

Ellinger
Myers
Lawless
Beard
Feigel
Crosbie
McChord
Martin
Henson
Lane

SERVICES COMMITTEE

October 5 2010

1:00 P.M.

A G E N D A

1. Utility Pole Placement - Martin
Additional Materials will be provided at the meeting
2. Street Re-Paving List Priority Plan - Lawless (1-2)
3. On Street Parking Restrictions During
Street Cleaning - Lawless (2)
4. Sidewalk Specifications - Feigel (3-33)
5. Items in Committee (34-35)

"Services Committee, to which should be referred matters relating to public safety, public works, urban county courts, and constitutional officers."

Council Rules & Procedures, Section 2.102(3)

Services Committee 7-6-2010 Summary

Council member Ellinger chaired the meeting calling it to order at 1:00. All council members present except CM Lawless, CM Feigel, CM Crosbie, CM McChord and CM Lane. CM James and CM Blues were recognized for a quorum. CM Stinnett present as non voting member.

Street Re-Paving List Priority Plan

Kevin Wentz, Dept of Public Works & Development, did a power point overview of road resurfacing fund allocation.

CM Beard asked about re striping of areas such as Nicholasville Rd before the World Equestrian Games. Commissioner Webb stated the paving of Nicholasville Rd is still responsibility of the state. He will call the state to see if it is on schedule to be done before the games. Commissioner Webb stated Council Members can call Traffic Engineering if they have a striping need in their district. CM Beard stated median/islands are a problem as well.

CM Beard asked about the county/road fund. Commissioner Webb stated the county/road fund is separate from the resurfacing fund.

CM Blues stated his concern is the extent of the ratings being up to date and accurate. Mr. Wentz stated the full county assessment should be completed by the third week of August. He stated they can re evaluate a specific street if needed.

CM Blues asked how much we can get done with the funding that is available this season.

Sam Williams, Director of Streets, Roads, & Forestry, stated they are getting the final schedule of streets to pave within the next week and starting on those that are approved for FY10.

CM Ellinger asked for a list of the council districts and each districts allocation.

CM James stated when looking at the entire list the whole range seems to be off. She stated it seems inaccurate. Commissioner Webb stated some of the information provided may be 1 or 2 years old due to the process. He stated in August it should be more accurate.

CM James asked how do they count an intersection and can they just do an intersection. Commissioner Webb stated he believes it is possible to just do an intersection. He stated an intersection is counted depending on the way it is put in. He stated when Council Members get their list they can sit down with Street & Roads and go over those sections.

CM James asked if a whole in a street would count in the rating. Commissioner Webb stated he will have someone from Engineering answer that question. Mr. Williams stated a base failure should not come from these allocations.

CM James asked if the cost of asphalt varies year to year. Mr. Williams stated there are ways the price is adjusted. The base bid this year was the same as last fiscal year.

CM Henson stated the amount the districts receive is just not enough when you look at the linear footage. She asked what is the cost of all the streets that are rated 65 or less. Commissioner Webb stated they were able to pave approximately 20% of the list with the \$1.7 million. She asked if we are falling behind because there is not enough money to pave the lower rated streets. Commissioner Webb stated with the new data they will provide council members the total cost for doing all streets that are rated 65 and under. CM Henson stated one district may have more streets that are rated very low than another district may have. She stated those districts with much lower ratings should be addressed first. CM Henson asked for a report of the streets that are rated 40 or less and the cost to re pave those. Commissioner Webb stated he can provide that to Council and provide a weighing factor as well.

Commissioner Webb stated this was the first year Council Members were provided a list of their entire district that showed what their paving was. CM Stinnett stated they did get lists and have that data. He stated this list was missing the date it was last paved.

CM Ellinger stated keep this issue in committee.

Street Cleaning on Street Parking Restrictions

Gary Means, Lexpark, gave an overview of this issue and suggestions that came out of some meetings.

CM Ellinger asked Mr. Means to keep the committee informed as things progress with this issue.

CM Ellinger stated to keep this issue in committee.

Items in Committee

Special Service committee meeting scheduled for August 31st at 9:00 a.m.

Meeting adjourned at 2:03 p.m.

