

Ordinance No. 2013-15

Passed August 22, 2013

AMENDED SIDEWALK ORDINANCE

SIDEWALK, CURB, GUTTER AND DRIVEWAY APRON CONSTRUCTION

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|-------------|--|-------------|--|
| Sect. One | Construction specifications | Sect. Five | Criteria for condemning sidewalks |
| Sect. Two | Permit and fee | Sect. Six | Cleaning and repair of sidewalks, etc. |
| Sect. Three | Plans; approval of Engineer | Sect. Seven | Further care of sidewalks and curbs |
| Sect. Four | Construction of improve-
ments ordered by Council | Sect. Eight | Expressed purpose of this ordinance |
| | | Sect. Nine | Grant programs of financial assistance |

CROSS REFERENCES

Construction or repair at owner’s expense – see Ohio R.C. 729.01 et seq.
Notice to construct or repair sidewalks – see Ohio R.C. 729.03 et seq.
Parking prohibitions - See Ohio R.C/ 76.04 (A)(1)
Control of sidewalks, curbs, and gutters – See Ohio R.C. 723.011
Local, non-criminal parking infractions – See Ohio R.C. 4521.01et seq.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
VILLAGE OF SABINA, CLINTON COUNTY, OHIO:

Section One: **CONSTRUCTION SPECIFICATIONS**

All sidewalks, curbs, gutters and driveway aprons shall be constructed or repaired in accordance with the Standard Plans and Specifications (Exhibit A and B) of the village on file in the office of the Village Administrator. **Any exceptions must be approved by Village Council.**

Section Two: **PERMIT AND FEE**

No person shall construct or repair any sidewalk, curb, gutter or driveway apron without first obtaining a permit therefore from the Village Administrator **with Council approval**. The construction permit fee shall be one dollar (\$1.00) per lot; the repair permit fee shall be one dollar (\$1.00) per lot. No permit or fee is required when such work is ordered done by written notice of Council or the Village Administrator.

Section Three: **PLANS; APPROVAL BY ENGINEER**

1. The Village Administrator **with Council approval**, before issuing such permit, may require the approval of plans, profiles and specifications for such work by **an Engineering Consultant**.
2. Typical illustrations Exhibits A and B are part of this ordinance: Exhibit A and B are provided as guidance for plans, profiles and specifications for work to be performed. The plans to be implemented for any project must adhere to one of these sets of plans unless another set of plans, profiles and specifications are approved by Village **Council** for any one street. The basic set of prevailing plans, profiles and specifications used for any subsequent project approved for that street. Any optional sets of plans, profiles and specifications which are other than those set forth in Exhibits A and B must

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adhere to a quality standard that is equal to or greater than those plans, profiles and specifications set forth in Exhibits A and B.

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3. Finished construction will be devoid of colored concrete or designs. Finished construction may be marked with the date of construction and builder’s name in a neatly etched block no larger than 6 inches by 10 inches. No more than one inscription per individual project or per street block is permitted.

Section Four: CONSTRUCTION OF IMPROVEMENTS ORDERED BY COUNCIL

Under provisions of Ohio Revised Code Section 729.01, Council, after passage of a resolution of necessity and a notice to property owners as required by Ohio Revised Code 729.02 and 729.03 respectively, may order such property owners to construct any sidewalks, curbs or gutters which abut their property. Upon refusal of the property owner within ninety days after notice to construct such sidewalks curbs or gutters, the Village Administrator may cause such work to be done by the village and bill the costs to the property owner. If the property owner refuses or fails to pay such bill within thirty days, Council, by ordinance, shall cause the costs to be certified to the County Auditor, who shall place such costs upon the tax duplicate to be collected together with penalties allowed by law as other taxes are collected, and to be credited to the village.

Section Five: CRITERIA FOR CONDEMNING SIDEWALKS

- 1. Certain criteria is established for the condemnation of sidewalks within the Village of Sabina.

These criteria which are being established with the safety and welfare of the citizens of the village foremost in mind be as follows in determining whether or not a sidewalk be condemned:

- a. Any block having a crack or cracks in it more than **two** inches wide.
- b. Adjoining blocks or portions thereof whose edges differ vertically by more than one inch.
- c. Blocks that have holes in them **more than two inches** in diameter or are cracked and broken so that the pieces are missing or loose.
- d. Blocks that cause an abrupt change in the longitudinal grade of the sidewalk.
- e. Blocks that are raveled: i.e., the surface has spalled leaving it very rough with the coarse aggregate protruding.

