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Colleen

**From:** Colleen Wilson-Pappa [colleen@snhba.com]  
**Sent:** Monday, September 23, 2002 8:29 AM  
**To:** 'Doug Selby (E-mail)'  
**Cc:** 'irene@snbha.com'  
**Subject:** City of Las Vegas Sidewalk Maintenance and Repair (UNLV Professional Paper -2001)

Doug,

Hello, again. I came across a 2001 public administration professional paper on the sidewalk issue Friday afternoon (see attached hyperlink). Ironically, it was written by a City of Las Vegas Public Works employee. While I disagree with some of the analysis and conclusions, I do think the background information is noteworthy. Not only does the paper identify some of the informal department policies related to sidewalk maintenance and the impact to the homeowner, but also the differences between the city of Las Vegas' code vs. the other jurisdictions. Anyway, I thought you might want to know about this paper since it is on the Internet and since it was written by someone who is "within the system."

<http://www.unlv.edu/Colleges/Urban/pubadmin/papers/dlagarza.htm>

Take care.

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ASSEMBLY GOVERNMENT AFFAIRS  
DATE: 4/2/02 ROOM: 3143 EXHIBIT F 1/8  
SUBMITTED BY: Colleen Wilson-Pappa

CITY OF LAS VEGAS SIDEWALK MAINTENANCE AND REPAIR: WHO IS RESPONSIBLE?

Daphnee Legarza

University of Nevada, Las Vegas

## INTRODUCTION

The City of Las Vegas (CLV) has recently adopted several new plans and elements requiring the creation of more pedestrian friendly and cluster development communities. The City of Las Vegas' 2020 Master Plan requires pedestrian friendly neighborhoods in newly developing areas by stating, "The importance of creating neighborhoods that are walkable and sustainable and which foster a sense of community must be key elements of our newly developing areas". (CLV Master Plan 2020, October 2000, p. 47) Also, in neighborhood revitalization areas the City requires "That new commercial development be designed in a walkable and non-vehicular friendly manner, providing shelter from sun and wind, with outdoor seating areas and other amenities and parking areas located away from the street". (CLV Master Plan 2020, October 2000, p. 42) With the emphasis being placed on walkable communities and the use of the sidewalks, not only is it important to construct sidewalks as linking pedestrian corridors, but also to keep new and existing sidewalks in good repair. In order to support the implementation of the City of Las Vegas 2020 Master Plan and the future of the City as a walkable community, the City is in need of a cost effective and enforceable policy for the maintenance and repair of damaged sidewalks.

Chapter 13.56 of the City of Las Vegas Municipal Code "Construction, Maintenance and Repair of Sidewalks and Transition Strips" addresses the maintenance and repair of existing sidewalks within the public right-of-way. The maintenance and repair of existing sidewalks owned by municipalities, within the public right-of-way, is not an issue unique to the City of Las Vegas. Other local and regional cities are faced with similar issues regarding who should pay to maintain and repair existing sidewalks within the public right-of-way. For example, Clark County and the City of North Las Vegas, do not have a separate section of code addressing the repair and maintenance of existing sidewalks. Many local municipalities have not addressed or found adequate solutions as to whose responsibility it is to maintain and repair existing sidewalks.

The City of Las Vegas has dealt with the issue of the maintenance and repair of existing sidewalks moderately well over the years. Chapter 13.56 "Construction, Maintenance and Repair of Sidewalks and Transition Strips" was adopted in 1983. The City of Las Vegas averages one to two sidewalk repair complaints per month. These cases are initially addressed in conformity with the

requirements set forth in the existing code. However, in an effort to reduce overall costs, many of the cases have been resolved by City maintenance crews rather than per the requirements as set forth in the Code. The City of Las Vegas is in the forefront for the valley with its effort to find solutions for this issue. Therefore, the purpose of this paper is to examine the current sidewalk repair code through analyzing different alternatives with regard to specific pertinent criteria, and by doing so develop an equitable, enforceable and cost effective sidewalk repair code for the City of Las Vegas.

## RECOMMENDATIONS AND CONCLUSIONS

The desired outcome of this policy analysis is the recommendation of an equitable, cost effective sidewalk repair code the City can enforce. When doing a policy analysis one might expect each alternative to result in trade-offs for the City. For example, the most cost effective alternative may not necessarily be the most equitable or enforceable alternative. Based on the analysis performed for each of the four alternatives, two alternatives stand out slightly above the rest. In this case, Alternatives 2 & 4 appear to be the most cost effective and equitable sidewalk repair code for the City of Las Vegas. Table 18 below represents a summary of the overall results from each analysis for each alternative:

TABLE 18			
ANALYSIS SUMMARY			
ALTERNATIVE	COST-BENEFITS	EQUITY	ENFORCEABILITY
1	\$33,367.28 COST	0	0
2	\$82,583.77 BENEFIT	3	1
3	\$103,897.14 COST	1	3
4	\$81,943.40 BENEFIT	3	2

Based on the above table, it is apparent that Alternative 4 results in a more enforceable code than that of Alternative 2. It is important to note that both Alternatives 2 and 4 were comparable in relation to the benefits-cost analysis and equity analysis. This implies that the way code is currently written is both cost effective and equitable. Based on the analysis presented the only obstacle associated with the code as it is written today, is the enforcement of the code.

