

CHAPTER 903
Sidewalks, Curbs, and Gutters

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CROSS REFERENCES

Improvements, contracts—see CHTR. Sec. 41 to 46

Construction or repair at owner's expense—see Ohio R.C. 729.01 et seq.

Notice to construct or repair sidewalks—see Ohio R.C. 729.03 et seq.

Barricades and warning lights, abandoned excavations—see GEN. OFF. 521.03

Sidewalk obstructions; damage or injury—see GEN. OFF. 521.04

903.01 SPECIFICATIONS.

No curbs or gutters shall be constructed of any material other than plain Class C Portland cement concrete having a 28-day minimum compressive strength of 4,000 lbs. per square inch. Any mixtures introduced into this concrete must be approved by the City

Engineer prior to the batching of the concrete. All curb and/or gutter shall received a broom finish.

Sidewalks and driveways shall be constructed of Class C Portland cement concrete having a 28-day minimum compressive strength of 4,000 lbs. per square inch or concrete brick pavers. Any admixture introduced into or on the surface of this concrete shall be approved by the City Engineer prior to the use of the admixture. Any decorative patterns, symbols, or letters tooled into the surface of any sidewalk or driveway shall be approved by the City Engineer in advance of the work.

All curbs, gutters, sidewalks, and driveways shall be constructed pursuant to specifications on file in the office of the City Engineer.
(Ord. 96-360. Passed 10-29-96.)

903.02 COMPLIANCE WITH STATE TRANSPORTATION SPECIFICATIONS.

The materials, proportions, mixing and consistency of such concrete, not herein described, shall conform to the specifications pertaining to that item as set forth in the latest issue of the State Department of Transportation construction and material specifications.
(Ord. 62-100. Passed 9-24-62.)

903.03 WIDTHS PRESCRIBED; MULTIPLE ENTRANCEWAYS.

A single driveway shall have a width of not more than thirty-five feet and not less than twelve feet, measured at the outside sidewalk line. Such driveway shall have not less than a two and one-half foot radius on each side.

Multiple driveways shall be permitted where necessary, with the approval of the City Engineer, provided that multiple driveways are subject to the same width requirements as single driveways, and provided that such driveways are separated by a safety island not less than ten feet in length measured on the back of the curb. Where multiple driveways in excess of two per single facility per street are desired, the City Engineer shall designate the spacing of such driveways taking into consideration the location of safety islands and other safety factors.
(Ord. 96-360. Passed 10-29-96.)

903.04 LOCATION OF DRIVEWAYS.

No part of any driveway shall be constructed closer than eight feet from the sidewalk intersection terminus when the inside sidewalk lines meet at a point, and five feet from the sidewalk intersection terminus when the inside sidewalk lines do not meet at a point measured at the inside sidewalk line and at right angles thereto.

"Sidewalk intersection terminus" means:

- (a) The intersection of inside sidewalk lines where they meet at a point; or
- (b) The points of tangency of the inside sidewalk lines to the curvature of such sidewalk lines at intersections.

Driveways serving commercial or industrial properties shall not be constructed nearer than five feet to side property lines measured at the back of the curb, except when reconstructing existing common drives.

When existing driveways are reconstructed or relocated for any reason, and the application of this section would cause a hardship, the City Engineer may allow driveways to be constructed in excess of the specified 35-foot width or closer to the sidewalk intersection terminus, provided the City Engineer maintains the radius to allow for adequate pedestrian and traffic safety.

(Ord. 96-360. Passed 10-29-96.)

903.05 ABANDONED DRIVEWAYS.

When and if any driveway is no longer used for driveway purposes, it shall be considered abandoned and the City reserves and shall have the right to forthwith take the necessary steps to close such driveway, replace the curb and restore the pavement to its original condition. The owner of the property served by such driveway shall be notified by personal service or registered mail of the City's intention to close such driveway. After thirty days from the date of such notice, if the owner has failed to make such replacement or to contact the City Engineer, the City Manager may order the City Engineer to close such driveway, replace such curb and restore such pavement to its original condition. Cost of such work shall be charged against the abutting property and, if not paid, shall be certified to the proper taxing authority for collection in such manner as provided by law as a special assessment.