In the event one or more of the above enumerated criteria are applicable to a particular sidewalk, that section of sidewalk shall be condemned and subsequently repaired by the property owner in an expeditious fashion consistent with the time frame and method set forth in this Village ordinance, Section Four. **The village administrator may recommend to the Safety and Health Committee, which in turn, can recommend to the full council action to condemn such sections of sidewalk. However, action to proceed or not to proceed on such sidewalks can be based on the priority of these sidewalks to be repaired in relation to others being considered, along with their relative density of pedestrian traffic.**

2. Further, in the event a tree or shrub that exists in the right-of-way has created damage to the public sidewalk, the Village will bear the cost of trimming the tree or shrub or removing it, **and restoring the sidewalk.** The Village Administrator will decide the measures necessary to eliminate the problem. The Village will not be responsible for the cost of removing vegetation not in the right-of-way that has damaged the public sidewalk. The property owner will be responsible for abating such nuisances in the latter cases. **Any plantings (trees, shrubs, etc), to be planted in right-of-way must be approved by the village administrator or village council.**

3. The Village **Council, with recommendations from the Village Administrator**, shall have the authority to decide the order in which condemned public sidewalks will be prioritized for repair. Inasmuch as the village will require numerous public sidewalks throughout the Village to be repaired, the Village **Council** shall have the authority to determine the fairest manner or their order of repair, based on such factors, but not limited to the following: degree of damage; the scope and magnitude of severe damage within certain concentrated areas, streets, or neighborhoods; the likelihood of areas of heaviest pedestrian traffic over such damaged sidewalks; areas where most incidents of falls or injuries from falls have occurred.

4. In some cases, where streets are proposed for rehabilitation, only one side of these streets will receive new public sidewalks; therefore, if the other side of the street has heavily damaged public sidewalks, these sidewalks will have a high priority to be individually repaired by order of the Village **Council**.

Section Six: CLEANING AND REPAIR OF SIDEWALKS, ETC.

No property owner shall fail to clean and keep in good repair the sidewalks, curbs and gutters abutting his property. The Village Administrator, **with Council approval**, may by written notice order the cleaning or repair of any sidewalks, curbs or gutters. In the event that the property owner fails within **seven days** to clean, **or within ninety days** to repair such sidewalks, curbs or gutters after receipt of such notice, the Village Administrator, **with Council approval**, may cause such sidewalks, curbs and gutters to be cleaned or repaired, and the costs thereof shall be billed to the property owner. Upon failure of the property owner to pay such bill within thirty days after billing. Council, by ordinance, shall cause the costs to be certified to the County Auditor, who shall place such costs upon the tax duplicate to be collected together with penalties allowed by law as other taxes are collected, and to be credited to the village. **The village strongly urges residents, businesses and non-business organizations to clean snow from sidewalks as soon as practicable after covering snow falls in order to enhance safety. However, there are no village ordinances established to set any penalties.**

Section Seven: FURTHER CARE OF SIDEWALKS AND CURBS

No motor vehicles, trailers, or other obstructing objects will be parked on the public sidewalks and connecting walkways (also known as sidewalks) to such sidewalks and curbs will not be crossed. Exceptions to this provision exist where no curbs exist and where unusual access must be given to a lot, where curb access is not practical, for special repairs, storage and/or construction on the lot or for lot improvements. Violations of this provision will result in a penalty to the violator or a minor misdemeanor.

Section Eight: EXPRESSED PURPOSE OF THIS ORDINANCE

1. The Village intends to bring the existing public sidewalk, curb and driveway apron system to a level to provide for the public's safety and welfare. A standardized construction plan is specified for this purpose. The Village Administrator, **with Council approval**, will administer this upgrade and maintenance program and will supervise the ongoing care of this public system.

2. The replacement of public sidewalks will generally be the same width of those they replace, unless the Village Administrator ~~and Council~~ determines that ~~pedestrian~~ traffic has significantly changed over the years due to the nature and density of dwellings and businesses and the ultimate destinations of pedestrians have significantly changed to require alterations of public sidewalk widths. Sidewalks along main village streets and arteries should generally not be less than five (5) feet in width for reasonable and safe side-by-side pedestrian movement.