AN ORDINANCE AMENDING SECTION 17-147 OF THE CODE OF ORDINANCES TO SPECIFY CRITERIA FOR REPAIR OR REPLACEMENT OF SIDEWALKS; AMENDING SECTION 17-148 OF THE CODE TO SPECIFY CRITERIA FOR REPAIR OR REPLACEMENT OF SIDEWALKS AND TO PROVIDE FOR AN ADMINISTRATIVE APPEAL FOR PERSONS ASSESSED A CIVIL PENALTY FOR FAILURE TO REPAIR OR REPLACE; AND AMENDING SECTION 17-152 OF THE CODE TO ESTABLISH A CIVIL PENALTY FOR FAILURE TO MAKE REPAIRS IN SIDEWALKS OF TEN DOLLARS (\$10.00) PER SQUARE FOOT OF UNREPAIRED SIDEWALK PANEL FOR EACH THIRTY (30) DAY PERIOD IN WHICH THE SIDEWALK REMAINS UNREPAIRED, AND TO ESTABLISH A LIEN AGAINST PROPERTY FOR CIVIL PENALTIES WHICH ARE NOT PAID OR APPEALED WITHIN TWENTY (20) DAYS; ALL EFFECTIVE AUGUST 1, 1999.

WHEREAS, the failure of a property owner to maintain a sidewalk abutting his or her property is hereby declared to be a public nuisance as well as a potential safety hazard;

WHEREAS, KRS 82.700 et seq. confers upon local governments the power to assess civil penalties for violations of nuisance ordinances;

WHEREAS, it is necessary to amend the Code of Ordinances to accomplish this extension of authority and to make related changes within the Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Code of Ordinances Section 17-147 be and hereby is amended to read as follows:

Sec. 17-147 Required, who is responsible.

(a) It shall be the duty of each owner of real estate abutting on any sidewalk to repair, at his own expense, all holes, uneven surfaces and other defects in the sidewalk upon which his property abuts; and the materials therefor shall be of similar grade and texture to that used in the construction of the sidewalk. If such owner be a nonresident of the urban county, or if he cannot be found, it shall be the duty of his agent in charge of the property, to make the repairs as herein required, or if there be no such agent, then it shall be the duty of the occupant of the property to make such repairs.

(b) For purposes of this section, repair shall be required for cracks with one-eighth of one inch or greater horizontal displacement; vertical displacements of less than or equal to one inch; spalled areas, popouts or holes; or where sidewalk panels have cracked or broken material but no pieces are missing or loose. Replacement shall be required for vertical displacement greater than one inch; slopes greater than one inch in twelve inches; sidewalk panels with cracked or broken material and missing or loose pieces; or where a safety issue exists not defined by the previous criteria but which the inspector considers significant.

Section 2 - That Code of Ordinances Section 17-148 be and hereby is amended to read as follows:

Sec. 17-148 Notice; appeal.

(a) Whenever the urban county engineer or any code enforcement officer in the division of code enforcement ascertains the existence of holes or other defects in sidewalks of the urban county meeting the criteria set forth in the section 17-147, it shall be the duty of the urban county engineer or the code enforcement officer, as appropriate, to notify forthwith, in writing, the owner of the property abutting upon such defective sidewalk to repair or replace the same at his own expense within a reasonable period of time as stated in such notice. If such owner be a nonresident of the urban county, or cannot be found, the notice may be delivered to his agent, having charge of the property; and if there be no such agent, it may be delivered to the occupant of the property. Such notice may be delivered by any police officer of the urban county or by any other person authorized by law to serve a notice.

(b) Any person affected by a notice issued by a code enforcement officer pursuant to subsection (a) of this section or a civil penalty assessed pursuant to section 17-152 shall have the right to appeal to the administrative hearing board created by Chapter 12 of the Code; provided that a written application for appeal is filed within twenty (20) days after the notice to repair or the notice of civil penalty was served. The proceeding before the administrative hearing board shall be governed by Code Chapter 12 and the board's rules, regulations and bylaws and shall include the right to appeal the decision of the board to a court of competent jurisdiction.

Section 3 - That Code of Ordinances Section 17-152 be and hereby is amended to read as follows:

Sec. 17-152. Penalty, Lien.

