CODIFIED ORDINANCES OF HIRAM

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Street and Sidewalk Areas
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CHAPTER 901
Sidewalks

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CROSS REFERENCES
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
Barricades and warning lights - see GEN. OFF. 521.03

901.01 DUTY TO REPAIR SIDEWALKS.
(a) No owner or occupant of property on which a public sidewalk is located or of property which is abutting to a sidewalk shall fail to keep the public sidewalk and that portion of the sidewalk upon which his property abuts in good repair and free from ice, snow or any obstruction, including but not limited to structures, vehicles, material, debris, rubbish, barrels, stones, gravel, brush, vegetation, tree limbs, shrubs, hedges or similar items or a nuisance of any kind.
(b) A sidewalk shall be deemed to be in need of repair or replacement when removed, cracked, broken or otherwise damaged so as to have depressions or variances between sections or pieces thereof greater than one inch or otherwise found not to be in compliance with Section 901.03. The Village Administrator or his designee shall determine the need for repairs and notify the owner or occupant as hereinafter provided. (Ord. 2007-6. Passed 5-8-07.)

901.02 NOTICE; FAILURE TO MAKE NECESSARY REPAIRS.
(a) When a portion of a sidewalk is found to be in need of repair or replacement, or otherwise in violation of this chapter, the Village Administrator or his authorized representative shall notify the owner, in writing, of the necessary repair or replacement, allowing a period of thirty days for the making of such replacement or repair. The notice shall be sent by regular U.S. Mail to the owner at the address shown for the property by the Portage County Auditor. Proof of mailing shall be established by a Certificate of Mailing issued by the United States Postal Service. Service shall be deemed complete three days after mailing.

(b) If, after the expiration of the thirty day period, the owners have not made the necessary replacement or repair, the Village shall make such repairs at the owner’s or abutting property owner’s expense and send a statement to such property owner or owners for such repairs or for his portion of such repairs or replacement. If not paid by the owner, the Village Administrator shall request the Fiscal Officer to certify the actual cost, to be placed upon the tax duplicate and collected in the manner other taxes are collected.

(c) If the Mayor or the Village Administrator determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, they may dispense with the notice. (Ord. 2007-6. Passed 5-8-07.)

901.03 SPECIFICATIONS FOR SIDEWALK CONSTRUCTION AND REPAIR.
New sidewalks within the Village shall be constructed of 6 sack limestone concrete (4,000 PSI) of the same width as existing sidewalks but not less than four feet in width, a minimum of four inches in thickness with reinforcement optional. All sidewalks at driveways or vehicle entrance and five feet each side shall be a minimum of six inches in thickness with reinforcement preferred, but optional. The slope or incline of sidewalks shall not exceed one and one-half inches per foot. All walks shall have tooled joints and/or sawed joints every five feet and expansion joints every twenty feet, or when there is a change in thickness and between day to day pours. All exposed edges shall be tooled before applying a stiff broom finish. All sidewalks must extend through a driveway area at the established grade of the adjoining sidewalks. In the repairing and relaying of old sidewalks and in laying of new sidewalks upon all streets whereon a grade is not established but upon which some sidewalks are now laid, such laying and relaying of walks of any such street shall be done to conform with the grade of the sidewalks as are now laid thereon. (Ord. 2007-6. Passed 5-8-07.)

901.04 RESPONSIBILITY FOR SIDEWALKS.
(a) Sidewalks are desirable in order to enhance the safety of pedestrian traffic. Accordingly, the Village may consider their installation on all through streets and arterial highways. No later than the March Council meeting each year the Village Administrator shall recommend that year’s sidewalk program. Public input will be accepted prior to the next Council meeting before plan approval.
(b) Where sidewalks are in need of repair or in cases where sidewalks existed but are now missing, it shall be the property owner's responsibility to make repair and to replace missing portions of sidewalk per the Village specifications. The Village Administrator or his designee shall have authority to enforce this section. Council reserves to itself the authority to determine that replacement of missing portions of sidewalk does not need to be accomplished. (Ord. 2007-6. Passed 5-8-07.)

(c) On existing streets where no sidewalk is present, Council may determine that sidewalks shall be installed. In that event, the Village shall bear a portion of the cost of any sidewalk deemed necessary and the property owner on the side of the street where the sidewalk is to be placed shall pay the balance of the cost, up to 50 percent of the total cost.

(d) Subject only to the restrictions set forth in subsection (c) hereof, the Village Council may determine that it will bear a greater proportion of the costs of sidewalk installation. (Ord. 2016-08. Passed 5-10-16.)

(e) On new streets and developments, the Planning Commission shall require sidewalks meeting these specifications in any site plan at the developer's expense.

(f) The Village may determine on existing streets where no sidewalks exist that due to terrain the installation of sidewalks will be cost prohibitive. (Ord. 2007-6. Passed 5-8-07.)

901.05 APPEAL.
Any owner who believes the actions of the Village Administrator or his designee pursuant to this chapter are improper may appeal the decision of the Village Administrator or his designee to Council. At conclusion of the appeal hearing, the Council may affirm, modify or rescind the decision of the Village Administrator or his designee. (Ord. 2007-6. Passed 5-8-07.)

901.99 PENALTY.
Whoever violates any provision of this chapter shall be charged with the crime of “Failure to Repair Sidewalk” a minor misdemeanor and upon conviction be fined not more than one hundred dollars ($100.00). Each day on which a violation occurs or continues shall be deemed a separate offense. (Ord. 2007-6. Passed 5-8-07.)