Weighing each analysis equally, Alternative 4 is the best overall alternative. Alternative 3 is the most enforceable alternative, however the cost for this alternative is very high. These costs are the minimum cost to the City as, once owners realize the City makes necessary sidewalk repairs, at no cost to them, the volume of repairs in the City will increase. Alternative 4 is not only one of the better cost-benefit alternatives; it is also one of the two most equitable codes. The implementation of Alternative 4 will result in "a desirable distribution of goods and services to all members of society through a just allocation of cost and benefits" base on income levels, geographic location of property, and type of development on the property. The most enforceable alternative is Alternative 3, where the City pays to maintain all sidewalks. Alternative 4 is not the most enforceable alternative, however it is still an

enforceable alternative, by meeting 3 of the 5 requirements for enforceability. In addition, Alternative 4 as opposed to Alternative 2 benefits the taxpayers. Alternative 4 allows the property owner the option of paying the City to make the necessary repairs. This can result in a cost saving to the property owner and also has a potential for more sidewalk repairs being paid for by property owners and an overall savings to the taxpayers. This benefit was not considered, as only benefits to the City were measured in the cost-benefit analysis. Therefore, based on the all analyses Alternative 4 appears to be the most cost effective and equitable sidewalk repair code for the City of Las Vegas.

This policy analysis grew as the process unfolded. Several items or issues were encountered along the way, which were not included in this study due to time and length constraints. One such issue is that of landscaping in the public right-of-way. The code requires landscaping within the public right-of-way be maintained in the same manner as sidewalks. However, there is little data regarding solely landscape maintenance, only as it relates to the maintenance of the sidewalks. Therefore, the trimming and cutting of the trees and roots were not considered in this policy analysis and will need to be further addressed at a later date. Another issue, beyond the scope of this study, which the City may want to explore at a later date, is that of sidewalk ownership. When a development proposes sidewalks outside of the public right-of-way, the City will require a pedestrian access easement. Such an easement allows for public access to the sidewalk and insures that one cannot block or prevent the public from accessing the sidewalk. However, when the sidewalk is located within a pedestrian access easement as opposed to within the public right-of-way, it is apparent that the association or adjacent property is the owner of the sidewalk. With ownership comes the understood responsibility of maintenance and repair. Perhaps even the liability for injury can be in question for sidewalks owned by property owners with only access easements granted to the local jurisdiction.

An essential element of the recommended alternative is that of implementation. In order to implement this alternative several things will need to occur. The first of which is the revision of the current code (See Appendix G) including an implementation plan. The revised code will need to be approved by the appropriate departments, Public Works, Field Operations, City Attorney and the City Manager's Office. Once each department has reviewed and accepted the revised code, the revised code will need to be heard in front of the Recommending Committee and then placed on a City Council agenda.

for approval. The adopted date of the revised code is then the day the revised code and implementation plan is approved by the City Council. The implementation plan may include a transition period from the adopted date to the full implementation date of the revised code. This transition period will allow for resolution per the previous code of any pending or existing sidewalk repairs prior to the adoption of the new code. In effect the grand fathering of repairs in the system prior to the adoption of the new code. Based on the information gathered and presented above, it is my recommendation the City considers revising the current sidewalk repair and maintenance code in a manner similar to that of Alternative 4. It is also recommended the City consider an implementation plan for any such code revision.



## Reference List

- Boulder City Municipal Code, Title 9-11, Ord. 623 (1978)
- City of Henderson Municipal Coade, Chapter 11.15, Ord. 1912 § 1, (1999)
- City of Albuquerque Code of Ordinances, Chapter 6-5-5-18, Am. Ord. 77 (1989)
- Code for City of Tucson, Arizona Part II, Chapter 25, Ord. No. 2657 § 1, (1964)
- City of Las Vegas Municipal Code, Chapter 13.56, Ord. 3074 § 1, (1983)
- City of Las Vegas. (2000, September) Master Plan 2020, (Ord. #2000-62)
- Dreher v. Joseph, 60 Conn. App. 257, 759 A. 2d 369, (1962)
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