(a) Any owner, or agent of such owner, or occupant of property who shall fail to make the repairs in defective sidewalks as provided in sections 17-148 and 17-149 within the period of time stated in the notice provided for therein may be fined up to twenty-five dollars (\$25.00) for each offense; and each day such work remains undone after such period shall be deemed a separate offense.

(b) In the alternative, any owner or agent of such owner, or occupant of property who

shall fail to make the repairs in defective sidewalks as provided in sections 17-148 and 17-149 within the period of time stated in the notice provided for therein may be assessed a civil penalty of ten dollars (\$10.00) per square foot of unrepaired sidewalk panel for each thirty day period such work remains undone after the time stated in the notice elapses.

(c) The urban county government shall have a lien against the property for such civil penalty if the civil penalty remains unpaid twenty (20) days from the date of assessment, unless appeal has been made as provided herein. This lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes pursuant to KRS 82.720 and shall include the applicable statutory rate of interest pursuant to KRS 381.770 and KRS 360.010, as amended. This lien shall be evidenced by a notice of lien claimed, filed in the county clerk's office, which notice shall include the affidavit of the commissioner of public safety or the citation officer, setting forth the property in question, the amount of the urban county government's civil penalty, and the notice provisions of this section were complied with before assessment of the civil penalty. A copy of the notice of lien claimed shall be mailed to the owner of the premises, or published in a newspaper of general circulation, as required by statute, where the owner of the property cannot be ascertained. However, the failure of the clerk to record such notice of lien claimed or the failure to mail the owner a copy of such notice or publish same, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien.

(d) The commissioner of law is hereby authorized to make the determination that liens shall not be filed when intervening in existing litigation is not cost effective, or when the lien would not be enforceable as a matter of law.

(e) The mayor is hereby authorized and directed to execute a release of the lien provided for in subsection(c) upon payment in full of the civil penalty evidenced by the lien or upon conclusion of any court proceedings resulting in the sale of the property regardless of whether any portion of the civil penalty were paid from the proceeds of the sale. The lien release shall be filed in the county clerk's office.

(f) The department of law is hereby authorized to assert the urban county government's lien rights in any litigation filed by a third party involving a property against which the government possesses a lien.

Allison M Hallett

From: Beverly Hagans
Sent: Wednesday, September 29, 2010 11:00 AM
To: David Jarvis; Coo-Ee Parks; Allison M Hallett
Subject: RE: Scan from Code Enf copier

866 citations for 2010 so far.

-----Original Message-----

From: David Jarvis
Sent: Wednesday, September 29, 2010 9:48 AM
To: Coo-Ee Parks; Allison M Hallett
Cc: Beverly Hagans
Subject: RE: Scan from Code Enf copier

12 month period.

David Jarvis - Director of Code Enforcement
 101 E. Vine St. Suite # 500
 Lexington, K.Y. 40507
 859-258-3271
 davidj@lexingtonky.gov

-----Original Message-----

From: Coo-Ee Parks
Sent: Wednesday, September 29, 2010 9:46 AM
To: David Jarvis; Allison M Hallett
Cc: Beverly Hagans
Subject: RE: Scan from Code Enf copier

No, sorry we have received 29 timely appeals as of yesterday for sidewalks this year. In the past years we rarely received appeals on sidewalks.

-----Original Message-----

From: David Jarvis
Sent: Wednesday, September 29, 2010 9:41 AM
To: Coo-Ee Parks; Allison M Hallett
Cc: Beverly Hagans
Subject: RE: Scan from Code Enf copier

For sidewalks?

David Jarvis - Director of Code Enforcement
 101 E. Vine St. Suite # 500
 Lexington, K.Y. 40507
 859-258-3271
 davidj@lexingtonky.gov

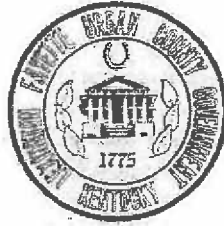
-----Original Message-----

From: Coo-Ee Parks
Sent: Wednesday, September 29, 2010 9:41 AM
To: David Jarvis; Allison M Hallett
Cc: Beverly Hagans
Subject: RE: Scan from Code Enf copier

We have received 176 timely Appeals as of Yesterday. We normally average about 100 per year.

