

# RECORD OF ORDINANCES

Ordinance No. 2019-17

October 14, 2019

## City of Bellbrook

### Ordinance No. 2019-17

#### **An Ordinance Adding Chapter 1011 – “Sidewalks” to the Codified Ordinances of Bellbrook, Ohio.**

WHEREAS, the City of Bellbrook has identified the need to specifically outline standards as they relate to sidewalk installation, maintenance and repair; and

WHEREAS, the City of Bellbrook does not currently have said specifications incorporated into its municipal code; and

WHEREAS, the City of Bellbrook wishes to establish said specifications as part of a new chapter, Chapter 1011 “Sidewalks”.

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

Section 1. That the following addition of Chapter 1011 “Sidewalks” of the Codified Ordinances of the City of Bellbrook be approved:

#### **CHAPTER 1011 SIDEWALKS**

##### **A. PURPOSE OF CHAPTER**

The purpose of these rules and regulations are to establish criteria and procedures for the construction, repair and replacement of sidewalks, curbs and gutters.

##### **B. APPLICABILITY**

This policy applies to all sidewalks and paths installed by owners, developers, homeowner associations, condominium associations and their respective successors and assigns, the City and the County. This policy does not apply in situations in which sidewalks or paths have been installed by City Council unless otherwise indicated by a written agreement.

##### **C. DEFINITIONS**

The terms used in this section shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

1. “Owner” means:

- a. In the case of land, any individual or entity indicated on the most recent Greene County tax records as: the owner of the land; or the owner of the land abutting an easement or right-of-way in which a sidewalk is located, or

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- b. In the case of property other than land, any person who is in lawful possession thereof.
2. "Occupant" means (1) a person who is in physical possession of a property, or (2) a person who has responsibility for, and control over, the condition of a property, the activities conducted on that property, and the persons allowed to enter the property.
3. "Person" includes an individual, corporation, society, association, condominium association, homeowner association, partnership or firm and the successor of the heir, executor, administrators or other legal representatives of a person.
4. "Sidewalk" means a part of highway or street especially adapted to the use of or ordinarily used by pedestrians and includes that part of the highway between the curb line (or edge of roadway where there is no curb line) and the adjacent property line, or the easement for sidewalks established by subdivision plat.
5. "Administrator" means the City Manager or his/her designee.

## **D. SIDEWALK REPAIR/REPLACEMENT**

1. The Administrator shall establish a program for carrying out the provisions of this Section. The Administrator is hereby further authorized and directed to promulgate rules and regulations consistent with the requirement and provisions of this Chapter to carry out the intent and purpose of this policy with the approval of City Council.
2. The Administrator shall inspect the sidewalks and driveway aprons of the City upon receipt of notice from a resident, an adjacent property owner, or a City employee that repair is needed and at reasonable intervals.
  - a. The Administrator shall require repair or installation of sidewalks when the Administrator determines any of the following conditions are present:
    - i. The difference in elevation between two slabs at a formed or random joint or crack exceeds three-quarters of an inch (3/4");
    - ii. Where a portion of the sidewalk is missing;
    - iii. If the sidewalk has a crack more than one (1") in width;
    - iv. Where a block has buckled, within the limits of the block, to a height which exceeds three-quarters of an inch (3/4");
    - v. Where a block has settled, within the limits of the block, to a depth which exceeds three-quarters of an inch (3/4");
    - vi. Where a slab has pitted, spalled, scalled or deteriorated twenty-five percent (25%) or more of its surface;
    - vii. Where a slab has disintegrated or shattered;
    - viii. Where a slab rocks or moves under the weight of a pedestrian;
    - ix. Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons; or

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- x. If the sidewalk has more than two (2) cracks of one-quarter inch (1/4'') in width or more in any two linear feet of sidewalk sections.
- b. Notification to Property Owners: Upon such determination that a sidewalk is in need of repair, the owner of the property shall be notified by personal service or by certified mail, return receipt requested, to make the necessary improvements. If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which the sidewalk in section abuts. Said repairs or replacements shall be made within 180 days from the giving of notice, unless extension(s) is granted by the Administrator due to inclement weather or other unforeseen circumstances.
- c. Property Owner Options for Compliance: Property owners given notice to make repairs shall have the following two options:
  - i. The property owner may contract with a third party private contractor at his/her own expense to make the repairs or replacements, subject to administrative approval of all work within the right-of-way application by the City of Bellbrook; or
  - ii. If, after the expiration of 180 days following the giving of the notice to the property owner, the repair or installation of sidewalks is not made by the owner, the Administrator shall order the repair and/or installation of the sidewalk under the overall sidewalk contract of the City of Bellbrook as hereinafter provided. The installation and/or repair of such sidewalk shall be supervised by the Administrator. Upon completion of such work by the City, a statement by the Finance Director shall be forwarded to the owner at his/her tax mailing address as shown in the records of Greene County by registered mail, return receipt requested. If any notice herein required to be given by registered mail, return receipt requested, is not delivered to such owner or his/her agent as evidenced by the postal return thereon, a copy thereof shall be posted in a conspicuous place on the property to which the sidewalk in section abuts. After completion of such work by the City, the owners shall thereafter have 180 days to pay such expense, and if it is not paid at the expiration of the 180 day period, the cost shall thereupon constitute a lien upon the lots and lands so benefitted and a tax is assessed therefore. The Administrator upon approval by the City Council shall certify such tax lien for assessment to the Greene County Auditor.

