

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. G-9-18-1

AN ORDINANCE REPEALING AND REPLACING ORDINANCE G-4-14-1 AND ORDINANCE G-5-07-1 CONCERNING REGULATIONS FOR MAINTENANCE, REPAIR AND SAFETY OF PUBLIC SIDEWALKS WITHIN THE VILLAGE AND THE DUTY OF ABUTTING LAND OWNERS TO REPAIR, MAINTAIN OR KEEP SAFE SAID SIDEWALKS AND DECLARING AN EMERGENCY.

NOW, THEREFORE, be it ordained by the Council of the Village of New Concord, State of Ohio, that, the Sidewalk Program for the Village of New Concord be carried out as follows:

Section 1. This ordinance shall be known and cited as the Village Sidewalk Program Ordinance.

Section 2. Purpose

The purpose of this Ordinance is to regulate the repair and maintenance of public sidewalks in order to keep them in a proper and safe condition for public use; to provide for the imposition of liability upon abutting land owners for injuries or damages caused by a defective sidewalk; to provide standards of proper sidewalk maintenance, repair and construction; to provide for partial funding of sidewalk repairs, replacement or construction from Village funds, as available; and to provide indemnification of the Village for costs of required maintenance and repair not accomplished by abutting or adjacent land owners.

Section 3. Regulations

The owner or owners of all lots and premises within the Village of New Concord are required to maintain, repair and keep safe sidewalks adjacent to or upon their lots and premises in or along the Public Street and alley rights-of-ways in the Village.

It shall be the duty of all owners of premises within the Village of New Concord to keep all cement, bricks, asphalt, concrete walks and sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street or alley right0of-ways, in good repair and free of dangerous ice, snow, or other dangerous obstructions and/or conditions. Any owners of any such premises who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalk. Such owner shall further indemnify and reimburse the Village for any and all liability, costs and expenses that the Village may incur as a result of any such defective or dangerous sidewalk.

Section 4. Sidewalk Program Specifications

The following shall govern the maintenance, repair and replacement of public sidewalks in the Village:

Contents

- Program
- Sidewalk Condition
- Program Implementation
- Expansion Opportunities
- Care and Repair Methods
- Sidewalk Specifications

Program

The Sidewalk Program for new Concord defines the system by which the Council can improve the Village's pedestrian network with a partnership of public funds and private landowners' responsibility.

The public sidewalks are a pathway to school, stores, work, and leisure activities. As a part of the transportation network, sidewalks reduce congestion, reduce pollution, encourage increased neighborhood interaction and promote healthier lifestyles, enhancing the quality of life. Within the Village of New Concord, the public sidewalk link with the sidewalks on the Muskingum University campus and the East Muskingum School District campus to form an extensive network for the entire community.

All sidewalk repair or maintenance, as well as replacement, within the program will provide for handicapped accessibility and be of durable and safe surface. Opportunities for new sidewalk sections to fill current gaps in the network or expand the pedestrian paths into areas that have a need for connectivity and pedestrian safety are recognized and will be considered for funding as funds are available on an annual basis.

Sidewalk Condition

The goal is to make sidewalks safe for pedestrians and to help prevent injuries caused by defective sidewalks.

When sidewalks crack and break, it creates hazards for pedestrians. Many people have trouble crossing damaged sidewalks and this program helps to minimize these hazards through sidewalk maintenance and replacement.

The Village Council recognizes the need to make repairs or replace numerous sections of sidewalk throughout the Village as captured in the 2006 field inventory as well as deterioration that has occurred since that study was completed. As explained in the 2006 field inventory sidewalk condition fits into three categories: good, poor and fair.

A sidewalk in good condition is considered the best condition. It exhibits a durable, level surface with few minor defects, if any. Acceptable defects are tight cracks, shallow spalding and very minor displacement at joints. Broken pavement, if any, is found in inconsequential locations.

A sidewalk in fair condition is generally acceptable but can have major defects in spots. The defects are large, but level cracks, some unevenness in the joint alignment (not more than 1 inch), large areas of spalding surface, and broken pavement parts than can even be missing. In places soil and vegetation encroach on the edges minimizing the width and walkability. Often in this fair condition category defects occur in only one segment of the concrete sidewalk, with the remaining length of sidewalk in good condition.

A sidewalk in poor condition has many severe defects. Sometimes these occur in only a few segments along a property, but are significant enough that they render the length unsafe. The cracking is wide and multiple, the displacement at points is uneven to the point of over one inch out of level, and broken/missing pieces form holes that increase the hazard and instability for pedestrians. Even vegetation grows into a tripping hazard where it fills breaks within the pavement.

In the Sidewalk Program maintenance and replacement of sidewalk defects would focus mostly on those sidewalks in poor condition or sidewalks in fair condition where pedestrian volume is high.

Inventory Data

The Village of New Concord sidewalk inventory from 2006 may be used as a reference but current conditions and pedestrian volumes shall be an essential factor in rating repair or

replacement necessity. A new or updated sidewalk study should be considered as a future project for the Village.

Program Implementation

Implementation is a partnership between the landowner and the Village, to meet the needs of the community as a whole.

The Village leadership, staff or landowners may bring a section of sidewalk in need of replacement or repair to the Village Administrator, or designee, for consideration under the Sidewalk Program.