-----Original Message-----

From: David Jarvis
Sent: Wednesday, September 29, 2010 9:38 AM
To: Allison M Hallett
Cc: Beverly Hagans; Coo-Ee Parks



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

SIDEWALK REPAIR NOTICE

06/30/2009

████████████████████
700 HAMBRICK AVE
LEXINGTON, KY 40508

RE: INSPECTION OF 700 HAMBRICK AVE ON 06/17/2009

CASE#: 08680700S2

Pursuant to Chapter 17 of the Code of Ordinances, each property owner is responsible for repairing sidewalks adjacent to his/her property.

Any defective panels found are marked:

X = replace O = repair

CRITERIA FOR EVALUATION:

Replacement

- Vertical displacement greater than one (1) inch.
- Sidewalk is raised and has a slope greater than one (1) inch in twelve (12) inches.
- Panels have cracked or broken material so that pieces of the sidewalk are missing or loose.
- A safety issue exists which is not defined by the previous criteria but which the inspector considers significant.

Repair

- Cracks with 1/8 inch or greater horizontal displacement.
- Vertical displacement less than or equal to one (1) inch.
- Popouts or holes
- Panels have cracked or broken material, but where no pieces of the sidewalk are missing or loose.

You being the owner are hereby given notice to:

Repair Sidewalks within Thirty (30) days.

Code: 2911 References: ORD. 185-99

MAINTAIN THE PUBLIC SIDEWALKS FREE OF ALL HOLES, BREAKS OR CRACKS.

SIDEWALK REPAIR NOTICE (cont.)

With regard to the conditions as stated, we want you to know the following:

If you fail to comply with this Notice, you may be subject to civil penalties or prosecution under Section 17-152 of the Code of Ordinances. If necessary, you may be granted additional time to complete repairs.

APPEALS: You may, within twenty (20) days of receipt of this Notice, file an appeal with the Division of Code Enforcement. Forms may be obtained from this office.

If you have any questions, please contact me at the number below.

SIDEWALK CRACK AND SPALLING REPAIR

The Division of Code Enforcement will accept repairs of cracked sidewalks that are caulked or sealed with approved material.

Polyurethane sealants and two component polymer modified concrete repair material prevent further sidewalk damage and deterioration and can avoid future replacement.

Only Polyurethane ASTM quality sealants, such as Sikaflex 9CSL, 1A, Sonneborn SL1, and Patchrete or equivalent will be accepted.

Resurfacing of cracked and spalled sidewalks will be permitted and accepted only if repairs do not exceed 1/4 of an inch in thickness. Resurfacing material must meet ASTM test standards. Only Emaco brand resurfacing or equivalent will be accepted.

Thank you in advance for your cooperation in making these improvements.

Sincerely,

BRUCE WILLIS by bh

BRUCE WILLIS
CODE ENFORCEMENT OFFICER
258-3282

document1

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
DIVISION OF CODE ENFORCEMENT

**PLEASE RETURN THIS GRANT APPLICATION
FOR REIMBURSEMENT
SIDEWALK ASSISTANCE**

NAME: _____
(please print)

ADDRESS OF REPAIR: _____
(please print)

MAILING ADDRESS: _____
(if different than above) (please print)

(city, state, zip code)

DAYTIME TELEPHONE NUMBER: _____

SIGNATURE: _____

**** PROMPTLY ** RETURN APPLICATION to:**

The Division of Code Enforcement
Sidewalk Assistance Program
101 East Vine Street, Suite 110
Lexington, KY 40507

NOTE: You must return this application to Code Enforcement. Reimbursement will not be processed until this application has been returned. It is not necessary to wait until work has begun to return the completed application.

Payment will NOT be sent until work is complete, reinspected and only after this form has been returned.

The amount of your reimbursement will be: 72.00

*** Reimbursement is subject to availability of program funding. ***

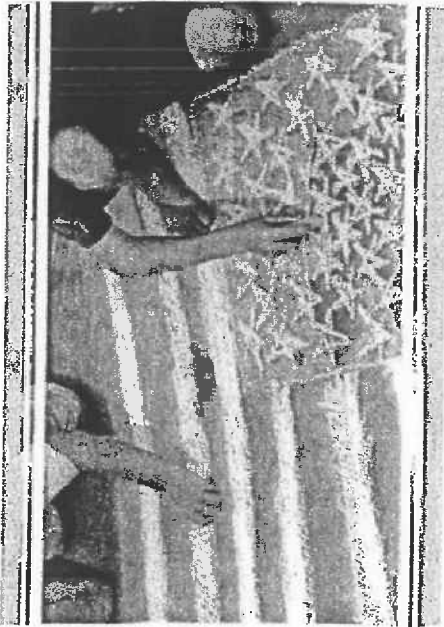
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
DIVISION OF ADULT SERVICES

