

SECTION 13: SIDEWALK REGULATIONS

SECTION 13.01: DEFINITIONS

1. **Construction:** refers to construction, reconstruction or repair made to sidewalks within the City of Harlingen
2. **Lot:** refers to a lot or lots, or any kind of property or real estate along which a sidewalk may be constructed.
3. **Owner:** refers to the owner, owners, agent or agents of an owner and / or a property.
4. **Sidewalk:** that part of any street lying between the proper curb line and the abutting property line, usually paved five feet in width with concrete, and intended for pedestrian travel.

SECTION 13.02: PERMITS REQUIRED

No person, firm or corporation shall hereafter construct any sidewalks within the City of Harlingen without first obtaining from the City a permit to do so. Such permit shall be issued by the Building Inspection Department and a copy of each permit shall be filed and securely kept by the City. For each permit the City shall be entitled to demand and receive \$20.00 per street block or fraction thereof, as a fee for same.

Every person, firm or corporation who shall construct any sidewalks under the provisions of this ordinance, shall after the completion of same, file with the City a written report, showing the lot and block number of the property abutting upon such sidewalks so constructed and the date of completion of such sidewalks. This report shall be kept by the City in the files of its offices, and shall be open for inspection to the public at any time.

SECTION 13.03: SPECIFICATIONS

All sidewalks hereafter constructed within the limits of this City shall be of concrete and shall conform strictly to the following specifications:

1. MATERIALS

Cement: All cement shall be a Type 1 Portland and meet the requirements of ASTM C150. Any cement that does not conform to the said specifications at the time it is used shall be rejected.

Sand: All sand shall consist of quartz grains or other equally as hard materials, graded from fine to coarse with the coarse particles predominating.
Gradation limits are as follows:

<u>Sieve Size</u>	<u>% by Weight Passing</u>
3/8"	100
No. 4	95-100
No. 8	70-95
No. 16	45-80
No. 30	20-60
No. 50	5-30
No. 100	0-5

It shall not contain vegetable or other organic matter, nor more than 3% by weight of clay or loam.

Gravel: All gravel shall be clean, hard, bank gravel and shall not contain soft, flat, or elongated particles.

The grading shall be as follows:

<u>Sieve Size</u>	<u>% by Weight Passing</u>
1-1/2"	100
3/4"	35-75
1/4"	10-30
No. 4	0-5

Gravel shall be free from organic or other injurious material. It shall not contain salt or alkali.

Water: Water, shall be clean, free from oil, acid, alkali or vegetable matter. No water shall be used unless the source has been approved by the City Engineer.

2. CONSTRUCTION METHODS

The concrete shall consist of a five sack per cubic yard mix to produce a 3000 PSI concrete. An excess of water is sufficient reason for the rejection of the batch so mixed.

The sidewalk shall be of one coarse concrete mixed as described above and shall not be less than four inches in thickness and five feet wide. The subgrade shall be excavated to the required depth and a bed of three inches of sand will be placed and shall be doweled with three No. 4 smooth dowel bars thirty-six inches long when typing into existing slabs or concrete sidewalks. The sand shall be thoroughly sprinkled before placing the concrete. The forms shall be placed true to line and grade and shall be so constructed that they will not become displaced during the process of placing the concrete. At intervals of not more than six feet, the sidewalk shall be cut transversely with 1/8" radius grooving tools to provide for control joints. At intervals of 40 lineal feet, an expansion joint shall be placed with a 1/2" by 4" redwood strip (or other approved substitute) with three #4 dowels having one end greased. A 1/2" premolded expansion material shall be installed where concrete

sidewalk abuts concrete curb or concrete curb inlets and other locations specified by the Engineer. A float or brush finish will required on all sidewalks constructed under the terms of this ordinance. In no case will a troweled finish be permitted. After the construction of the sidewalk, the site of the work shall be thoroughly cleaned and left in a sightly condition. The concrete must be protected from the direct rays of the sun by covering with wet burlap or in any other manner approved by the City Engineer or his designee.

At least one accessible route complying with ADA standards shall be provided within the boundary of the site from the sidewalk. Curb ramps shall be provided wherever an accessible route crosses a curb. All curb ramps shall comply with current ADA standards.

3. PLACEMENT

Sidewalks shall be contiguous with the curb and gutter, provided however, that they shall be installed with due consideration being given to existing trees and shrubbery or proposed mailboxes (or other obstructions) which may require installation away from the curb for a short distance in order to prevent removal of, or interference with, such features.

SECTION 13.04: SPECIAL DISTRICTS

The City may provide assistance to property owners within the Downtown Improvement District as established in the City of Harlingen. Such assistance shall be provided by the Public Works Department in reconstruction of sidewalks. The Public Works Department, upon request and availability of manpower, will assist by break up and removal of existing sidewalk material. The property owner requesting such assistance may not have to pay for this service, but must agree to replace, at his expense, sidewalk sections as removed, to City specifications laid out in this ordinance within 30 calendar days of such material removal.

