

**CITY OF OAKWOOD
ADMINISTRATIVE POLICIES AND PROCEDURES**


POLICY NO. 1

SUBJECT: SIDEWALK, CURB AND DRIVEWAY APRON PROGRAM

DATE: MAY 29, 1997

REVISED: APRIL 16, 2003, AUGUST 8, 2005, JANUARY 22, 2007, AUGUST 7, 2023

RECOMMENDED BY:



CHRIS KUZMA, CITY ENGINEER

APPROVED BY:



NORBERT S. KLOPSCH, CITY MANAGER

POLICY: This policy states the city's program for inspecting and maintaining the concrete sidewalk, curb and driveway aprons located in the public rights-of-way throughout the city. The term sidewalk includes carriage walks – the section of walk between the curb and sidewalk. The term curb includes all types of curb – typically standard barrier curb and curb and gutter.

PURPOSE: The purpose of the program is to maintain structures located within the city rights-of-way in good, safe condition, which in turn benefits the city property owners. The city assumes responsibility to develop and implement the program, but assesses some of the program costs to the property owners. Consistent with City Council's policy adopted on April 7, 2003 and revised on August 8, 2005, January 22, 2007 and January 9, 2023, the city pays all costs for the repair or replacement of curb and driveway aprons, but assesses property owners for the sidewalk, except for: 1) the cost for sidewalk work on side yard frontages for corner properties; and 2) the cost for the sidewalk on the side yard frontage for new sidewalk installation where a sidewalk has never existed.

In February or March of each year, the city inspects sidewalk, curb and driveway aprons in a designated area of the city. The areas are inspected on a rotating basis, typically once every four years. The city then marks, for repair or replacement, those structures found to be in unsatisfactory condition.

PROCEDURE:

I. RESPONSIBILITIES:

A. CITY ENGINEER: Responsible for managing the entire project, including budgeting, program scheduling, inspections, resident notifications, project bid documents and construction. Responsibilities include coordinating with the Clerk of Council for preparation of resident notifications in accordance with the Ohio Revised Code, and for coordinating with the public safety department for delivery of the notices.

B. FINANCE DIRECTOR: Responsible for preparing and distributing invoices, collecting payments and preparing documents necessary to certify costs to Montgomery County for inclusion on property taxes, and financial transactions necessary to implement construction projects.

II. PROJECT IMPLEMENTATION: After inspecting the areas and marking substandard structures, the city takes the following actions to implement the program:

- City Council adopts a “Resolution of Necessity” authorizing the city to require property owners to repair the marked sidewalk, or to pay the costs for someone else to make the repairs.
- The city prepares bid documents and obtains unit prices to complete the work.
- The city notifies the property owners, in writing, of their responsibilities regarding the program. Property owners are given the option to make the repairs themselves, or hire a private contractor. If property owners make the repairs themselves, or hire a contractor, they must first obtain a permit from the city and then pass a city inspection. If property owners choose not to make the repairs themselves or hire a private contractor, the city will have the work completed by the city contractor, and will invoice the property owners for the appropriate costs. Work completed by the city contractor is guaranteed for one year. The first invoice for work completed by the city contractor is typically sent shortly after the work is completed. If unpaid, the city will send a second invoice in the spring of the following year. If the resident does not pay this second invoice, the city will certify the costs to Montgomery County for inclusion on the property owner’s real estate taxes.
- The city awards the contract to the lowest and best bidder and implements construction.

III. GENERAL STANDARDS: Described below are general standards for reviewing the condition of sidewalk, curb and driveway aprons in the city rights-of-way. These are the same standards used for Pre-Sale/Rental Inspections completed by the city. Although these standards are intended to provide objective criteria against which the structures can be compared, each case is unique and must be given special consideration.

Public Works staff and the zoning inspector are responsible for applying these standards when determining which structures should be marked. In general, it is the city’s policy to mark structures that are substandard at the time of inspection.

SIDEWALKS:

Purpose: The primary purpose of having walks is to provide a safe surface free of obstructions for pedestrians to travel through the city.

Problem: Sidewalks and carriage walks in substandard condition can have the following negative impacts:

- Create a trip or other hazard for pedestrians using the areas.
- Degrade community ambiance.

Considerations for determining substandard condition:

- The surface of the walk is severely deteriorated.
- The walk has multiple cracks, which threaten the structural integrity of the concrete and might pose a trip hazard.
- The walk has a single, but open, crack.

- A section of walk is missing.
- The walk is pitted and the holes are of significant size and depth to be a trip hazard.
- The walk is sloped so that it holds water (ponds).
- The walk has top surfaces with significant elevation difference. This includes areas where walks meet curb, driveway aprons and the private drive. Any elevation difference of 3/4" or greater constitutes a trip hazard.