LOW INCOME ASSISTANCE

If your monthly income is at or below these levels and do not have assets of more than \$5000. (i.e....certificates of deposit, saving accounts, rental property). Your residence and personal automobile do not count toward these assets:

Family Size	Monthly Income	Yearly Income
1	\$935	\$11,220
2	1,263	15,156
3	1,590	19,080
4	1,917	23,004
5	2,244	26,928
6	2,571	30,852
7	2,898	34,776
8	3,225	38,700

This program will pay the contractor directly for 100% of the repair cost. If you think you qualify, please call Adult Services at 258-3810.



costs to a minimum. The adjacent grass normally spreads quickly to the edge of the walk. Areas of restoration will also occur in the right-of-way between the curb and sidewalk due to equipment used by the contractor to remove and construct the sidewalk.

What about sprinkler systems or invisible fences for pets?

The contractor will repair the sprinkler line or head if damaged during construction located within the right-of-way. Property owners must notify Canton Township within 60 days if they have sprinkler or invisible fence damage. Otherwise, damage resulting from sidewalk repairs will be the property owner's responsibility.

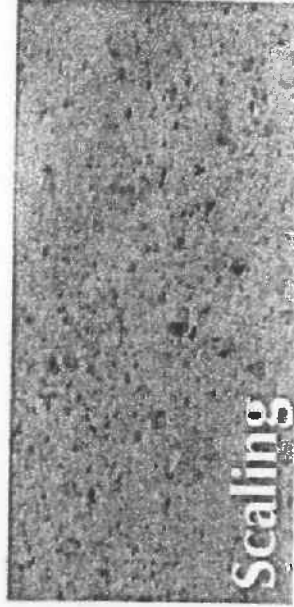
How long before I can drive on the concrete on my driveway?

You may walk on the concrete 24 hours after it has been poured, however, no vehicle should be placed on the pavement for seven days.

How can I find out more about Canton's sidewalk ordinance and program?

A copy of Canton's sidewalk ordinance can be obtained by calling the Canton Public Works Division at 734/394-5150 or by viewing it on our web site at www.canton-mi.org.

