

# **Ross Township**

## **Sidewalk Construction, Repair, Maintenance, and Replacement Policy Rules and Regulations**

### **Section A: Purpose**

The purpose of this policy and these rules and regulations are to establish criteria and procedures for the construction, repair, maintenance, and replacement of sidewalks along Ross Township maintained streets, as authorized by section 5543.10 of the Ohio Revised Code.

### **Section B: Applicability**

This policy applies to all sidewalks installed by owners, developers, homeowner associations, condominium associations, and their respective successors and assigns, the Township and the County.

### **Section C: Definitions**

The terms used in this policy and these rules and regulations shall have the meanings as 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 Butler County, Ohio 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:
  - a. A person who is in physical possession of a property, or
  - b. 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, 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. "Sidewalk block, or slab" means an individual section of a sidewalk, (typically a 4 feet by 4 feet section).
6. "Road Superintendent" means the Ross Township Road Superintendent or designee.
7. "Township or Board of Trustees" means the Ross Township Board of Trustees, Butler County.

### **Section D: Sidewalks to Be Kept in Good Repair**

Pursuant to Ohio Revised Code, Section 5543.10, the board of township trustees, by unanimous vote, may order the construction, repair, or maintenance of sidewalks, curbs, and gutters along or connecting the township roads without a petition for that construction, repair, or maintenance, and may assess none, all, or any part of the cost against abutting property owners, provided that notice is given by publication for three successive weeks in a newspaper of general circulation within the township stating the intention of the board of township trustees to construct, repair, or maintain the specified improvements and setting a date for a public hearing. As part of a sidewalk improvement, the board may include the repair or reconstruction of a driveway within the sidewalk easement. In addition to the requirements of other applicable Board Resolutions, every property and/or occupant of real property in the Township abutting a township road shall be required to maintain any sidewalk on their property in good repair

### **Section E: Sidewalk Repair/Replacement Procedure**

1. The Road Superintendent shall establish a program for carrying out the provisions of this section consistent with Ohio Revised Section 5543.10. The Road Superintendent is hereby further authorized and directed to promulgate additional rules and regulations, with the approval of the Board of Trustees, consistent with the requirement and provisions of Ohio Revised Code Section 5543.10 to implement the intent and purpose of this policy.
2. The Road Superintendent shall inspect the sidewalks of the Township at reasonable intervals and upon notice from a resident, an adjacent property owner or a Township employee that repair is needed. Following completion of the inspection, the Road Superintendent shall report the findings, together with any recommendations, to the Board of Township Trustees. Upon receiving such a report, the Board of Township Trustees, by unanimous vote may determine whether further action is warranted and, whether it should direct the construction, repair or maintenance of the sidewalk.

The Road Superintendent, upon prior approval of the Board of Trustees, may require repair or installation of sidewalks in those areas of the Township consistent with the following process:

1. **Inspections:** A sidewalk block shall be replaced when the Road Superintendent determines any of the following conditions are present:
  - a. The difference in elevation between two slabs at a formed or random joint or crack exceed three-quarters of an inch (3/4");
  - b. Where a portion of the sidewalk is missing and may create a trip hazard;
  - c. If the sidewalk has a crack more than one inch (1") in width;
  - d. Where a block has buckled, within the limits of the block, to a height which exceeds three-quarters of an inch (3/4");
  - e. Where a block has settled, within the limits of the block, to a depth which exceeds three-quarters of an inch (3/4");
  - f. Where a slab has pitted, spalled, scaled or deteriorated twenty-five percent (25%) or more of its surface;

- g. Where a slab has disintegrated or shattered;
  - h. Where a slab rocks or moves under the weight of a pedestrian;
  - i. Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons resembling alligator skin
2. **Notification to Property Owners:** Upon determination that maintenance or replacement is required, 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 relates 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 said notice is not returned undelivered or within 60 days following the period of publication or from the date of posting of notice on the property, unless an extension is granted by the Road Superintendent due to inclement weather or other unforeseen circumstance.
3. **Property Owner Options for Compliance:** Property owners given notice to make repairs shall have the following two options:
- a. 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 permit for Ross Township; or
  - b. 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 Road Superintendent may order the repair and/or installation of the sidewalk under this policy. The installation and/or repair of such sidewalk shall be supervised by the Road Superintendent. 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 Butler County, Ohio 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 associated with the logistics of the repair and/or installation, 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 lien is assessed therefore. The Fiscal Officer upon approval by the Board of Township Trustees shall certify such tax lien for assessment to the Butler County Auditor under Section 5543.10 of the Ohio Revised Code.

