooperative replacement by August 1 of the

calendar year may be used to hire contractors for the systematic replacement of deteriorated walks along the public right-of-way without property owner participation.

Projects are to be prioritized by the dangers associated with the current walk; greatest public good, distribution throughout council districts, and the availability of funds. Board decision on the location of walks funded under continuous improvement plan shall be final. (Ord. 2006-3, S8, July 3, 2006)

**13.65.090 Effective Date.** This resolution shall take effect upon passage of the resolution. It shall be non-retroactive for construction projects beginning prior to its passage. (Ord. 2006-3, S9, July 3, 2006)

**City of Petersburg, Indiana**  
**Voluntary Cooperative Sidewalk Replacement Program**

Property Owner: \_\_\_\_\_

Property Address: \_\_\_\_\_

Property Owner Address (if different): \_\_\_\_\_

Contact Phone # \_\_\_\_\_ Email \_\_\_\_\_

	Contractor 1	Contractor 2
Contractor Name		
Contractor Phone #		
Linear Feet of Walk		
Average Width of Walk		
Thickness of Walk		
Thickness of Drives/ Alleys		
Material Estimate		
Labor Estimate		
Total Estimate		
50% of Total Estimate		

If obtaining more than 2 quotations please attach all quotes. List highest and lowest bids on form.

Checklist:

- Contractors have reviewed City construction standards
- Alleys and drives at quoted at least six inches thick
- Walks at least four inches thick
- ADA compliant
- Expansion joints are noted on commercial walks
- Attach all quotations, even if listed above.
- Attach photos of area and current walk.
- Contractor W-9
- Contractor Certificate of Insurance

Attestation: I am the owner of the described property and am prepared to meet my 50% matching requirement with the contractor for the construction of these sidewalks.

\_\_\_\_\_  
 Owner

\_\_\_\_\_  
 Date

Exhibit 2

COST SHARING AGREEMENT

CITY OF PETERSBURG, INDIANA, (CITY) and the undersigned OWNER, enter this COST SHARING AGREEMENT, pursuant to the terms of CITY OF PETERSBURG RESOLUTION NO. 2006-3, concerning a voluntary cooperative sidewalk replacement program.

CITY agrees to pay one-half (½) of the cost of sidewalk replacement, as shown on the attached Exhibit A bid solicited from the contractor by OWNER. If there is an Exhibit B bid attached, CITY will pay one-half (½) of the cost of the lowest bid and OWNER may use whichever of the two contractors it chooses.

OWNER agrees that the sidewalk replacement project will begin within sixty (60) days of the date of this agreement, and only after the selected contractor has furnished CITY with an IRS form W-9 and a proper Certificate of Insurance.

OWNER further agrees that during the removal of the existing sidewalk and the construction of the new sidewalk, CITY shall have the right to inspect the work done by OWNER's contractor and, if necessary, require changes to the work to comply with the sidewalk construction standards contained in Section 5 of the CITY OF PETERSBURG RESOLUTION NO. 2006-3.

OWNER agrees that if the OWNER's contractor does not comply with the construction requirements of said Section 5, CITY will not share with OWNER one-half (½) of the cost of the lowest contractor's bid for the project. OWNER will be solely liable to negotiate with its contractor and pay the contractor the amount for which the OWNER may be legally liable.

If the work done by contractor passes the CITY's inspection, when the work is completed, and the contractor's bill is submitted to OWNER, OWNER shall submit a copy of the original bill to CITY, and CITY will then pay one-half (½) of the cost of the lowest bid, directly to the contractor that submitted the bill to OWNER. OWNER will be liable to pay the other one-half (½) to its contractor.

OWNER agrees that CITY is not a party to the contract between OWNER and OWNER's contractor, and CITY assumes no liability to contractor under this agreement with OWNER, other than the obligation to pay one-half (½) of the cost of the lowest bid directly to the contractor that did the work, when it is completed according to the said CITY standards.

OWNER agrees to save CITY free, clear and harmless from all liability to OWNER'S contractor, other than the obligation of CITY to pay contractor one-half (½) of the cost of the lowest bid, upon completion of the work in a manner satisfactory to CITY, based upon Section 5, Sidewalk Construction Standards, in CITY OF PETERSBURG RESOLUTION NO. 2006-3.

IN WITNESS WHEREOF, CITY OF PETERSBURG, and OWNER have executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

CITY OF PETERSBURG, INDIANA

\_\_\_\_\_  
JON W. CRAIG, Mayor

OWNER  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF INDIANA )

)

) SS:

ACKNOWLEDGMENT

COUNTY OF PIKE )

)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named JON W. CRAIG, Mayor of the City of Petersburg, Indiana, referred to as CITY in the above instrument, and the within named \_\_\_\_\_, referred to as OWNER in the above instrument, who duly acknowledged the execution thereof to be their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
NOTARY  
PUBLIC  
Residing in PIKE COUNTY, IN

This instrument prepared by RUSSELL E. MAHONEY, of

**MAHONEY LAW OFFICE**

822 Main Street, P. O. Box 176, Petersburg, IN 47567 Telephone: (812) 354-3121 FAX: (812) 354-8161

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City of Petersburg Sidewalk Replacement Program

**Section 1: Eligible Property Owners**

All residential and commercial properties are eligible for the program. For the purposes of this program all churches, not-for-profits, service clubs, and other-non residential properties are considered commercial properties.

