

# SIDEWALK NOTICE OF COMPLAINT

---

## Frequently Asked Questions

---

**Q1: I was placed on notice and directed to correct sidewalk hazards and defects at my property. What does this mean?**

City of Ithaca has assumed that your sidewalk has hazardous defects because a complaint has been received of a problem with your sidewalk. Although your sidewalk has not yet been formally inspected, City of Ithaca is directing you to correct any sidewalk problems that may be present so that no one gets injured. The City Code assigns full responsibility for sidewalk maintenance, including repairs, to the owner of the property adjacent to public sidewalk. Correction of sidewalk problems is always your responsibility, whether or not you have received a Sidewalk Notice of Complaint or a Sidewalk Notice of Defect. Cracked, deteriorated, or heaved sidewalks put pedestrians at risk of injury and can impede or even block access for people with disabilities.

You should routinely check your sidewalk for problems and if you find any, take action immediately to minimize the possibility that a pedestrian will be injured. If someone gets injured, you could be sued. All sidewalk work (including patching) requires a sidewalk street permit from the City Engineer's Office. You may obtain the permit yourself or have your contractor do it. You may do the work yourself or hire a contractor of your choice to do it. A list of contractors who have done sidewalk work in the City of Ithaca and were interested in referrals is available from the City Engineer's Office, although you are not restricted to hiring a contractor from that list.

Work completed under a valid permit will be inspected by City staff and if no condemnable conditions are noted at the time of inspection, your property will be removed from the active complaint log.

If you do not correct your sidewalk problems, the City of Ithaca will perform a sidewalk inspection at the first opportunity. If any condemnable defects are found during the inspection, this property will be placed on the City's repair work list for repair at the first opportunity. City repairs are billed to you at cost plus 25%.

**Q2: How do I review the City Code?**

Paper and electronic copies of sidewalk-related code are available upon request from the City Engineer's Office. The complete City of Ithaca Code is available at [www.cityofithaca.org](http://www.cityofithaca.org). Put "sidewalk" in the search window to find all references to sidewalk. Alternately, City Code Books are available for viewing at the Office of the City Clerk.

**Q3: My property has been placed on the list of locations that require a formal sidewalk inspection. What does this mean?**

A formal sidewalk inspection will determine if your sidewalk has any condemnable conditions. If any condemnable condition is present, a map will be prepared detailing the locations of all condemnable and unsatisfactory sidewalk conditions. You will be sent a copy of the map and a sidewalk notice of defect notifying you that your property has been placed on the City's sidewalk repair list and that all condemnable and unsatisfactory conditions will be repaired by the City at the first opportunity. You will be billed for the repair work cost plus an additional 25% administration fee required by the City Code. If you sell your property before the work occurs, this obligation will transfer to the new owner.

If you prefer to hire your own contractor, you may arrange to do so, however your sidewalk will remain on the City's repair schedule and work by the City could occur at any time. Your property will not be removed from the repair schedule until your sidewalk has no condemnable conditions.

**Q4: What's a condemnable condition? What's an unsatisfactory condition?**

**SIDEWALK CONDITION INSPECTION CRITERIA**

	<b>UNSATISFACTORY (Recommended Repair)</b>	<b>CONDEMNABLE (Required Repair)</b>
<b>Joints Offset</b>	Less than ½" high	½" high or 1" gap
<b>Holes</b>	Less than 1" deep AND less than 1" diameter	1" deep OR 1" diameter
<b>Spalling (Surface Deterioration)</b>	Heavy foot traffic	Heavy foot traffic with loose gravel
<b>Cracks</b>	Level	High/low or pieces missing

**Q5: How do I find a contractor to do the work?**

You may hire any contractor you wish. You may find a contractor in the phone book or from a friend's referral. The City Engineer's Office has a listing of contractors that is available upon request. The contractors on the list have performed work with a street permit to the minimum standard at least once and are interested in referrals for small residential projects.