## **Section F: Financing of Construction, Repairs or Maintenance**

1. The Township may allocate funds from the General Fund to cover the cost of construction, repair or maintenance if the Board determines the construction, repair or maintenance to be the responsibility of the Township.
2. The Township may utilize any legal borrowing mechanism to cover the costs of construction, repair or maintenance assessed against abutting property owners, pending receipt of the assessment(s). The interest expense to the Township of such borrowing may be included in the assessment against the abutting property owner.

## **Section G: Construction, Repair or Maintenance Responsibility**

1. If construction, repair or maintenance is necessary due to damage/deterioration caused by the Township, not including damage/deterioration allegedly caused by the use of roadway salt by the Township, the Township shall pay 100% of the construction, repair or maintenance of the sidewalk.
2. If construction, repair or maintenance is necessary due to damage/deterioration caused by an existing tree, the abutting property owner(s) shall bear the entire cost of tree removal and disposal, together with the entire cost of the construction, repair or maintenance of the sidewalk.
3. If construction, repair or maintenance is necessary due to damage/deterioration caused by any other reason than stated above, the abutting property owner(s) shall bear the entire cost of the construction, repair or maintenance of the sidewalk.

## **Section H: 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 items number refer to the ODOT CMS);
    - i. An aggregate base of 4 inches (thickness) of compacted size No. 57 or equivalent shall be placed on top of the prepared subgrade prior to placing concrete for the sidewalk. The subgrade shall be shaped and uniformly compacted to meet the requirements of Item 203 of ODOT CMS or as ordered by the Road Superintendent or his designee;
    - 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 are prohibited;
    - 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;
    - iv. Transverse control/contraction joints for sidewalks may be saw cut (approximately 1/8-inch width) or tool formed during placement of concrete;

- however, tooled transverse control/contraction joints shall not exceed 1/2-inch width at the top to tooled joints;
- v. The surface of sidewalks shall be divided into blocks or slabs 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-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 fifty feet (50'), as well as when the sidewalk thickness changes such as at driveways 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 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 preferred; however, the transverse slope shall not exceed 2.0%. 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%, exclusive of ramps, except where the Road Superintendent 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 approved by the Road Superintendent or his designee;
  - 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 prior to construction by the Road Superintendent or his designee;
  - xi. Roof/sump drains shall be extended beneath the concrete sidewalk through to the curb, at which point they shall be day lighted by coring of an appropriately sized hole through the curb. Drain pipes shall not encroach vertically within the concrete of the sidewalk;
  - xii. Fills, if required, shall be of clean earth, compacted in 2-inch lifts, or of suitable aggregate base, as approved by the Road Superintendent or his designee;
  - xiii. All public sidewalks shall be contained within the public right-of-way, or within a recorded easement, approved in writing prior to construction by the Road Superintendent or his designee, 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 finish grade shall be made to the level of the concrete sidewalk edges;

- xv. All formwork shall be inspected, and receive approval from the Road Superintendent or his designee prior to placing any concrete;
  - xvi. All materials used, and completed work, shall be to the satisfaction of the Road Superintendent or his designee, and shall be free from defects and deficiencies;
  - xvii. 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 Road Superintendent or designee 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 Road Superintendent or designee. Work performed without such coordination and inspection shall be subject to further construction, repair or maintenance as determined by the Road Superintendent or designee under this policy. All construction, repair or maintenance of sidewalks by abutting property owner(s) shall be to the final approval of the Road Superintendent or designee.