Agreements for cost sharing will only be signed with property owners. The City will not enter into these agreements with a lessee or unauthorized agent of the property.

**Section 2: Application and Approval Process**

- A. **Pre- Application:** Owner must solicit at least two quotations for presentation to the City Board of Public Works and Safety (hereinafter referred to as the "Board") from competent, insured contractors. The owner will then complete attached application (exhibit 1). Upon application, the owner shall provide the Board with a detailed drawing and measurements that show the length and width of the proposed walk. Photographs of the area shall also be presented to the Board. Quotations from insured contractors shall include the cost of removal of existing sidewalk.
- B. **Presentation to Board:** The Board will review the project application. Board will determine that the project is on the public right of way, review any handicap ramp access requirements, review the construction standards for the sidewalk; including material, dimensions, and terrain concerns. Any trees along the right of way must be noted that may have an adverse impact on the concrete with its root system. Upon review of the quotations, the Board may elect to request the owner to solicit and submit additional quotations.
- C. **Approval:** A majority vote of the Board shall constitute approval of the project. Decision of the Board shall be final.
- D. **Cost Sharing Agreement:** Upon approval, the owner will sign an agreement with the Board agreeing to conditions.
- E. **Certificate of Insurance and Contractor Requirements:** Contractor shall provide the city with a certificate of insurance which shall include liability coverage in the amount of \$500,000 (five hundred thousand dollars). Contractor must supply the Clerk-Treasurer of the City with a current IRS form W-9.
- F. **Permits:** City will issue an improvement location permit at no charge to the property owner. Homeowner must check with the office of the county building inspector for any additional required permits. Improvement Location Permit will not be issued until Certificate of Insurance has been received from the contractor.
- G. **Construction:** Construction may proceed only after majority vote of approval by the Board; Receipt of Certificate of Insurance; Completed IRS form W-9; Issuance of all necessary permits; and executed Cost Sharing Agreement signed by the City and by the Owner.
- H. **Contractor Selection:** The owner may contract with the contractor of their choice. The city reserves the right to exclude any and all contractors.

**Section 3: Reimbursements**

Board will only approve reimbursement for up to 50% (one-half) of the lowest bid. Owner will be informed of actual dollar value of City's cost share approval at the time of Board approval.

Upon receipt of final bill from contractor, the owner will submit a copy of actual bill to the City. City will make payment of cost sharing pledge in accordance with the originally agreed sum and satisfactory inspection by the designated City representative. City issued check will be made payable to the contractor performing the work. Payment will not be made for partial completion.

#### Section 4: Restrictions

- A. **Change Orders:** Any changes in the scope of the project should be approved by the Board in advance. Change orders to the project by the homeowner may not be taken under consideration for payment by the Board after the fact. Any change orders approved by the City will be in writing and attached to the original agreement.
- B. **Decorative Walks:** Sidewalks eligible for replacement must be basic concrete. City will not pay for decorative design, exposed aggregate, brick, or other non-standard sidewalks.
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- D. **Property Owner Default:** If the property owner defaults in its obligation to pay the contractor, the city shall not be liable for paying the contractor the 50% of contractor's bill owed by the owner.
- E. **Restrictions on Project Size:** All properties are limited to three hundred (300) feet of continuous five (5) foot width of sidewalk per application or one thousand five hundred (1500) square feet. Requests in excess of these restrictions must be approved by the City Common Council.

#### Section 5: Sidewalk Construction Standards

- A. **Width:** Maximum width for sidewalk will be five feet. The minimum width around existing structures and trees shall be 3 feet in width. All exceptions must be approved by the Board. Commercial properties may exceed five feet in width to match existing adjacent commercial sidewalks as approved by the board.
- B. **Depth:** Concrete walk must be four inch thickness. All driveway and alley approaches must have a depth of six inches.
- C. **ADA Requirements:** ADA Guidelines for street/alley handicap accessibility must be maintained at all curb cuts and street intersections. INDOT guidelines shall be provided by City to owner for submission to bidding contractors.
- D. **Base:** Concrete must have an acceptable base consisting of compacted B-borrow or compacted #53 stone.
- E. **Finishing:** Float as necessary to produce a smooth and even surface. Perimeter should be edged with an edging tool. Finish with broom to a fine texture.

- F. **Expansion Joints:** Expansion material must be utilized at all joints. At least one expansion joint must be installed in every five feet of linear sidewalk. Other joints may be deemed necessary by the contractor or Board. Commercial walks plans greater than 5 feet in width will be evaluated by city inspector and requirements will be communicated back to owner for any necessary revisions in the quotations.
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- H. **Curing:** Owner must allow adequate time for curing of concrete. Damage associated with premature usage of the walk by owner or contractor will not be reimbursed.
- I. **Cleanup:** Contractor and Owner are responsible for cleanup of all forms, spilled material, and other debris generated by the project.

### **Section 6: Financial Resources**

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At its discretion, the city may suspend this program due to funding constraints.

### **Section 7: Replacement of Sidewalks by Owners**

The Board recognizes that owners may wish to replace their sidewalks without hiring a professional contractor. In this situation the owner may make application to the Board of works for reimbursement of the concrete material only. Labor will not be reimbursed and the sidewalk must be constructed to the construction standards as provided by the City. The Board may, at its discretion, approve reimbursement, to the owner upon inspection of the work. A improvement location permit is required prior to sidewalk construction.