**Q6: What if I think my sidewalk doesn't have any problems and that the Owner's Notice of Complaint was sent in error?**

Use a ruler to determine if any part of each sidewalk joint is at least ½" high or has a 1" gap. Use a ruler to determine if any hole is at least 1" deep or 1" in diameter. Look for loose gravel and surface deterioration. Look at cracks and note if the two sides of the crack are at different heights or have pieces missing. If any one of these conditions is present, then you have a condemnable condition and will receive a sidewalk notice after a formal sidewalk inspection is done. If you wish to avoid that possibility, you can take repair action now to remove all the condemnable conditions.

If after careful consideration, you still think your sidewalk doesn't have any condemnable conditions, you may request a site visit from the Office of the City Engineer. If the inspector visits your property and finds a condemnable condition, a formal sidewalk inspection will occur immediately. If the inspector visits your property and does not find a condemnable condition, then your property will be removed from the complaint log and you will receive written notification.

**Q7: Most sidewalks are worse than mine. How do I complain about another sidewalk?**

The City Engineer's Office has a long list of sidewalk complaints and it is likely that a complaint has already been received about a given property. However, if you wish to check whether a given property is on the complaint list, you may call and ask. Formal complaints must be made in writing to the Superintendent of Public Works. Complaints are accepted for specific addresses, not for general concerns such as, "Hudson St. sidewalks," or "Fall Creek neighborhood sidewalks."

**Q8: Can I patch my sidewalk?**

Experience has shown that patching is a temporary solution and is not recommended if removal and replacement is an option. Contractors typically do not do patching because it is labor intensive and unreliable. The few contractors who do patching typically do not guarantee their work. If you wish to patch your sidewalk, obtain a street permit so your conscientious action can be recorded. If you patch a defect, plan to monitor and attend to the patch condition regularly.

**Q9: I thought the City took care of sidewalk next to street trees and corner curb ramps and I didn't need to worry about it. Has something changed?**

The City Code assigns all responsibility for sidewalk to the adjoining owner.

For many years, there has been a practice of not charging property owners to repair sidewalk damage caused by street trees or to install a corner curb ramp. That practice was never incorporated into the City Code. That practice will continue during 2012 for work performed by the City's sidewalk crew.

Limited funds were budgeted in 2012 to reimburse property owners for tree damage sidewalk work performed by the owner's contractor. Funds must be reserved in advance of the work in writing in order to be eligible for reimbursement. Funds are typically reserved at the time a sidewalk permit is issued. The reservation expires in 60 days if a voucher has not been submitted for reimbursement.

**CONTACT INFORMATION:**

**For further sidewalk information, site visit request, informal sidewalk complaint or document requests, contact:**

Lynne Yost, PE  
City of Ithaca Department of Public Works, Streets and Facilities Division  
245 Pier Rd.  
Ithaca, NY 14850  
607-272-1718 from 7:30am – 3:00pm  
[Lynney@cityofithaca.org](mailto:Lynney@cityofithaca.org)

**To review the City Code, obtain a Street Permit Application, or obtain other information about City of Ithaca:**

[www.cityofithaca.org](http://www.cityofithaca.org)

**To obtain a Street/Sidewalk Permit:**

Tim Logue or Kent Johnson  
108 E. Green St., Room 202  
Ithaca, NY 14850  
Fax 607-274-6587  
Tim 607-274-6535 [timlo@cityofithaca.org](mailto:timlo@cityofithaca.org) or Kent 607-274-6528 [kjohnson@cityofithaca.org](mailto:kjohnson@cityofithaca.org)

**To place a formal sidewalk complaint, submit an exact address in writing to:**

City of Ithaca - Superintendent of Public Works  
108 E. Green St., Room 202  
Ithaca, NY 14850  
Fax 607-274-6587

**To comment on sidewalk policy and record your opinion for consideration, email or write:**

Board of Public Works c/o Kathrin Gehring  
City of Ithaca – Office of the Superintendent of Public Works  
108 E. Green St., Room 202  
Ithaca, NY 14850  
Fax 607-274-6587  
[kgehring@cityofithaca.org](mailto:kgehring@cityofithaca.org)