3. The Village **Council** will decide approval of new public sidewalk, curb and driveway apron construction by complete street block or subdivisions, where none now exist. Generally, these construction projects will occur by residents or developer request, and it should rarely occur that the Village **Council** will find it necessary and compelling for the public good, for safety and welfare, **that sidewalks** curbs, gutters and driveway aprons are installed, unless the street or subdivision is a recipient of a public works project for street rehabilitation. In such rare cases, the Village **Council** believes walks are needed in areas not then serviced by public sidewalks within an existing platted subdivision; the Village Administrator will seek the advice and consent of the Village Council.

Section Nine: GRANT PROGRAMS OF FINANCIAL ASSISTANCE

1. The Village Council has authorized a grant program from a fund established for sidewalk improvements for financial assistance for the construction of public sidewalks where existing public sidewalks need to be replaced, **or established.**

a.) **From time- to- time, the Village Council will authorize the grant program account to be replenished with funds as it deems appropriate, and when a reasonable level of funds can be attained and village fiscal viability is maintained.**

2. Concurrent with an application from a property owner for the replacement of an existing sidewalk, the Village Administrator will consider any request for financial assistance from the applicant for grants in the following categories:

- a. 25% of the construction up to \$1,000, with a grant limit of \$250, regardless of the economic circumstance of the applicant, or
- b. 75% of the construction up to \$1,000, with a grant limit of \$750, for the owner-occupier of affected property, with a very low income level according to the U.S. Department of Housing and Urban Development (H.U.D.) Section 8 criteria and U.S. Census data and from the State of Ohio and Clinton County for fiscal year (F.Y.2013) as this ordinance is issued and being kept current from year to year in coordination with the Clinton Metropolitan Housing Authority, as a source of general information for the Village Administrator to use as his decision making criteria.

3. Financial assistance applications, in **section nine 2.b. above**, will be kept in strict confidence by the Village Administrator **and Council**, with its disclosure made only with the Village Fiscal Officer, who will validate grant disbursements. The Village **Council** will be authorized to make approvals or denials. **The following determination process will comply with the steps cited below in this section:**

a. **The village administrator determines appropriate requirements and presents them to the council Safety and Health Committee for recommendation, which in turn presents them to the full council for approval.**

Ordinance No. 2013-0034
b. In the case of requests from applicants for financial assistance based on the applicant being a very low income resident, the Village Administrator evaluates the application for approval, along with the identity of the applicant, which will be kept confidential from all persons, except when required, the village Fiscal officer.

c. For recommendations by the Safety and Health Committee, and final approval by the full council, council members only will know the applicants identification by an identification number that is cross referenced to the applicant's name and street/road address.

4. Only property owner-occupied family units may get grant awards, and only one grant will be made for any family unit. Example: A husband, wife and any children are a family unit for the purpose of this ordinance. Separate properties placed in each of the family unit individuals will not apply for multiple grants. Further, rental units will not apply.

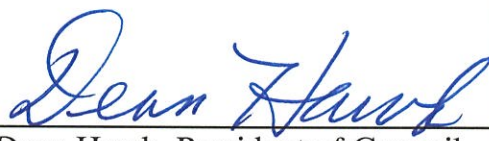
5. A. business property owner, who does not live within the village, may seek a grant for his/her business to the level noted above. However, such owner can receive only one grant to his/her level of economic circumstance.

6. For those who do not care to pay for their balance of the construction cost upon completion, they may seek approval from the Village **Council** to have the affected balance placed on their real estate tax bill with the County Auditor. The balance of the construction cost will be paid to the contractor by the village, with the property owner making necessary installment payments with real estate taxes over a five (5) year period.

Section Ten: This ordinance having been read in three separate regular Council meetings on June 13, 2013; June 27, 2013 and July 11, 2013, is hereby Ordained and shall become effective at the earliest time permitted by law.

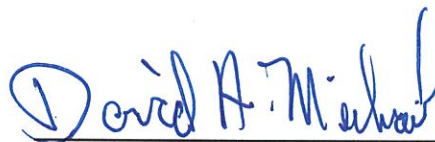
Passed this 22nd day of August, 2013.

