

SUGARCREEK TOWNSHIP
RESOLUTION NO. 2015.08.17.04

IN RE: Adoption of Sidewalk Construction, Repair, Maintenance and Replacement Policy

WHEREAS, the Board of Township Trustees has adopted a sidewalk construction, repair, maintenance and replacement policy; and,

WHEREAS, the Ohio Revised Code Section 5543.10 defines the authority of regulating sidewalk construction, repair and maintenance, but does not provide procedures or standards; and,

WHEREAS, Sugarcreek Township intends to provide standards for abutting property owner(s) regarding mandatory construction, repair, maintenance and replacement for sidewalks to allow for safe travel conditions for all pedestrians.

NOW THEREFORE BE IT RESOLVED that the Sugarcreek Township Sidewalk Construction, Repair, Maintenance and Replacement Policy, as amended and presented to the Board of Trustees is hereby adopted and effective immediately.

Absent

Nadine S. Daugherty, Chairperson

Michael E. Pittman

Michael E. Pittman, Vice Chairperson

Scott W. Bryant

Scott W. Bryant, Trustee

Theodore L. Hodson

Theodore L. Hodson, Fiscal Officer

Sugarcreek Township Sidewalk Construction, Repair, Maintenance and Replacement Policy

Section A: Purpose

The purpose of these rules and regulations are to establish criteria and procedures for the construction, repair and replacement of sidewalks, curbs and gutters in accordance with Section 5543.10 of the Ohio Revised Code.

Section 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 Township and the County. This policy does not apply in situations in which sidewalks or paths have been installed by the Board of Township Trustees unless otherwise indicated by a written agreement.

Section 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 land abutting the sidewalk; or the owner of land abutting an easement or right-of-way in which a sidewalk is located, or
 - 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 that 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 a 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 Sugarcreek Township Administrator or his/her designee.

Section D: Sidewalk Repair/Replacement Procedure

1. The Administrator shall establish a program for carrying out the provisions of this section consistent with Ohio Revised Code Section 5543.10. 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 the Board of Trustees.
2. The Administrator shall inspect the sidewalks and driveway aprons of the Township upon receipt of notice from a resident, an adjacent property owner or a Township employee that repair is needed and at reasonable intervals. Following completion of the inspection,

the Administrator shall report the findings of the same, together with their recommendation, to the Board of Township Trustees. Upon receiving such a report, the Board of Township Trustees, by unanimous vote shall determine whether further action is warranted and, if action is found necessary, whether it should consist of the construction, repair or maintenance of the sidewalk.

The Administrator shall require repair or installation of sidewalks in those areas of the Township consistent with the following process:

- i. Inspections: A sidewalk block shall be replaced 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 inch (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; or
 - ix. Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons resembling an alligator skin.
 - 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.
- ii. Notification to Property Owners: Upon such determination, 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 it related and a copy of such notice shall be published in a newspaper of general circulation within the Township for three consecutive weeks. Said repairs or replacements shall be made within 180 days from the giving of notice when notice is not returned undelivered or within sixty days following the period of publication or from the date of posting of notice on the property, unless extension(s) are granted by the Administrator due the inclement weather or other unforeseen circumstance.
- iii. 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 Sugarcreek Township; 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 Township as hereinafter provided. The installation and/or repair of such sidewalk shall be supervised by the Administrator. Upon completion of such work by the Township, a statement by the Fiscal Officer 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, it shall be advertised in a newspaper of general circulation in the Township for a period of not less than once a week for two consecutive weeks. The statement shall include the cost of repair and/or installation, the cost of the notices, costs for establishing the grade and supervision for each lot as shown by the subdivision plat records and all other necessary expenses. After completion of such work by the Township, 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 Fiscal Officer upon approval by the Board of Township Trustees shall certify such tax lien for assessment to the Greene County Auditor under Section 5543.10 of the Ohio Revised Code.

Section 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 approved by the Administrator) shall be placed on top of the repaired subgrade prior to 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 sawcut (approximately 1/8-inch width) or tool formed during the placement of concrete; however, tooled control/contraction joints shall not exceed 1/2-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 ½-inch thick shall be installed for transverse expansion joints to 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 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 Township, unless otherwise required by the Sugarcreek 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 clean earth (free of foreign materials), compacted in 2-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 construction) by the Administrator, and such easement shall deed rights to the Township 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 Township shall not be liable for damage in any respect;

- xvi. All formwork shall be inspected, and 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 Township standards and specifications. In the case of construction, repair or maintenance of an existing sidewalk, the materials, width and style of the construction, repair or maintenance 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.
 4. Work performed under the auspices of the Greene County Engineer shall be inspected and approved by the Greene County Engineer.