(Ord. 96-360. Passed 10-29-96.)

903.06 DEDICATED AND ACCEPTED STREETS; RULES AND REGULATIONS.

The City Manager shall have the power, in the case of dedicated and accepted streets, to determine the width of sidewalks and traveled portions of streets, to determine the location of sidewalks with respect to private property lines and to determine the type of curb and gutter to be constructed or repaired.

The City Manager, after giving due consideration to the subdivision regulations, major thoroughfare plan and other pertinent parts of the general plan, is authorized and directed to establish such rules and regulations as may be necessary for the purpose of exercising such power. Such rules and regulations and any order of the City Manager in connection herewith shall have the same force and effect as duly enacted legislation. Any violation of the rules and regulations or any order of the City Manager shall be punishable as provided in Section 903.99.

(Ord. 62-100. Passed 9-24-62.)

903.07 ACCEPTANCE.

No concrete curbs, gutters, sidewalks or driveways shall be accepted or approved by the City which have not been constructed in accordance with the requirements of this chapter.

(Ord. 62-100. Passed 9-24-62.)

903.08 APPLICATION FOR PERMIT.

Except as provided by this chapter, no person shall construct, reconstruct, repair, alter, destroy or grade any sidewalk, curb, gutter, driveway or street within the public street right of way or construct, reconstruct, repair or alter any door, grating or covering for any manhole, coal hole, vault, cellar or opening of any type on any sidewalk unless that person (1) is either the owner of real estate abutting thereon, or is licensed pursuant to Chapter 1327 of these Codified Ordinances and (2) has applied for and been issued a permit by the City Engineer. The City Engineer may require each person so applying to complete an application furnished by him for that purpose. Such application shall be signed by the person who is to do such work, and shall contain the name and address of the abutting property owner, a specific designation of the property abutting the proposed improvement and a statement of the width and length of the proposed improvement. The application shall provide that all such work shall be done in accordance with the specifications for construction and materials and standard drawings on file in the office of the Director and in a manner that will safely support and protect the public and that will keep the sidewalk, curb, gutter, driveway or street free from nuisances.

The applicant shall be required to replace any sidewalk to the minimum standards outlined in Section 903.02. If the sidewalk or the drive approach at the permit location exceeds the minimum standards in order to match the existing type, material, or construction of sidewalk or drive approach. The plans for any work proposed to be constructed which vary from the minimum standards shall be submitted to the City Engineer for approval prior to the start of any work. It shall further provide that by so signing, the applicant agrees to indemnify and save the City harmless from any claim, loss, or damage arising in any way out of such work, or which may result, directly or indirectly, to persons or property by reason of any such improvement or by reason of the same not being properly guarded or protected by lights, barriers or otherwise, so as to prevent injury therefrom.
(Ord. 96-360. Passed 10-29-96.)

903.09 PERMIT.

A separate and distinct permit shall be required for each improvement and shall be either typed or printed. It shall contain a specific designation of the property abutting the proposed improvement and a statement of the width and length of the proposed improvement. Such permit shall be in possession of the person actually engaged in doing the work, and shall be exhibited for inspection at any time upon demand to any member of the City Engineering Department or member of the Police Division. All such permits shall have printed thereon the general rules and regulations under which the work shall be done, shall be signed by the City Engineer and shall expire thirty days after the date of issue or sooner if so indicated on the permit by the City Engineer.
(Ord. 96-360. Passed 10-29-96.)

903.10 PERMIT FEES.

At any time any permit herein required is issued, the applicant therefor shall pay into the City treasury a fee based upon the following schedule:

- (a) A fee of Twenty Dollars (\$20.00) or Twenty Five Cents per square foot of sidewalk and driveway constructed, which ever is the greater.
A fee of Twenty Dollars (\$20.00) or Fifty Cents per lineal foot of curb and gutter constructed, which ever is the greater.
For Permits pertaining to both sidewalk or driveway and curb and gutter, a fee of Twenty Dollars (\$20.00) or the sum of Twenty Five Cents per square foot of sidewalk and driveway constructed or Fifty Cents per lineal foot of curb and gutter constructed, which ever is the greater.
- (b) When any person, firm, or corporation has commenced work on a project involving the construction of sidewalk, driveway, curb or gutter without first procuring the necessary permit therefor, the City Engineer shall make a thorough investigation to determine whether all work performed prior to the subsequent issuance date of the specified permit conforms to all pertinent Ordinances. The charge for making such investigations prior to the issuance of the necessary permit shall be equal to the amount of the permit fee required multiplied by two and shall be in addition to the cost of the permit, but in no event shall the additional charge for investigation exceed one thousand dollars (\$1,000.00).
- (c) Sidewalks, Curbs, and Gutters. In instances where the applicant desires to repair or initially construct both a sidewalk and curb and gutter there shall be only one charge. This charge shall be made in accordance with the work item having the highest permit fee as set forth in subsections (a) and (b) hereof.
- (d) Sidewalk Vault Covers.
For the repair of doors, grating, covering of manholes, coal holes, vaults and

cellars: three dollars (\$3.00);

For the installation or new construction of doors, grating, covering of manholes, coal holes, vaults and cellars: six dollars (\$6.00).

(Ord. 05-253. Passed 10-4-05.)

903.11 REPAIR OF SIDEWALKS REQUIRED.

Every owner of any lot or parcel of land in the City shall keep the sidewalks, curbing, gutters and driveways in the public right of way in front of and abutting upon such lot or parcel of land constantly in good repair and free from nuisances. Any sidewalk, curb, gutter or driveway not constructed or repaired in accordance with the City's specifications for such work shall be taken up and replaced to conform thereto at the expense of the owner of the real estate abutting thereon.

(Ord. 62-100. Passed 9-24-62.)

903.12 DUTY TO KEEP SIDEWALKS CLEAN.

(a) The occupants of each and every building in this City fronting or abutting upon any sidewalk shall clear the sidewalk in front of such tenement or building as the case may be, of snow, ice and filth, by 10:00 a.m. of the day succeeding any such deposit of snow, ice, dirt or filth. The owner of any unimproved or unoccupied lot or parcel of land fronting or abutting upon any sidewalk in this City, except in such parts of the City as the City Manager may by resolution exempt from the provisions of this section, shall in like manner and time, so clear the sidewalks in front of such unimproved or unoccupied lot or parcel of land.

(Ord. 62-100. Passed 9-24-62.)

(b) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance.

(ORC 723.11)

903.13 COVERINGS FOR SIDEWALK OPENINGS.

No door, grating or covering for any manhole, coal hole, vault, cellar or opening of any type shall be constructed, reconstructed, repaired or altered on any sidewalk unless such door, grating or covering is constructed on a level with such sidewalk, and so that the exposed portion of such covering is not smooth.

Any owner of property maintaining any such covering in or on any sidewalk, which covering is unsafe or dangerous shall, within five days after notice by the City Engineer, cause such covering to be made safe and secure.

(Ord. 96-360. Passed 10-29-96.)

903.14 SUPPORT FOR SIDEWALK OVER SUBSPACE.

No person shall construct, reconstruct, repair or alter any vault, cellar, coal chute or other opening under any sidewalk without a permit from the City Engineer. Such work shall be done to the satisfaction of the City Engineer in a manner that will provide safe support to the sidewalk. Whenever it becomes necessary to repair or construct a sidewalk over any such vault, cellar, coal chute or other opening, the City Engineer may order the owner of such property to provide adequate safe support for such sidewalk. Whenever it becomes necessary to repair or construct a sidewalk over any such vault, cellar, coal chute or other opening, the City Engineer may order the owner of such property to provide adequate safe support for such sidewalk.

(Ord. 96-360. Passed 10-29-96.)

903.15 INTERFERING ENCROACHMENTS IN STREETS OR SIDEWALKS.

Whenever, in connection with the construction, repair or reconstruction of a street or sidewalk improvements, or in connection with the laying of sewers, water pipes or other Municipal utility equipment, it shall become necessary for a property owner to remove, repair or adjust, in whole or in part, a building encroachment or other street privilege to conform to such improvement, the City Manager shall notify the owner of the property to which the encroachment or street privilege is appurtenant to make such removal or change as shall conform to the proposed improvement and comply with the laws of the State and the ordinances of the City.

(Ord. 62-100. Passed 9-24-62.)