First Reading: June 13, 2013


Dean Hawk, President of Council

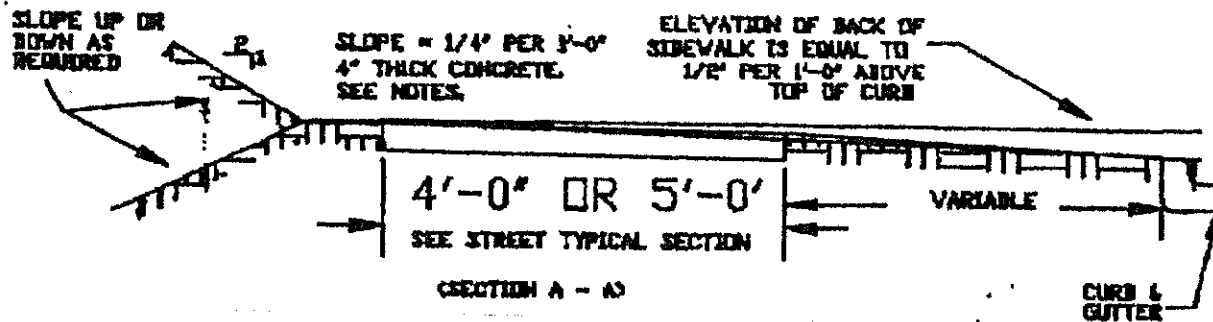
Second Reading: June 27, 2013

Third Reading: July 11, 2013


David A. Michael, Mayor

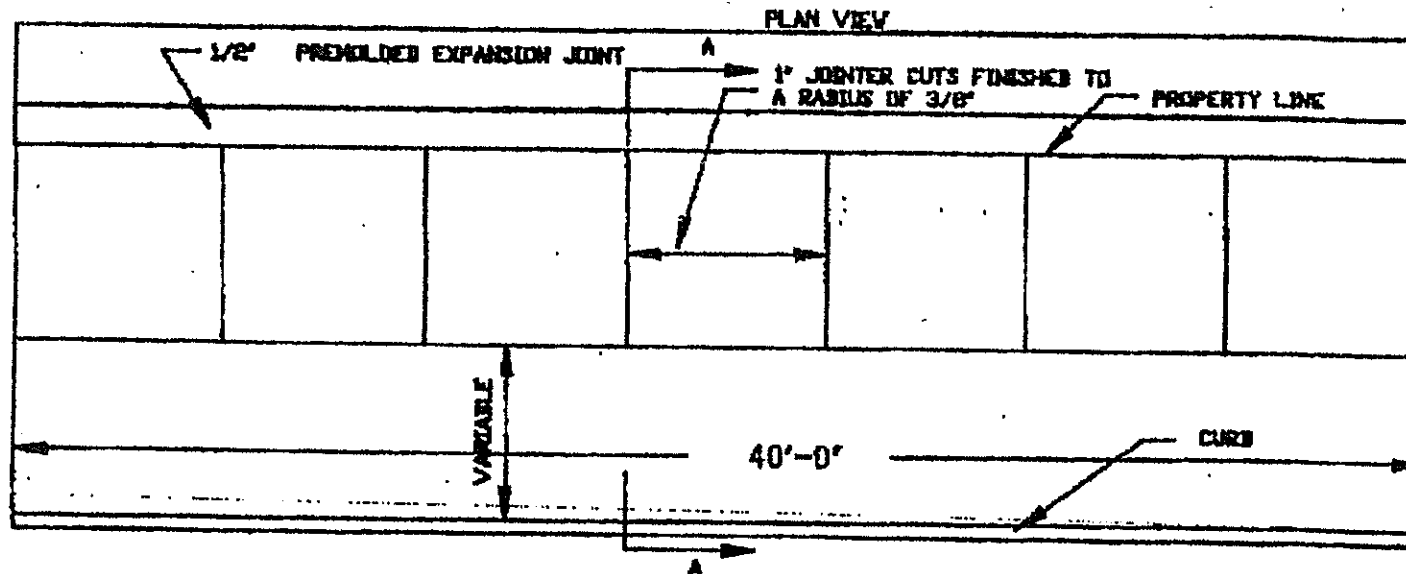
Attest:


Nancy Cornell, Fiscal Officer



NOTES

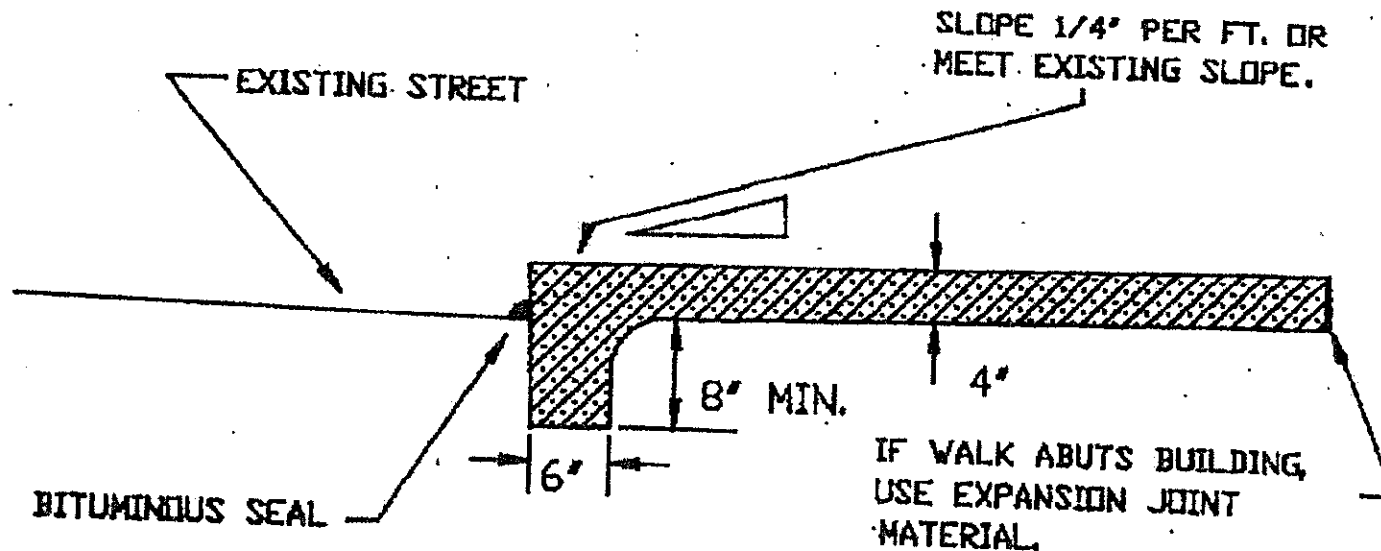
1. ALL SIDEWALKS & RAMPS TO BE CONCRETE, 4000 PSI COMPRESSIVE STRENGTH AT 28 DAYS. NO ASPHALT TO BE USED.
2. ALL CONCRETE TO HAVE 5% TO 6% AIR ENTRAINMENT, PROVIDED BY:
 - (A) IF READY-MIX, SPECIFY 5% TO 6% AIR TO SUPPLIER.
 - (B) IF JOB MIX, USE BAGS OF AIR-ENTRAINMENT TYPE CEMENT.
3. ALL CONCRETE TO BE KEPT WET FOR 4 OR 5 DAYS AFTER PLACEMENT.
4. RECOMMEND USE OF MESH REINFORCEMENT, 6X6 = 10X10 (21 LB MESH).
5. ALL SUBGRADE TO BE WELL COMPACTED, RECOMMEND ADDITION OF 4-INCH THICK (MINIMUM) GRANULAR BASE, COMPACTED
6. PROVIDE BROOM FINISH TO ALL EXPOSED SURFACES, KEEP WORKING OF SURFACES TO ABSOLUTE MINIMUM.
7. PROVIDE A MINIMUM OF 2 - INCHES EDGING AROUND ALL EXPOSED SURFACES.