Examples of Ordinance Violations



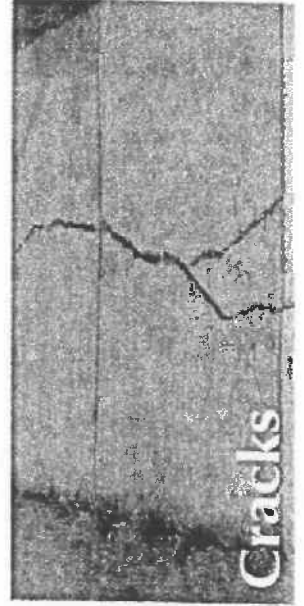
Scaling



3/4 Displacement

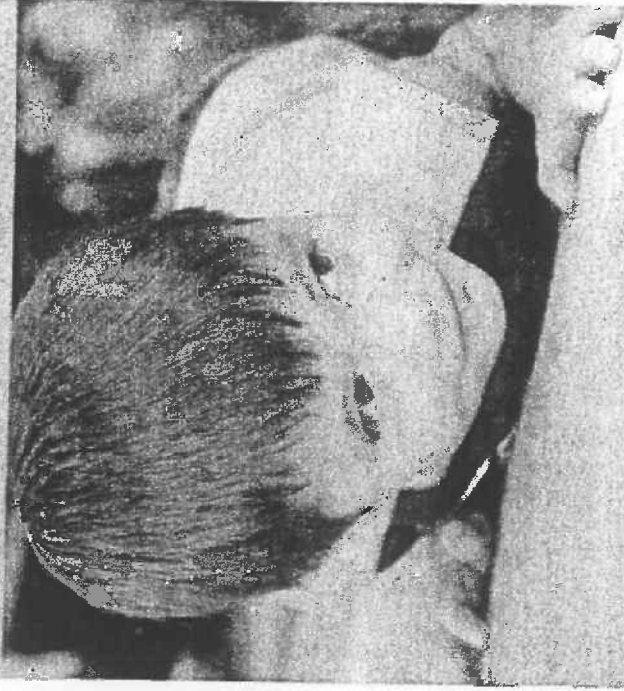


Pounding/Water



Cracks

CANTON TOWNSHIP



IDEAL

Repair & Replacement
PROGRAM

Canton Public Works Division
1150 Canton Center Road
Canton, MI 48103
734/394-5150



In an effort to promote safety in Canton neighborhoods, as well as improve the appearance of the community, Canton has adopted a sidewalk ordinance and program. This brochure is intended to answer some of the most common questions about Canton's sidewalk ordinance and program.

Why are the sidewalks in my subdivision being inspected?

The sidewalks in your subdivision are being inspected to determine if any portion of the sidewalk is in need of replacement. This inspection is being done as part of Sidewalk Code of Ordinances - Chapter 62.

Why does Canton have a sidewalk program?

This program was implemented in an effort to promote safety in Canton neighborhoods, as well as improve the appearance of the community. Sidewalk maintenance is important to both appearance and value. Moreover, it may save a pedestrian from injury and you from an expensive lawsuit.

What happens if the inspector determines that my sidewalk needs to be replaced?

Once your sidewalk is inspected, you will be notified by mail. If any replacements need to be made you will receive a cost estimate letter, along with a Notice of Public Hearing for the necessity of the sidewalk

repairs. If you have any questions or concerns regarding the replacements, please call Canton's Public Works Division.

If the inspector determines that all or portions of the sidewalk in front of your home need to be replaced, there are three options you may choose from to handle the replacements. All sidewalks shall be constructed according to the construction standards established by the sidewalk ordinance and Department policy.

What if the township's utility caused my sidewalk to need replacement?

Canton will assume the responsibility of replacing sidewalks that are damaged due to water or sanitary sewer lead or a water or sanitary structure located

Option #1:
You may hire a licensed contractor to replace the sidewalk. Your contractor will need to submit a request for a Building and Inspection Permit and a Water or Sewer Lead or Sanitary Structure Located

Option #2:
If you choose to replace the sidewalk yourself, you will need to secure a Building and Inspection Permit and a Water or Sewer Lead or Sanitary Structure Located

Option #3:
If you choose to replace the sidewalk, Canton will automatically place the work completed under the township's contract. Canton will obtain the necessary permits. Canton's contractor will replace your sidewalk and you will be billed the cost. If you are unable to pay the bill, a process will be initiated and a lien will be placed on your property. Your lien will be payable over the next 12 months, including annual interest.



within the sidewalk as determined by the utility inspector. These slabs will be marked with a red dot. Any sidewalk damaged as a result of a Wayne County storm sewer structure will be billed to the homeowner.

May I have private work done by the township's contractor?

The contractor may elect to do private work although he is not obligated to do so. With all private work, you and the contractor negotiate the terms, including cost and payment. Proper permits must be obtained from Wayne County and Canton's Building and Inspection Services Division (734/394-5200) prior to construction.

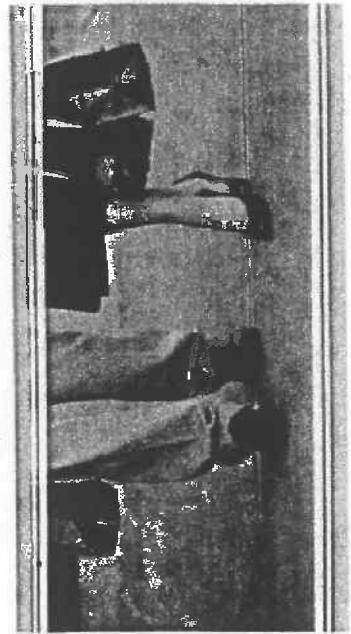
Will Canton remove a tree that is damaging my sidewalk?

For aesthetic and ecological reasons, Canton does not remove trees from the public road right-of-way. Contact Wayne County Forestry at 734/522-7370 to remove the tree.