Generally, if a section of walk requires replacement, the City will mark the complete panel of concrete bounded by existing construction joints (typically 25 square foot areas). Ramping (by applying grout or other material to the lower section of walk) is not an acceptable repair. Grinding walk surfaces to eliminate trip hazards is acceptable only in limited cases where sufficient concrete can be removed to fully eliminate the trip hazard without impacting the integrity of the remaining concrete.

CURB:

Purpose: The primary purposes for having curb along streets and alleys are to 1) define the limits of the road surfaces; 2) provide a separation between vehicle traffic and adjacent property; and 3) provide for roadway drainage.

Problem: Curb in substandard condition can have the following negative impacts:

- Allow vehicle traffic to drive off the roadway and onto adjacent lawn areas or sidewalks.
- Reduce the effectiveness of roadway drainage systems.
- Damage vehicle tires.
- Provide a hazard to pedestrians.
- Degrade community ambiance.

Considerations for determining substandard condition:

- A section of curb is missing.
- A section of curb is broken off or cracked loose.
- An existing drain pipe through the curb is broken.
- Curb has open cracks in multiple places.
- Curb has severe surface deterioration.

Generally, if a piece of curb is found to be in substandard condition, the city will mark a complete section from one existing construction joint to the next (typically 5' lengths). Under certain conditions, the city will mark smaller sections.

DRIVEWAY APRONS:

Purpose: The primary purposes for having driveway aprons along streets and alleys are to define the boundaries between the roadways and driveways, and to provide for vehicle access to properties.

Problem: Driveway aprons in substandard condition can have the following negative impacts:

- Make it more difficult for a vehicle to access a driveway.
- Create a trip hazard for pedestrians using the areas.
- Degrade community ambiance.

Considerations for determining substandard condition:

- The apron has large, open cracks which threaten the structural integrity of the concrete and might pose a hazard.
- The apron has multiple small cracks and/or severe surface deterioration which threatens the structural integrity of the concrete and might pose a hazard.
- A section of apron is missing.

Generally, the City will mark aprons in sections large enough to replace the bad areas and consistent with good construction practices, meaning the typical minimum size replacement will be approximately 25% of the apron. Where curb is part of an apron, the same standards under Curb above apply. Although most of the aprons existing throughout the city are of concrete construction, there are some constructed of asphalt. When these asphalt aprons require repair, the city either will make the repair in asphalt or will construct a new apron in concrete.

For work on sidewalk, curb and driveway aprons NOT marked by the city, or that are outside of the annual project area, residents may perform the work themselves or hire a contractor, but only after obtaining a permit.

SIDEWALK, CURB AND DRIVEWAY APRON POLICY

In the winter or spring of each year, city staff will inspect sidewalks (including service/carriage walks), curb, and driveway aprons in a specific area of the city for that year's Sidewalk, Curb, and Driveway Apron Program. The purpose of the program is to maintain structures in the public rights-of-way in a good and safe condition. The portions of concrete that need to be repaired or replaced will be appropriately marked, typically with paint.

The program will generally be operated on a rotating basis throughout the city from year to year, cycling through each area of the city about once every 4 to 5 years. The city's policy is to repair or replace sidewalks, curb, and driveway aprons that are damaged, deteriorated or holding water at the time of inspection, and not to anticipate damage, deterioration or water-ponding problems in the future. The City Manager shall establish appropriate standards for determining the level of damage or deterioration necessary to warrant repair or replacement. Also, it is the city's policy to replace sidewalk panels where a trip hazard exists. The standard for a sidewalk trip hazard shall be an elevation difference of $\frac{3}{4}$ " or more, typically at the location of a crack or panel joint. "Ramping" by placing concrete, mortar, or any other material on sidewalks to eliminate the trip hazard shall not be permitted, although property owners may be permitted to grind elevated sidewalks to remove the trip hazard provided that the grinding does not damage the sidewalk. Replacement will typically be done on a per-panel basis, although patching may be permitted in certain circumstances, subject to inspection and approval by the Public Works Department.

The city will pay all costs for replacement of curbs and driveway aprons. Also, the city will pay all costs for sidewalk ramps at street intersections. Property owners will be responsible for costs on all work associated with sidewalks on their frontage except: 1) the cost for sidewalk work on side yard frontages for corner properties; and 2) the cost for the sidewalk on the side yard frontage in connection with new sidewalk installations where a sidewalk has never existed.

Residents planning to repair or replace sidewalk panels themselves must secure permits from the city and complete the work within the period of time specified by the city. If residents hire a contractor to do the work, the contractor must obtain the necessary permit(s), be licensed and bonded to work in the public rights-of-way, and must complete the work within the period of time specified by the city. Residents who choose not to do the work themselves or hire their own contractor will automatically be placed in the city's program and will be billed for the work. If the invoice is not timely paid, it will be certified to the Montgomery County Auditor for collection via statutory assessment procedures.

Adopted on January 9, 2023.