CONCRETE SIDEWALK DETAIL

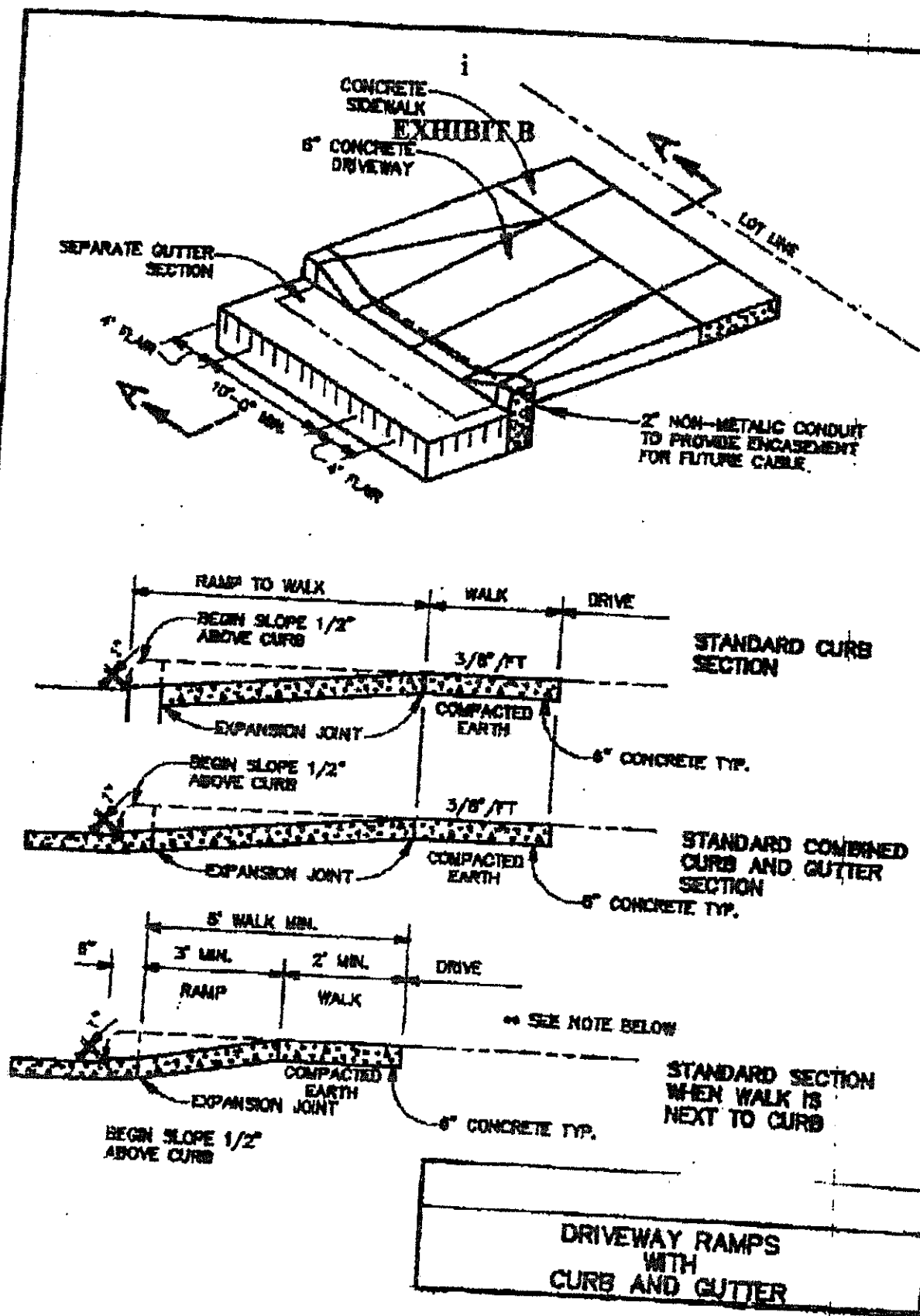
EXHIBIT A

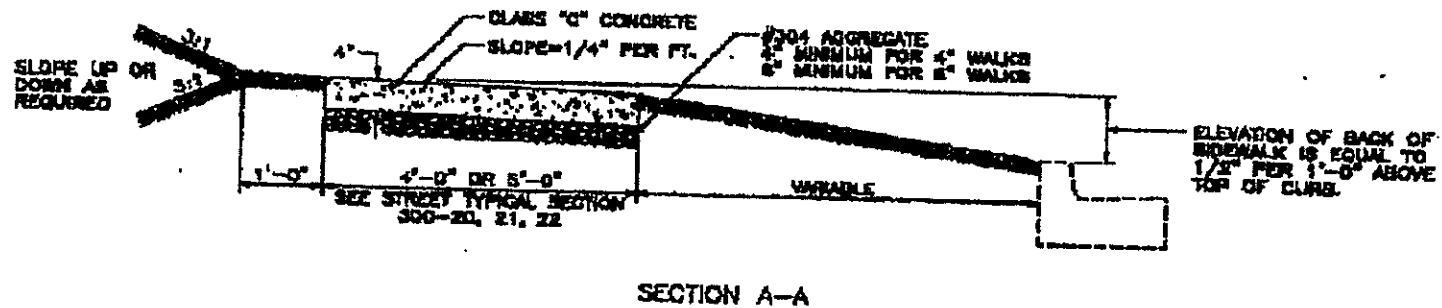
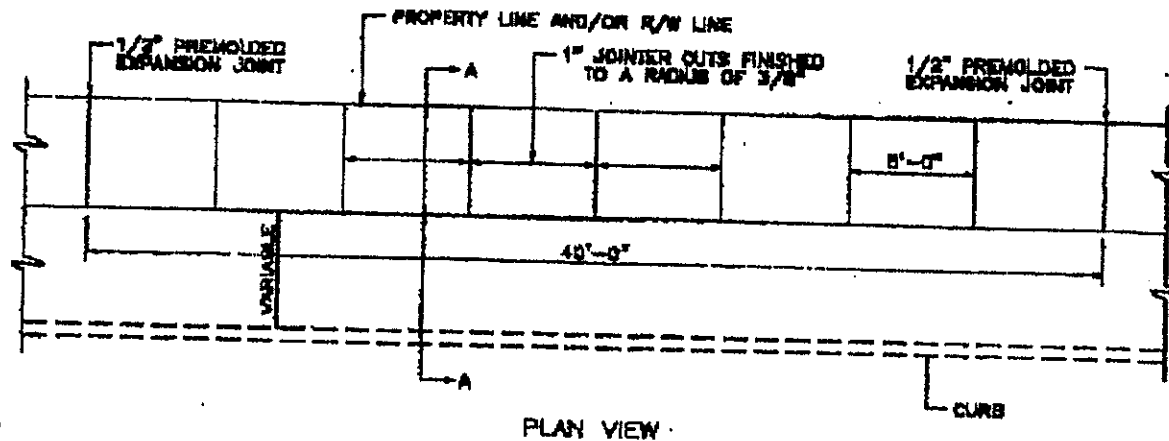
SIDEWALK SPECIFICATIONS