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## E. **STANDARDS FOR CONSTRUCTION, REPAIR AND MAINTENANCE**

1. All construction, repair or maintenance of sidewalks shall be in accordance with the following standards and specifications:
  - a. Concrete sidewalk standards and specifications shall be in accordance with the most current edition of the State of Ohio, Department of Transportation, Construction and material Specifications (ODOT CMS), Items 608.01, 608.02, 608.03, 608.08, and 608.09, except as follows (all item numbers refer to the ODOT CMS):
    - i. An aggregate base of 4 inches (thickness) of compacted size No. 57 or 67 stones (or equivalent by the Administrator) shall be placed on the top of the repaired subgrade prior to the placing concrete for the sidewalk. The subgrade shall be shaped and uniformly compacted to meet the requirements of Item 203 or as ordered by the Administrator;
    - ii. The finished surface of the sidewalk shall be float-finished or broom finished, perpendicular to the direction of travel path, to obtain a sandy texture – decorative patterns on the finished surface shall only be permitted with the expressed written consent of the Administrator;
    - iii. Sidewalks shall consist of 4 inches (thickness of concrete, except where the sidewalk crosses through driveways, in which case the thickness shall be 6 inches and such thickness must extend one (1) foot wider than the driveway on each side of the driveway;
    - iv. Transverse control/contraction joints for sidewalks may be saw cut (approximately 1/8-inch width) or tool formed during the placement of concrete; however, tooled control/contraction joints shall not exceed ½-inch width at the top of the tooled joint;
    - v. The surface of sidewalks shall be divided into blocks by joints (transverse control/contraction or expansion) equally spaced, with the spacing of joints being approximately the same as the width of the sidewalk;
    - vi. Expansion joint material 1/2 – thick shall be installed for transverse expansion joints to be the full depth and across the full width of the concrete sidewalk at intervals not to exceed two-hundred fifty feet (250’), as well as when the sidewalk thickness changes such as at driveways (see

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- item iii above), and between the walk and any fixed structures or objects including existing or proposed concrete sidewalks, driveways or driveway aprons. The top of the expansion joint material shall be flush with sidewalks, driveways, or driveway aprons. The top of the expansion joint material shall be flush with the finished surface of the sidewalk and shall not protrude above the finished surface of the sidewalk;
- vii. The transverse slope of the surface of the sidewalk shall be 3/16-inch per foot (i.e., 1.6%) preferred; however, the transverse slope shall not exceed 2.0% (i.e., 1:50). Transverse slopes, in accordance with this specification, shall also apply to sidewalks that cross through driveways. The low side of the sidewalk shall be the side adjacent to the roadway;
  - viii. The longitudinal slope of the surface of the sidewalk shall not exceed 5.0% (i.e., 1:20), exclusive of ramps, except where the administrator approves a steeper grade to follow the natural ground slope;
  - ix. Sidewalks shall be a minimum of 4 feet in width on residential local streets, and a minimum of 5 feet in width on collector or arterial streets or any other location in the City, unless otherwise required by the Bellbrook Township Sidewalk Construction, Repair and Maintenance Policy, or unless approved (in writing and prior to construction) by the Administrator;
  - x. Appurtenances including, but not limited to, water and gas valve boxes, manholes, sign posts and utility poles shall be located outside of the sidewalk area, unless otherwise approved (in writing and prior to construction) by the Administrator;
  - xi. Roof/sump drains shall not be extended to day light within the right-of-way. Drain pipes shall not encroach vertically within the concrete of the sidewalk;
  - xii. Fills, if required, shall be clear earth (free of foreign material), compacted in 20-inch lifts; or of a suitable aggregate base, as approved by the Administrator, compacted in lifts not exceeding 4 inches;
  - xiii. All public sidewalks shall be contained within the public right-of-way, or within a recorded easement, approved (in writing and prior to

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construction) by the Administrator, and such easement shall deed rights to the City for the location of the sidewalk and for the public pedestrian use of the sidewalk;

- xiv. As soon as the concrete is firmly set, the forms shall be removed and finished grade shall be made to the level of the concrete sidewalk edges;
  - xv. Obstructions, such as valuable trees of long standing, may be avoided by aligning the sidewalk around the tree. In such cases, the alignment shall be approved in writing and prior to construction by the Administrator. In all cases of injury to persons or property caused from any obstruction, the City shall not be liable for damage in any respect;
  - xvi. All formwork shall be inspected, and shall receive written approval by the Administrator, prior to placement of concrete;
  - xvii. All materials used, and completed work, shall be to the satisfaction of the Administrator, and shall be clear from defects and deficiencies;
  - xviii. The Contractor, or other party performing the construction, shall be solely responsible for ensuring the sidewalk is compliant with the requirements of the Americans with Disabilities Act (ADA).
2. Unless otherwise required by the approved zoning development plan, sidewalk material shall be concrete installed to City standards and specifications. In the case of construction, repair or maintenance, the material shall match that of the existing sidewalk.
3. The Administrator may inspect all construction, repair or maintenance by abutting property owner(s) for compliance with the applicable standards and specifications. Inspections may be made during the performance of the work and upon its completion. All abutting property owner(s) required to perform construction, repair or maintenance work shall coordinate inspections with the Administrator. Work performed without such coordination and inspection shall be subject to further construction, repair or maintenance. All construction, repair or maintenance of sidewalks by abutting property owner(s) shall be to the satisfaction of the Administrator.

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

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PASSED this 14 day of October, 2019.



Michael W. Schweller, Mayor



Pamela Timmons, Clerk of Council

APPROVED AS TO FORM:

Stephen M. McHugh, Municipal Attorney

