

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

**ENTITLED: "AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 12.04, STREETS, SIDEWALKS AND DRIVEWAYS GENERALLY, OF TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING."**

BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE WYOMING:

**Section 1.** That various sections of Chapter 12.04, Streets, Sidewalks and Driveways Generally, of Title 12, Streets, Sidewalks and Public Places, of the code of the City of Cheyenne, Wyoming, are hereby amended as set out in this ordinance. Sections currently existing in Chapter 12.04 not set out within this ordinance remain unchanged.

**Section 12.04.120 Repair or replacement of deteriorated curbs, gutters, driveways and sidewalks.**

A. **Except as provided in Subsection 12.04.120(B)**, whenever any curb, gutter, driveway or sidewalk is in a state of disrepair due to deterioration, dislocation, obsolescence or other reason, so that, in the opinion of the director of public works or city engineer, it should be replaced, the cost of such replacement shall be borne by the abutting property owner; provided, that this subsection shall not apply to intersection valley gutters. The procedure for notice to the abutting owner to replace such curb, gutter, driveway or sidewalk and the method of assessment to pay the cost thereof shall be the same as is provided for sidewalks in Section 12.04.170.

B. **Special Provision for Downtown Development District; Notice.** The director of public works or city engineer, after consulting with the City's Americans with Disabilities Act (ADA) Director, shall notify the owner or agent of property located within the Downtown Development District when the sidewalk abutting the property is in such a state of disrepair and/or noncompliance with current ADA standards that it poses a public safety hazard or an obstruction to pedestrian mobility, respectively. The notice shall be in the manner prescribed by Section 12.04.170 and shall require repair or replacement of the sidewalk by the property owner or payment of the cost thereof. Property owners noticed pursuant to this subsection are not required to reconstruct or repair the abutting curb and gutter. Curb and gutter repairs in the Downtown Development District may be completed by the city at its expense upon the request of a property owner who has replaced the sidewalk abutting his or her property. Nothing in this subsection shall obligate the city to repair or replace any curb or gutter, and all such repairs are subject to the availability of appropriated funds. For the purposes of this subsection, "Downtown Development District" means the district designated pursuant to Section 2.76.040.

1. For purposes of this subsection, public safety hazard shall be defined as any sidewalk in which displacements; surfacing issues such as cracks, holes, and surface deterioration; grades and cross slopes; or any other deterioration has made sidewalks inaccessible and/or present substantial accessibility challenges under the ADA.

2. Spot replacement may be considered as an alternative to full replacement in instances where:

a. the public safety hazard would be sufficiently resolved by spot replacement; and

b. the remaining pavement has a life span of five years or more.

3. Repair or replacement of sidewalks, curb, and gutter under this section shall be coordinated with the Director of the Downtown Development Authority whenever possible to allow for placement of the History Under Foot plaques simultaneously.

C. Whenever any curb, gutter, driveway or attached sidewalk repair or replacement is required in conjunction with a construction project of the city, the board of public utilities or

any other agency or entity, whether public or private, working in the public right-of-way in question, the cost of the repair or replacement will be borne by the city, the board of public utilities or the respective agency or entity. Repair or replacement of detached sidewalks will not be borne by the city, the board of public utilities or respective agency or entity, unless the city engineer determines that repair or replacement is necessary to the construction project.

**12.04.180 Governing body may contract for construction.**

**A.** The governing body may let, to the lowest responsible bidder, for any period not exceeding one year, a contract for the construction, reconstruction, or repair, in accordance with specifications prepared by the city engineer and approved by the governing body, of all cement and concrete sidewalks which the governing body, ~~director of public works or city engineer~~ may order to be performed during the term of the contract.

**B.** ~~Special Provision for Downtown Development District. The director of public works or the city engineer are empowered to let contracts for repair or replacement of cement and concrete sidewalks curb and gutter located within the Downtown Development District for projects not exceeding Five Twenty Thousand Dollars (\$5,000.00 20,000.00) on a rotating list of qualified contractors pursuant to a qualification process approved by the Governing Body and the Purchasing Manager. The requirements of Subsection 2.04.160 shall not apply to contracts let pursuant to this process.~~

**12.04.210 Special assessments.**

**A.** ~~Except as otherwise provided in Subsection 12.04.120(B),~~ the total charge to be levied by motion or resolution of the governing body assessed to the owner or agent of property for the construction, reconstruction, or repair of a sidewalk shall include the cost of the sidewalk work, as well as that of any notice, curbing, grading, private crossing and all other necessary expenses.

**B.** ~~Special Provision for Downtown Development District. The owner or agent of property located within the Downtown Development District shall be responsible for any repairs ordered to the abutting sidewalk within the Downtown Development District as outlined in Section 12.04.120(B). The levy will be a special assessment against the property in front of or beside where the sidewalk work is performed and shall be chargeable against the owner of record at the time of such improvements, and the city shall have a lien against such property in the amount owed. The City shall be responsible for the cost of any repairs to the curb and gutter as outlined in Section 12.04.120(B).~~

Section 2. That this ordinance shall be in full force and effect upon its approval and publication.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

THIRD AND FINAL READING: \_\_\_\_\_

\_\_\_\_\_  
Patrick Collins, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Kristina F. Jones, City Clerk

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