

Ordinance 0005-23 – Selection of Street and Alleys for Repavement and Special Assessments

An ordinance to create Chapter 2, Article V, Division 8, Section 2-532, and Chapter 90, Article II, Section 90-28(b)(2)h of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 2, Article V, Division 8, Section 2-532 of the Municipal Code of the City of Racine is created as follows:

Sec. 2-532. - Street and alleys repavement.

Once per calendar year, the commissioner of public works shall nominate streets and alleys with deteriorated pavements to be selected by the city for repaving projects to occur the following year. The process for selecting streets and alleys for repaving and special assessment shall be as follows:

(a) Street repavement

- (1) Candidate streets shall be selected either by department of public works staff recommendation, upon request from the mayor, an alder, or upon request from abutting property owner(s) with alder sponsor.
- (2) To determine whether a hearing shall be recommended, department of public works staff shall inspect candidate streets to determine if the following criteria are met:
 - a. Street is not constructed with permanent pavement material (Portland cement concrete, brick, or macadam);
 - b. Pavement Condition Index (PCI) score is less than 40;
 - c. Whether this is the first time the street is in consideration, or last public hearing in which street was in consideration was two or more years previous.
- (3) Once candidate streets are selected, department of public works staff shall prepare a list of said streets for public works and services committee review and for preliminary resolution to hold public hearings.
- (4) Following adoption of a preliminary resolution designating streets for public hearing, department of public works staff shall check the need for other improvements to the selected street subject to special assessment:
 - a. Curb, gutter, and sidewalk;
 - b. Sanitary sewer laterals and water services to buildable properties with no current services.
- (5) The public works and services committee shall then hold a public hearing regarding the selected candidate streets. Notice of the time and place of the public hearing shall be sent to all abutting property owners at least 10 business days prior to the scheduled public hearing.

- (6) After the public hearing, the preliminary resolution shall be submitted to the common council for approval and final resolution.
- (7) Special assessments for the approved repaving projects shall be assessed to the abutting property owners pursuant to Wis. Stats. § 66.0703 and according to subsections 90-28(b)&(c) of this code.

(b) Alley repavement

- (1) Candidate alley ways shall be selected for consideration as follows:
 - a. For the first calendar year following passage of this section, the 25 percent of the total number of alleys within the city with the lowest Pavement Surface Evaluation and Rating (PASER) scores shall automatically be selected for consideration for the following year. In subsequent years, ten percent of the total number of alleys within the city, specifically those with the lowest PASER scores, shall automatically be selected for consideration for the following year.
 - b. If an alley in the bottom ten percent is not approved in any given year, and remains on the list of the bottom ten percent the following year, it will remain in consideration the following year.
 - c. The mayor, alders, and staff may also recommend alleys not in the bottom ten percent list for consideration.
- (2) Department of public works staff then shall inspect candidate alley ways to determine whether a hearing shall be recommended.
- (3) Once alley ways are selected, department of public works staff shall prepare a list of said alley ways for public works and services committee review and for preliminary resolution to hold public hearings.
- (4) Following adoption of a preliminary resolution designating alley ways for public hearing, department of public works staff shall check for the need for other improvements subject to special assessment.
- (5) The public works and services committee shall then hold a public hearing regarding the selected candidate alley ways. Notice of the time and place of the public hearing shall be sent to all abutting property owners at least 10 business days prior to the scheduled public hearing.
- (6) After the public hearing, the preliminary resolution shall be submitted to the common council for approval and final resolution.
- (7) Special assessments for the approved repaving projects shall be assessed to the abutting property owners pursuant to Wis. Stats. § 66.0703 and according to subsections 90-28(b)&(c) of this code.

Part 2: Chapter 90, Article II, Section 90-28(b)(2)h, of the Municipal Code of the City of Racine is created as follows:

h. Alleyway repair.

Part 3: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves, the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all members of the council shall then make the act effective notwithstanding the objections of the mayor.