Will my lawn need to be restored after the work?

Within a short time, it should restore itself. Usually only a few inches of grass adjacent to the defective sidewalk is uprooted. This strip is filled with topsoil and seed after the concrete forms are removed. Sod will not be laid in the interest of keeping repair

(continued on the next page)



The sidewalk will be replaced if one or more of the following conditions exist:

If in any five (5) lineal foot section (flag) of sidewalk more than 50% of the surface has scaled off to a depth of $\frac{1}{4}$ " or greater.

If the concrete settled, allowing water to pond to a depth of $\frac{3}{4}$ " or more.

If a portion of the sidewalk is moved or damaged as a result of a utility repair.

If the sidewalk is undermined or damaged as a result of a Township utility.

The sidewalk will be replaced if one or more of the following conditions exist:

If the sidewalk has a displacement of $\frac{3}{4}$ " or greater between any two sections (flags) of sidewalk at the connecting joint.

If the sidewalk has more than two cracks of $\frac{1}{4}$ " in width or more in any two linear feet of sidewalk.

If the sidewalk has a crack more than $\frac{3}{4}$ " in width

If any section of sidewalk is tilted from the outside edge toward the inside edge. The outside edge being the edge of the sidewalk nearest the street.

SIDEWALK CONSTRUCTION AND REPAIR

Q: Why all the concern over sidewalks?

A: Sidewalks are the avenues and streets of pedestrian traffic. Residents should maintain the sidewalks as best as they can. The Municipality of Mt Lebanon has implemented a Sidewalk Assessment Maintenance Program, to help limit liability and harm to its residents. The process described below reduces the liability of the homeowner. When a repair needs to be made it should be made as soon as possible.

Q: Who is responsible for the sidewalk in front of my house?

A: Property owners are responsible for ensuring that the sidewalk in front of their home is free from hazardous defects and unobstructed. On a regular basis you should use the evaluation criteria listed below to inspect your sidewalk and make provisions to repair any of the hazardous defects.

Q: What section(s) of the Municipal Code addresses sidewalk issues?

A: Chapter 15 – Streets and Sidewalks of the Mt. Lebanon Municipal Code sets forth the guidelines for sidewalk construction, repair and maintenance within the municipality. Whenever the Commission determines that it's proper and necessary that sidewalks should be graded, constructed, paved, curbed, repaved, recurbed or repaired it directs the Manager by resolution to serve written notice upon owners of property abutting public highways requiring them to grade, construct, pave, curb, repave, recurb or repair sidewalks within a 30 day period from the date that a notice is sent to the property owners. If the property owner fails to take action within the time specified on the notice then the municipality will perform the work and bill the property owner for the cost plus a penalty.

Q: Does the Municipality have standards for sidewalk construction?

A: Whenever a sidewalk is constructed along a public roadway in the municipality, either by the owner's voluntary action or directed by the municipality, the sidewalk must be constructed in conformance with plans and specifications approved by the municipal engineer and are subject to his inspection. The specification and details for sidewalks and driveways are listed in Chapter 16, Subdivision and Land Development, of the Municipal Code.

Q: How can I tell if the concrete in my sidewalk is in good condition?

A: By using the evaluation standards listed below you should be able to visually inspect the surface of the sidewalk.

Q: Will Mt. Lebanon remove a municipal tree that is damaging my sidewalk?

A: For esthetic and ecological reasons Mt. Lebanon does not remove municipal trees from the public right-of-way. *Please report sidewalk slabs damaged by municipal tree roots to the Department of Public Works at 412-343-3403.*

Q: Does the municipality have a sidewalk inspection program?

A: In an effort to promote safety in Mt. Lebanon neighborhoods as well as improve the appearance of the community, the municipality has adopted a sidewalk ordinance and annual assessment and root damage sidewalk repair programs. These programs were developed in an effort to promote safety and maintain the neat and uniform appearance of sidewalks throughout the community. The municipality is divided into ten distinct sidewalk inspection zones or regions, and one region is inspected each year. Once every ten years the sidewalks in your neighborhood will be inspected by the Department of Public Works to determine if any portion of the sidewalk is in need of replacement. One of the difficulties a municipality has is to evaluate and prioritize sidewalk replacement. The location of the hazard is important. It is of great benefit to eliminate hazards on high volume sidewalks or a sidewalk close to an area used by senior citizens. This may lead to a decision to eliminate what may seem to be a "minor defect" (vertical displacement less than $\frac{3}{4}$ inch or other minor surface defects) on a heavily used sidewalk in addition to more substantial defects. Trivial defects should be noted, monitored and corrected by homeowners.

