

# RECORD OF ORDINANCES

Ordinance No. 2017-12

December 11, 2017

## City of Bellbrook

### Ordinance No. 2017-12

#### **An Ordinance Amending Chapter 1010 “Curb Cuts” of the Bellbrook Municipal Code.**

WHEREAS, the City of Bellbrook has enacted Chapter 1010 of the Bellbrook Municipal Code which is entitled “Curb Cuts”; and

WHEREAS, the purpose of Chapter 1010 is to protect the peace, health, safety and welfare of the citizens of Bellbrook; and

WHEREAS, the City desires to amend Chapter 1010 of the Bellbrook Municipal Code to clarify the process for obtaining a curb cut permit.

#### **Now, Therefore, The City of Bellbrook Hereby Ordains:**

Section 1. That the following amendments to Chapter 1010 “Curb Cuts” of the Bellbrook Municipal Code be approved with additions shown by italics and underlined and deletions shown by strikethrough and brackets:

§1010.01 – [~~Permit Required; Application.~~] *Definitions.*

~~[Any person desiring to tear up or open the pavement or curb on any public street or alley or make an enlargement of an opening of more than four feet to an existing curb cut shall make written application to the Chief of Police for permission to do so before making any such opening. Such application shall be accompanied by three scale drawings of the proposed curb cut showing the property boundaries and the location and width of the desired accessway.]~~

*As used in this section:*

(a) *“Driveway” means an area on private property for the accommodation of automobiles, trucks and other vehicles coming from or entering a public street.*

(b) *“Driveway approach/curb cut” means an area, construction or facility, between the traveled portion of a public street or right of way and private property, intended to provide access for vehicles from the traveled portion of a public street or right of way to private property.*

§1010.02. – [~~Issuance of permit.~~] *Permit Required.*

~~[The Manager shall, within 60 days of the receipt of the application, either allow or deny a curb cut permit. He or she may grant a permit different from that applied for. Failure of the Manager to act within the specified time shall be taken as approval of such ordinance.]~~

# RECORD OF ORDINANCES

Ordinance No. 2017-12

December 11, 2017

No person, corporation or firm, other than an authorized employee of the City, shall construct a driveway approach connecting to a public street or right of way, or cut, break out or remove any curb along any street or other public way without first obtaining a driveway approach/curb cut permit. The City Manager, or his designate, may require such construction plans or drawings with the permit application as he deems necessary to:

- (a) Permit all reviewing authorities to make intelligent and conclusive review of the application.
- (b) Enable the contractor to construct the proposed facility in accordance with the terms of the permit.
- (c) Enable the individual responsible for inspection to insure that the facility is constructed in accordance with the terms of the permit.
- (d) Serve as a record of the construction authorized by the permit.

§1010.03. – ~~[Failure to obtain permit.]~~ Fees

~~[If a person fails to acquire a permit in accordance with this chapter, the Chief of Police may cause a barricade to be placed along the accessway until such permit has been obtained or until the accessway has been permanently closed by the property owner.]~~

Fees for driveway approach/curb cut permits are hereby established as follows:

<u>Residential Property</u>	<u>\$10.00</u>
<u>Commercial Property</u>	<u>\$25.00</u>

§1010.04 – Restrictions on Construction

The City Manager, or his designate, may impose conditions in the permit upon the construction of the driveway approach/curb cut, which conditions are designed to facilitate the safe movement of pedestrian traffic and the safe and expeditious movement of motor vehicles on the public streets or ways affected by the driveway approaches/curb cut. The conditions imposed upon driveway approaches/curb cuts by the City Manager, or his designate, under this section may include, but are not limited to, the following:

- (a) Limitations of the number, size and location of driveway approaches/curb cuts for any premises to which the permit applies.
- (b) Requiring the use of alternative means of access such as service or private drives rather than direct connection to the public street or way where such alternative means are accessible to the premises to which the permit applies, and/or requiring that direct connection or driveway approaches/curb cuts to the public street or way be limited and used only until alternative means of access such as service or private drives are made accessible to the permit premises.

# RECORD OF ORDINANCES

Ordinance No. 2017-12

December 11, 2017

- (c) Limiting the construction of driveway approaches/curb cuts to only one public street or way where the premises to which the permit applies abuts more than one public street or way.
- (d) Requiring that driveway approaches/curb cuts be marked and/or constructed to allow only entrance to or only exit from the permit premises.
- (e) Requiring the construction of safety islands to separate two driveway approaches/curb cuts.
- (f) Requiring the construction of right hand or left hand deceleration, acceleration and/or storage lanes and the appropriate traffic control devices, including but not limited to signals, as necessary.
- (g) Requiring the construction of driveway turn-around facilities so that vehicular traffic can change direction on the permit premises and enter the roadway in a forward direction.

§1010.99. - Penalty.

Whoever violates or fails to comply with any of the provisions of this chapter [~~is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense.~~] has committed a civil offense and is subject to civil penalties. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. When a civil offense has occurred, the following amounts are hereby assessed upon the violator:

- (a) A first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.
- (b) A second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.
- (c) A third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.

Section 2. This ordinance shall take effect and be in force from and after the earliest period provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Robert L. Baird, Mayor

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Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:  
Patricia N. Campbell, Municipal Attorney