Expansion Opportunities

Beyond the repair or replacement opportunities detailed in the Sidewalk Program, expansion opportunities can connect neighborhoods without sidewalks to the Village system promoting safety and increasing the quality of life.

Streets without continuous sidewalks can be reviewed for filling these sidewalk gaps. On some streets the sidewalk shifts mid-street from one side to the other, forcing pedestrians to cross the street to continue to utilize the sidewalk.

The 2015-2016 Pedestrian Safety and Access Report identifies numerous gaps in the Village sidewalk system and makes suggestions for improvements, such as new sidewalk sections, crosswalks or improved signage or lighting. This report, as well as investigation of the current situation, should be utilized to make decisions regarding expansion of the sidewalk network.

Care and Repair Methods

In places minor repair work can deem an entire length of sidewalk in good condition.

Adjacent landowners have many methods of caring for their stretch of sidewalk. A first step in care is trimming grass and weeds from the paved edges and cracks. The second step is filling cracks as they form and open. Concrete by nature continues to expand and contract after pouring and will likely develop some cracks, especially at the tooled joints. If sloping ground exists, the third care step is to keep side fill dirt in place, so the sidewalk will not drop from erosion or instability. Finally, leaves, debris, and snow should be removed as needed.

Repair can be as simple as a small batch of bag mix as advised by the Village staff to fill holes, large cracks and uneven areas. If the underlying pavement is less than four inches of concrete, it may be wiser, for durability, to replace the entire segment that is deficient. In some cases, an uneven joint can be sawed down to level. When a larger stretch is uneven, the hydraulic concrete leveling technique, or other like techniques, can be used to bring the walk up to level.

Sidewalk Specifications

A standard construction specification will promote uniformity and predictability to the quality and price of the sidewalk program.

Every new sidewalk pavement will meet the guidelines described in the Village Sidewalk Guidelines in order to create safety, uniformity, and durability to the Village sidewalk network. In the interest of uniformity, a standard concrete sidewalk is generally the preferred material.

However, exposed aggregate concrete finish is an equally desirable choice, especially next to areas already using this finish. Installation of pavers, brick, or stone surface may only be used when approved by the Village Administrator, or designee. This is to assure quality installation and durability where this material is desired to enhance or delineate special

construction. Asphalt is not to be used for permanent neighborhood sidewalks. Please see Attachment A – Sidewalk Program Specifications for additional information regarding repair, replacement and construction of sidewalks within the Village of New Concord.

Section 5. Owner-Caused Defects

Where sidewalk defects, creating pedestrian hazards, are caused by conditions existing upon an abutting property, such as, but not limited to:

- a) Trees or other growth
- b) Surface drainage
- c) On-site construction or vehicular traffic
- d) Other on-site activities

The abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification for the Village of New Concord for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

Section 6. Saving Clause

Should any section or provision of this Ordinance be declared unconstitutional, unauthorized or invalid, or in conflict with any other section or provision of any Ordinance of the Village of New Concord, by a court of competent jurisdiction, such decision shall not be held to invalidate or impair the validity, force, or effect of any other section or provision of this Ordinance.

Section 7. Repeal of Conflicting Ordinances and Effective Date

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall take effect immediately upon publication following its adoption.

Section 8. Trees

In repairing, replacing or constructing any sidewalks, no person shall remove, alter or damage any tree in the public right or way, easement, or street without permission from the Village Administrator.

Section 9. Sidewalk Program Funding

Village Council shall appropriate moneys annually providing that funds are available from the general fund for sidewalk improvements.

Section 10. Cost Share

The Village may grant property owners 50% of the cost for the repair and/or replacement of a public sidewalk.

- a) The Village will act as the project manager for sidewalk repair or replacement projects and will obtain quotes from approved contractors for any work to be done to ensure the highest quality at the best price.
- b) Landowners may have the option of paying the Village directly for their share of the project or it can be assessed on their individual property taxes.

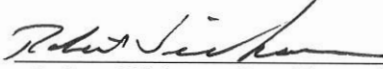
Property owners who wish to contract directly for sidewalk repair/replacement or complete the work themselves must adhere to Attachment A – Sidewalk Program Specifications. These projects

are eligible to receive 25% of the total cost reimbursed by the Village, should reimbursement funds be available, upon satisfactory completion to be determined by the Village Administrator, or designee.

- a) Property owners requesting to be reimbursed for directly contracted work or work completed by the property owner must contact the Village Administrator prior to beginning any work. If reimbursement funds are available the Village Administrator will notify the property owner that, pending a satisfactory final inspection, they may be eligible for reimbursement and may begin sidewalk work.
- b) Property owners must be able to provide original invoice and proof of payment or itemized receipts showing materials used in construction or repair of sidewalk. All information must be provided to the Village Administrator in advance of reimbursement by the Village. All sidewalks must receive a satisfactory final inspection before any funds are reimbursed to the property owner by the Village.

Section 7. That for the reasons stated in the preamble, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force at the earliest period allowed by law.

PASSED: September 10, 2018


Robert Dickson, President of Council

APPROVED: September 10, 2018


Brett Essex, Mayor

ATTEST:


Lynn Marlatt, Fiscal Officer

I hereby certify that the above legislation was posted per Ordinance No. L-1-84-1.

 Lynn Marlatt, Fiscal Officer