

ORDINANCE NO. 23658-05-2019

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH, TEXAS, (2015), AS AMENDED, BY AMENDING IN ITS ENTIRETY SECTION 30-1 OF ARTICLE I "IN GENERAL" OF CHAPTER 30, "STREETS AND SIDEWALKS" TO REQUIRE PROPERTY OWNERS REDEVELOPING, BUILDING NEW OR REMODELING/RENOVATING EXISTING STRUCTURES TO CONSTRUCT, UNDER CERTAIN CIRCUMSTANCES, SIDEWALK, PARKWAY, DRIVEWAY AND CURB AND GUTTER, REQUIRING MAINTENANCE OF SAME, PROVIDING A RIGHT TO APPEAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEALING CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth has adopted various plans and programs for improving mobility of its citizens throughout the city; and

WHEREAS, the City of Fort Worth desires to improve pedestrian access to safe and adequate facilities, including sidewalks, for the promotion of improved health and welfare of the citizens; and

WHEREAS, as a condition of development or redevelopment, owners of property within the City of Fort Worth who redevelop, build new or remodel/renovate existing structures shall be required to construct, under certain circumstances, sidewalk, parkway, driveway and curb and gutter where none exists or where existing sidewalk, parkway, driveway or curb and gutter is in disrepair;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Section 30-1 of Article I, "In General," of Chapter 30, "Streets and Sidewalks" of the City Code is hereby amended in its entirety to read as follows:

CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS, DRIVEWAYS, ETC.; DEFECTIVE SIDEWALKS, DRIVEWAYS, ETC., DECLARED NUISANCE; DUTY OF OWNER OR TENANT TO REPAIR, UPON NOTICE; RIGHT TO APPEAL.

(a) *Installation of sidewalk, parkway, driveway, curb and gutter.* An owner of property abutting any existing street shall install sidewalk, parkway, driveway or curb and gutter along said frontage when sidewalk, parkway, driveway or curb and gutter is absent. A property owner shall install sidewalk, parkway, driveway and curb and gutter in accordance with the then-current design

standards of the City. The requirement to install sidewalk, parkway, driveway and curb and gutter applies only if the owner of the property is building new construction or redeveloping the property where construction will equal or exceed 50% of the assessed value of the then-existing improvements, as determined by the appraisal district in which the property is located.

(b) *Maintenance of defective sidewalk, driveway or curb.* Any sidewalk, parkway, driveway or curb which has become or is defective, unsafe or hazardous is declared a nuisance. It shall be the duty of the owner or the agent in charge, or the tenant, of the property abutting on any street, avenue, public alley, place, square, section or part thereof along which a sidewalk, curb or driveway is ordered by the director of the department of public works to be constructed, reconstructed or repaired within 30 days from the receipt of notice from the director of public works, to construct, reconstruct or repair such sidewalk, curb or driveway. The failure of any owner or the agent of any owner, or the tenant, to construct, reconstruct or repair any such sidewalk, curb or driveway ordered to be constructed, reconstructed or repaired by the director of public works shall be a misdemeanor.

(c) *Appeal.* Any owner or the agent of any owner, or the tenant, required to install, construct, reconstruct or repair any such sidewalk, parkway, driveway or curb and gutter under this section may appeal such requirement to the director of the transportation and public works department or his/her designee. An appeal of a decision by the director or his/her designee may be brought to the city manager responsible for overseeing the department of transportation and public works.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City Code except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such City Code, in which event conflicting provisions of such ordinances and such City Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

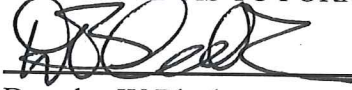
SECTION 4.

All other provisions of the City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5.

This ordinance shall take effect upon adoption, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:



Douglas W Black
Sr. Assistant City Attorney

ATTEST:



Mary J. Kayser, City Secretary

M&C: G-19536

ADOPTED and EFFECTIVE: May 7, 2019

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 5/7/2019 - Ordinance No. 23658-05-2019

DATE: Tuesday, May 7, 2019

REFERENCE NO.: G-19536

LOG NAME: 12SIDEWALKCONSTRUCTIONORDINANCE

SUBJECT:

Adopt attached Ordinance Establishing the Requirement that Property Owners Redeveloping, Building New or Remodeling/Renovating Existing Structures Construct or Maintain, Under Certain Circumstances, Sidewalk, Parkway, Driveway and Curb and Gutter and Providing for an Appeal (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance requiring property owners who redevelop, build new or remodel/renovate existing structures construct or maintain, under certain circumstances, sidewalk, parkway, driveway and curb and gutter where none exists or where existing sidewalk, parkway, driveway or curb and gutter is in disrepair and providing for an appeal.

DISCUSSION:

The attached ordinance amends Section 30-1 of Chapter 30, "Streets and Sidewalks" of the City Code by codifying the requirement that property owners redeveloping, building new or remodeling/renovating an existing structure by greater than 50% of its then-appraised value construct sidewalk, parkway, driveway or curb and gutter, to pre-determined city standards, where none exists or where there is disrepair sufficient to require said construction or reconstruction. The ordinance captures long-standing city policy which has been located in both the 1986 Transportation Engineering Manual and the 2001 CFA Policy, both of which are being updated. Large landowners or developers who subdivide land prior to development are currently required by the Subdivision Ordinance to install sidewalk, parkway, driveways and curb and gutter. The requirement for property owners to maintain sidewalks remains unchanged.

This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of the above recommendation will have no material effect on the city's budget.

FUND IDENTIFIERS (FIDs):

TO

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount

FROM

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount

Submitted for City Manager's Office by:

Originating Department Head:

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