903.16 FORM OF NOTICE.

The notice required in Section 903.15 shall be sufficient if served on the owner or his agent personally or by letter addressed to the place of business or last known residence of such owner or agent. If no owner or agent can be found, it shall be sufficient to post a notice on the premises.

(Ord. 62-100. Passed 9-24-62.)

903.17 TERMINATION OF PRIVILEGE.

If any owner shall, for the period of forty-five days or more after the issuing of the notice required by Section 903.15, fail to make the removal or readjustment required by such notice, the City Manager shall be authorized, at any time, to revoke and declare terminated the encroachment or street privilege, as the case may be. Notice of such revocation and termination shall be given in the same manner provided in Section 903.16.

(Ord. 62-100. Passed 9-24-62.)

903.18 REMOVAL OF ENCROACHMENT.

Whenever the use of an encroachment or street privilege in a public street or sidewalk is revoked or terminated in accordance with the foregoing provisions, the City Manager shall be authorized to remove the encroaching construction, in whole or in part and, where necessary, to fill up, wall up, seal or cover over any opening or cavity. The cost of making such removal and performing such auxiliary work shall be assessed against the property owner. Where such removal and auxiliary work are necessary in connection with a sidewalk construction, such work shall be included as part of the sidewalk construction and the cost thereof shall be assessed against the abutting premises.

(Ord. 62-100. Passed 9-24-62.)

903.19 SAFETY BARRIERS.

The owner of any off-street vehicular parking lot or driving area located immediately adjacent to any public sidewalk shall construct and install concrete barriers between the parking lot or driving area and the public sidewalk in order to prevent cars from backing across or traveling over the public sidewalk. The barriers shall be at least six inches above the grade and at least three inches wide. Permanent barriers, other than concrete, may be constructed provided they are approved by the City Engineer. Barriers shall not be required wherever driveways are located. Barriers shall be located so parked cars do not overhang the sidewalk.

(Ord. 96-360. Passed 10-29-96.)

903.20 MAJOR THOROUGHFARES EXCEPTED.

Whenever application is made for a business, commercial or industrial curb cut on a major thoroughfare as designated on the official Major Thoroughfare Plan of the Clark County-Springfield Regional Planning Commission filed with the County Recorder, such permit shall

be granted only where vehicles leaving the public street through such curb cut can turn around on the property of the applicant and re-enter the public street in a forward direction.
(Ord. 63-26. Passed 3-11-63.)

903.21 PROTECTION DURING CONSTRUCTION REQUIRED; LIABILITY.

(a) Where the owner or the lessee of the owner or the agent in charge of any premises within this City contracts for the improvement in any way of the same, or of the sidewalk, pavement, curbs, gutters or streets abutting thereon or adjacent thereto, such owner, lessee or agent shall observe all safety precautions which were designed to prevent nuisances dangerous to persons or property from being caused, permitted or continued. Any owner, lessee or agent who permits the contractor or any subcontractor for the improvements, or any agent or employee of such contractor or subcontractor to cause or continue any such nuisance by noncompliance with safety precautions shall be deemed guilty of a violation thereof.

(b) In every case where the subcontractor, his agent or employee causes or continues any of the nuisances specified herein, the principal contractor shall be equally liable to punishment for such offense with the subcontractor, agent or employee directly causing or continuing such nuisance.
(1969 Code Sec. 903.21)

903.22 PERMANENT STRUCTURES PROHIBITED.

No person shall erect or cause to be erected upon any sidewalk or pavement of the City any stairway, steps or permanent structure of any nature.
(1969 Code Sec. 903.22)

903.23 EXCEPTIONS.

The provisions of this chapter shall not apply to any person in the employ of or under contract with the City and doing work authorized by the City; nor shall they apply to any person to whom a permit has been issued to do work authorized by Chapter 901.
(Ord. 78-214. Passed 6-6-78.)

903.99 PENALTY.

Any person, owner or contractor who violates or fails or refuses to comply with any provision of this chapter is guilty of a minor misdemeanor. Any continuance or renewal of any work after being ordered stopped on account of the failure or refusal to exhibit the permit for inspection, and before such permit is so produced, shall constitute a separate offense.
(Ord. 78-214. Passed 6-6-78.)