

ORDINANCE 2007-6

AN ORDINANCE ENACTING A SIDEWALK CODE FOR THE VILLAGE OF HIRAM.

WHEREAS, an inspection of the sidewalks in the Village of Hiram reveals that sidewalks are missing and other existing sidewalks are in need of repair; and

WHEREAS, sidewalks which are damaged, uneven, or in need of repair pose a threat to the health, safety and/or welfare of the pedestrians who use the sidewalks; and

WHEREAS, the Council of the Village of Hiram has determined that it is appropriate to establish a standard for sidewalks in the Village of Hiram, and to enact regulations which will provide for enforcement of the standard.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Hiram, Portage County, Ohio, the majority of the members concurring that:

SECTION 1: The Village of Hiram hereby enacts Chapter 1311 of the Village of Hiram Codified Ordinances, hereinafter to be known as the "Sidewalk Code", as is set forth in the attached Exhibit "A".

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

First Reading: February 13, 2007

Second Reading: March 13, 2007

Third Reading: April 10, 2007 tabled

Fourth Reading: May 8, 2007



Mayor Robert L. Summers

ATTEST:


Fiscal Officer

I Kay E. Ziska, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2007-6 has been duly posted in the required 5 places.

5-10-07
Date

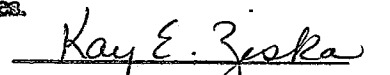

Fiscal Officer, Village of Hiram

Exhibit "A"
CHAPTER 1311
Sidewalks

1311.01	Duty to repair sidewalks	1311.04	Responsibility for Sidewalks.
1311.02	Notice; failure to make necessary repairs.	1311.05	Appeal.
1311.03	Specifications for sidewalk construction and repair.	1311.99	Penalty.

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

1311.01 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 1311.03. The Village Administrator or his designee shall determine the need for repairs and notify the owner or occupant as hereinafter provided.

1311.02 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.

1311.03 SPECIFICATIONS FOR SIDEWALK CONSTRUCTION AND REPAIR.

New sidewalks within the Village shall be constructed of 62 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.

1311.04 RESPONSIBILITY FOR SIDEWALKS.

(a) Sidewalks are desirable in order to enhance the safety of pedestrian traffic. Accordingly, the Village May shall 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.**

(c) On existing streets where no sidewalk exists **is present Council may determine that sidewalks shall be installed. In that event** the Village shall bear fifty percent (50%) of the cost of any sidewalk deemed necessary and the property owners on the side of the street where the sidewalk is to be placed shall be assessed the remaining fifty percent (50%) of the cost in order to install new sidewalks on either or both sides as the Village deems appropriate.

(d) The Village may determine that it will bear a greater proportion of the costs of sidewalk installation where there are unusual circumstances or costs involved due to terrain, difficult conditions or other similar problems.

(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.

1311.05 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.

1311.99 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.

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