NOTES

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- GENERAL NOTES:
1. PROVIDE BROOM FINISH TO ALL EXPOSED SURFACES.
 2. CONCRETE SHALL CONFORM TO DOT ITEM 488 CONCRETE.
 3. PROVIDE A MINIMUM OF 2" EDGING AROUND ALL EXPOSED SURFACES.

CONCRETE SIDEWALK DETAIL

REV. 12/1999

300-4

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STANDARD DRIVEWAY (RESIDENTIAL) WITH COMBINED CURB AND GUTTER ON PUBLIC R/W

CURB OR COMBINED CURB AND GUTTER SHALL BE TAKEN OUT AND REPLACED WITH CONCRETE, SEPARATED FROM THE RAMP BY 1/2" PREMOULDED EXPANSION JOINT. WHEN LESS THAN 5' OF A CURB SECTION REMAINS AFTER THE CURB CUT IS LOCATED, IT SHALL ALSO BE REMOVED AND REPLACED.

FILLS, IF REQUIRED, SHALL BE OF EARTH, COMPACTED IN 2" LAYERS, OR ODOT ITEM 310, SUBBASE, COMPACTED IN LAYERS NOT EXCEEDING 4".

DRIVEWAYS AND SIDEWALKS SHALL BE CONSTRUCTED OF PLAIN PORTLAND CEMENT CONCRETE, ODOT ITEM 452, 5% TO 8% AIR ENTRAINED, CONTAINING 6 (SIX) BAGS OF CEMENT (ODOT CLASS C, SECT. 499) PER C.Y. AND 3" MAXIMUM SLUMP (AS SHOWN ON DETAILS).

EXPANSION JOINTS SHALL BE PLACED TO FORM UTILITY STRIPS WHERE REQUIRED, AND WHEREVER NEW CONCRETE TOUCHES EXISTING CONSTRUCTION, FORMS SHALL CONSIST OF WOOD 2" NOMINAL THICKNESS OR METAL OF EQUAL STRENGTH.

A STANDARD CURING COMPOUND SHALL BE PROPERLY APPLIED IMMEDIATELY AFTER FINISH.

