



## **SIDEWALK REPAIR AND REPLACEMENT POLICY**

### **SECTION 1: PURPOSE**

The purpose of these rules and regulations are to establish criteria and procedures for the repair and replacement of sidewalks, curbs and gutters in accordance with Section 5543.10 of the Ohio Revised Code.

### **SECTION 2: DEFINITIONS**

The terms used in this section shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

- A. "Owner" means:
  - 1. In the case of land, any person who is recorded on the tax records as: the owner of the land; or the owner of land abutting a sidewalk; or the owner of land abutting an easement or right-of-way in which a sidewalk is located, or
  - 2. In the case of property other than land, any person who is in lawful possession thereof.
  
- B. "Occupant" means:
  - 1. A person who is in physical possession of a property, or (2) 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.
  
- C. "Person" includes any individual, corporation, society, association, condominium association, homeowner association, partnership or firm and the successor or the heir, executor, administrators or other legal representatives of a person.
  
- D. "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 the roadway where there is no curb line) and the adjacent property line, or the easement for sidewalks established by subdivision plat.

- E. "Residential Single Family Purposes" means a detached single family dwelling utilized as a residential house.
- F. "Manager" means the Pierce Township Public Works Manager or his/her designee.

### **SECTION 3: SIDEWALK REPAIR/REPLACEMENT PROCEDURE**

- A. Under the provisions of the Ohio Revised Code, Section 5543.10, the board of township trustees, by unanimous vote, may order the, repair or maintenance of sidewalks, curbs, and gutters along or connecting the public highways, outside a municipal corporation, without a petition for that repair or maintenance, and may assess 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 county stating the intention of the board of township trustees to construct, repair, or maintain the specified improvements and fixing a date for a hearing on them. As part of a sidewalk improvement, the board may include the repair or reconstruction of a driveway within the sidewalk easement. As part of a curb improvement, the board may include construction or repair of a driveway apron.

In addition to the requirements of other applicable ordinances, every property owner and/or occupant of real estate in the Township abutting a roadway shall be required to maintain a sidewalk and driveway apron in good repair.

- B. The Manager shall establish a program for carrying out the provisions of this section. The Manager is hereby further authorized and directed to promulgate rules and regulations consistent with the requirements and provisions of this chapter to carry out the intent and purpose of this policy.
- C. The Manager shall inspect the sidewalks and driveway aprons of the Township at reasonable intervals and require repair or installation of sidewalks and/or driveway aprons in those areas of the Township where the most need for the improvement thereof then exists.
  - 1. A sidewalk or driveway apron block shall be replaced when the supervisor determines any of the following conditions are present:
    - a. The difference in elevation between two slabs at a formed or random joint or crack exceeds one inch;
    - b. Where a portion of the sidewalk or driveway apron is missing;
    - c. If the sidewalk has a crack more than three-quarters (3/4) inch in width;
    - d. Where a block has buckled, within the limits of the block, to a height which exceeds one inch;

- e. Where a block has settled, within the limits of the block, to a depth which exceeds one inch;
  - f. Where a slab has pitted, spalled, scalled 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 an alligator skin; or
  - j. If the sidewalk has more than two (2) cracks of one-quarter (1/4) inch in width or more in any two (2) linear feet of sidewalk sections.
2. Upon such determination, the Owner 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 successive weeks. Said repairs or replacements shall be made within ninety days from the giving of notice when such notice is not returned undelivered or within sixty days following the period of publication or from the date of posting of notice on the property, unless extension(s) are granted by the Manager due to inclement weather or other unforeseen circumstance.

3. Owners given notice to make repairs or replacements shall have the following two options:
  - a. The Owner may contract with a third party private contractor at his/her own expense to make the repairs or replacements; or
  - b. If, after the expiration of thirty days following the giving of the notice to the Owner, the repair or installation of sidewalks and/or driveway aprons is not made by the owner, the Manager shall order the repair and/or installation of the sidewalk and/or driveway apron under the overall sidewalk-driveway apron contract of the Township as hereinafter provided. The installation and/or repair of such sidewalk and/or driveway apron shall be supervised by the Manager.
4. Upon completion of such work by the Township, a statement by the Fiscal Officer shall be forwarded to the Owner at his tax mailing address as shown in the records of Clermont County 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 agent as evidenced by the postal return thereon, it shall then 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 for establishing the grade and supervision for each lot as shown by the subdivision plat records and all other necessary expenses. The Owner shall thereafter have thirty days

during which to pay such expense, and if it is not paid at the expiration of the thirty day period, the cost shall thereupon constitute a lien upon the lots and lands so benefited and a tax is levied therefore.

5. The Fiscal Officer upon approval by the Board of Trustees shall certify such tax lien to the County Auditor under Section § 5543.10 of the Ohio Revised Code in the following manner: (1) If the amount of construction or repair is equal to or less than 500 square feet, the amount due shall be divided into two semi-annual payments and collected within the immediate tax year; (2) If the amount of construction or repair is greater than five hundred square feet, the amount due shall be divided into four semi-annual payments, and collected one-half within the immediate tax year, and one-half in the next following tax year.

D. This policy applies to all sidewalks and paths installed by owners, developers, homeowner associations, condominium associations and their respective successors and assigns, the Township and the County. This policy does not apply in situations in which sidewalks or paths have been installed by the Board of Township Trustees on, or adjacent to, property used for Residential Single Family Purposes unless otherwise indicated by a written agreement. Sidewalks installed by the board of trustees on, or adjacent to, properties used as Residential Single Family Purposes will generally be maintained by the Township.

E. When sidewalks at crosswalks and corners which require Americans with Disability Act ("ADA") compliant ramps are replaced on, or adjacent to, property used for single family residential purposes, the Township will contribute that portion of the cost of replacement which it determines to be the additional cost attributed to the construction of the ADA compliant ramp(s).