SECTION 13.05: RESPONSIBILITY

All new commercial construction shall be required to place sidewalks as required by this ordinance prior to issuance of a certificate of occupancy or final inspection approvals (unless locating on a street that is without curb and gutter – rural section). When 50 percent or more of the frontage on a street on any one block is improved with buildings that do not have a sidewalk, a sidewalk shall not be required on that one block. New subdivisions within city limits will be required to place sidewalks (or pay escrow for such) prior to recordation of a final plat as established by the City of Harlingen Subdivision Ordinance.

It shall be the duty of the owner of a lot, or lots, or any real estate of any kind, within the limits of the City of Harlingen to maintain and/or construct, reconstruct, or repair sidewalks which traverse said property.

It shall be, and it is hereby made the duty of the owner of any lot within the limits of the City of Harlingen to construct in front of or along property which the City may order a sidewalk to be constructed. It may be necessary for said owner to cut down or fill up same as may be necessary to conform to such grade of required sidewalk. Sidewalk must be constructed within the time prescribed by this ordinance after notice as provided. Such owner shall pay all costs and expenses of sidewalk construction. In case of the failure or refusal of such owner or owners to do such work as is herein provided and to pay the cost of the same, the City of Harlingen may in its discretion, do such work in the manner as it may deem best, and may proceed to assess the benefits to such property and collect the cost of such work from such owner or owners in the manner provided by this ordinance.

SECTION 13.06: ORDER BY ORDINANCE OR RESOLUTION

The City shall have the power, by either resolution or ordinance, to order the construction of sidewalks along any streets or public place, or in front of, or along any lots within the limits of the City of Harlingen. in accordance with the provisions of said resolution or ordinance as the case may be, directing such work in accordance with the foregoing specifications. Said construction shall commence within thirty days after the date of the notice to said owner as hereinafter provided, and to be completed within such time as may be provided by the ordinance or resolution ordering such work. It shall be the duty of such owner or owners to pay all costs and expenses of same. In each case the resolution or ordinance shall state the dimensions of the sidewalk to be constructed. The said resolution or ordinance shall in general terms designate the lots or part of the street along or on which said sidewalk shall be constructed, such resolution or ordinance prescribes the grade and width of such sidewalk.

Upon the passage of any resolution or ordinance by the City providing for the construction of any sidewalks, it shall be the duty of the Planning Director, or other appointed designee, to prepare and file a statement, consisting of the name or names of the owner of any lots along and abutting upon the street or streets, or part of street, or other public place where said sidewalks are to be constructed, describing briefly the property of each owner by block and lot number, or any other description, which shall be sufficient to identify the same, together with an estimate of the cost of such sidewalks to be constructed in front of the property of each owner.

Upon the filing of such statement it shall be the duty of the Planning Department to notify in writing the owners of lots of any kind, along and abutting upon the sidewalks which are ordered to be constructed. Such notification will be made to the legal owner of record according to the latest available tax rolls of the City. The notice shall briefly recite the facts, that said sidewalk or sidewalks have been ordered by the City to be constructed, the said street, streets, part of street or other public place along which same have been

ordered to be constructed, the grade and width of the same, the estimate of the City Engineer as to the cost of same, the kind and character of the material out of which same shall be constructed. Said notice shall command such owner of lots of any kind along or abutting upon such proposed sidewalks to construct same, in accordance with said resolution or ordinance and specifications contained herein, and in accordance with other provisions of this ordinance.

SECTION 13.07: REFUSAL TO COMMENCE/APPEAL PROCEDURES

Upon the failure or refusal of any owners of lots to commence to construct any sidewalk upon which such property may abut, and after the expiration of said thirty days as herein provided, the City of Harlingen may, in its discretion, proceed to construct such sidewalks in accordance with said resolution or ordinance and with said plans and specifications. The City may advertise for bids for such work or may itself construct, such sidewalks or contract for said work without advertising for bids as the City of Harlingen may deem best. For the purpose of carrying into effect this proceeding, the City shall notify in writing the owners of lots or real estate of any kind along or abutting upon the street, streets, part of street or other public place upon which the City has ordered by resolution or ordinance a sidewalk to be constructed. Any objections that such owners may have to the estimates of the City Engineer as to the cost of the said work, as hereinabove provided, or to the bid of any contractor or contractors for such work, as the case may be must be appealed to the city commission within 15 working days after the date of such notice.

Assessments for sidewalk improvements shall be made as called out in the City Charter, Article VIII, Section 1.

SECTION 13.08: TIMELY CONSTRUCTION

It shall be the duty of any owner to ensure that all water, gas, and sewer pipes and all light and telephone wires, and connections are properly placed before said sidewalks are constructed. After such sidewalks have been constructed it shall not be lawful for such sidewalks to be opened or taken up without a written permit having been first obtained by such owner agent or contractor from the City.

Any person, firm or corporation constructing any sidewalks shall, during the time such construction is going on, keep all gutters open so as not to interfere with the drainage of same and shall remove, upon the completion of said work, all building material or other accumulation of debris that may exist in and around such sidewalks.

SECTION 13.09: CONTRACTOR REGISTRATION REQUIRED

Any person, firm or corporation desiring to construct any sidewalks within the limits of the City of Harlingen, or ordered by resolution or ordinance to do so, shall before

obtaining permit to do such work register with the Building Inspection Department as provided under Ordinance 91-8 as amended.