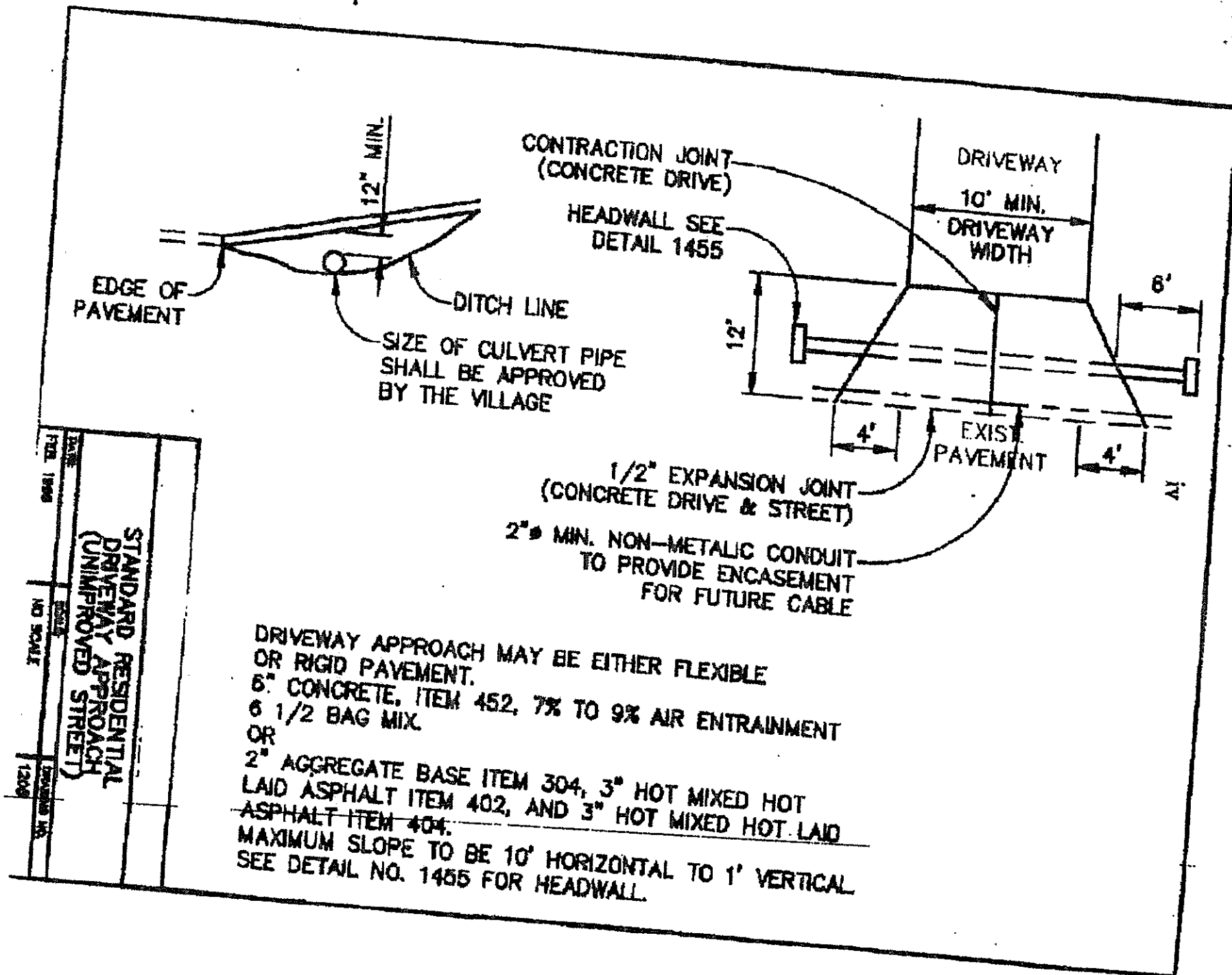
NOTIFY THE VILLAGE WHEN FORMS WILL BE READY FOR INSPECTION, AT LEAST 24 HOURS BEFORE CONCRETE IS TO BE PLACED. IN NO CASE SHALL CONCRETE BE PLACED WITHOUT APPROVAL OF FORM WORK BY THE INSPECTOR.

**WHERE SIDEWALK IS NEXT TO CURB, SIDEWALK MAY BE SLOPED LONGITUDINALLY, NOT TO EXCEED 3/8" PER FOOT, TO EASE THE SLOPE ON THE DRIVEWAY RAMP.

*CURB SHALL BE CONSTRUCTED IN MINIMUM 5' SECTIONS AND MAXIMUM 10' SECTIONS.

NO CONCRETE SHALL BE PLACED UNTIL TEMPERATURE IS 36° F. MINIMUM.

GENERAL NOTES FOR
DRIVEWAY RAMPS WITH
CURB AND GUTTER



DATE	1/28/1988
NO SCALE	
STANDARD RESIDENTIAL DRIVEWAY APPROACH (UNIMPROVED STREET)	
DESIGNED BY	1208

DRIVEWAY APPROACH MAY BE EITHER FLEXIBLE OR RIGID PAVEMENT.
 6" CONCRETE, ITEM 452, 7% TO 9% AIR ENTRAINMENT
 6 1/2 BAG MIX.
 OR
 2" AGGREGATE BASE ITEM 304, 3" HOT MIXED HOT LAID ASPHALT ITEM 402, AND 3" HOT MIXED HOT LAID ASPHALT ITEM 404.
 MAXIMUM SLOPE TO BE 10' HORIZONTAL TO 1' VERTICAL
 SEE DETAIL NO. 1455 FOR HEADWALL.