During the inspection phase sidewalk hazards will be identified and marked following guidelines prepared by the Public Works Department. We know you take pride in your property and want to preserve its value. Sidewalk maintenance is important to appearance and value. Moreover it may save a pedestrian from injury and you from an expensive lawsuit.

Q: What happens if during inspection you find defective slabs of sidewalk in front of my home?

A: If we find defective sidewalk on your property you will be notified by certified letter informing you that you have a certain period of time in which to replace the damaged sections. There are three options you may choose from to handle the replacements and all sidewalks must be constructed in accordance with construction standards established in the Mt. Lebanon Municipal Code.

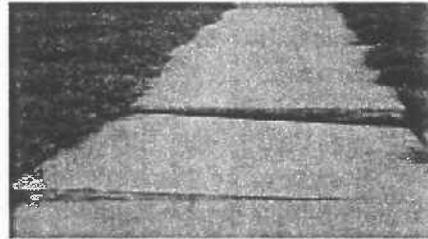
- **Option 1** – you may hire a licensed contractor to replace the sidewalk. Your contractor will need to secure a free sidewalk permit from the Mt. Lebanon Department of Public Works.
- **Option 2** – you may choose to replace the marked sidewalk yourself. You will need to secure a free sidewalk permit from the Mt. Lebanon Department of Public Works prior to commencement of work.

SIDEWALK EVALUATION CRITERIA

The following are the criteria the Municipality of Mt. Lebanon uses to determine if a sidewalk is deficient and in need of replacement. These standards have been reviewed and approved by the Municipal Engineer. If a section of sidewalk meets any of the following criteria it will be marked with a green "X". Sidewalk slabs marked with a green "X" will be the responsibility of the property owner to replace. Sections of sidewalk marked with a green "dot" might be replaced at the Municipality's expense if it is determined that a municipal street tree caused the damage. You should use these standards to conduct a routine evaluation of your sidewalk.

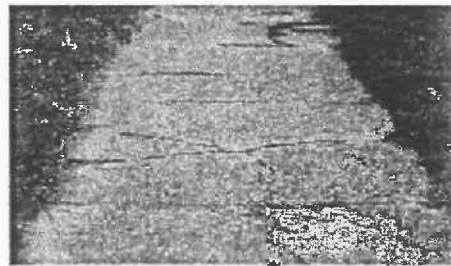
Toe Stub

- A vertical misalignment greater than $\frac{3}{4}$ inch along any part of the seam between two slabs, or between sections of a cracked slab, and deemed hazardous in the inspector's judgment.



Cracked Slabs

- Slabs fragmented by cracks into 2 or more sections and/or where any one of the gaps prohibits the sidewalk from functioning as designed.



Traverse Slope

- Any individual slab or portion of a slab shall not slope either toward the street or the adjoining property at a ratio of more than $\frac{1}{2}$ inch per foot, or deemed hazardous in the inspector's judgment

Longitudinal Slope (Sunken or Raised Sections)

- Any sidewalk panels that have lifted to a peak or sunken such that the slab or portion of a slab deviates from the average line of the sidewalk surface level at a ratio of more than 1 inch per foot or deemed hazardous in the inspector's judgment.

Spalling (Pitted) Slabs

- Slabs whose surface is granular, or if a chunk of the sidewalk surface has broken out, and the result is a hole, and/or deemed hazardous in the inspector's judgment.

Gaps

- Opening in between sidewalk slabs greater than 1 inch width, and/or deemed hazardous in the inspector's judgment.

Other

At times the finish of concrete slabs does not afford pedestrians with adequate traction and it is necessary to remove and replace said slabs. All slabs deemed hazardous by the inspector shall be required to be replaced.

- **Option 3** – the municipality's contractor will complete the work and you will be invoiced for the cost. If the payment is not received by the due date or if you are unable to pay the invoice then it will be placed as a lien on your property and will accrue interest annually.

Note: If you use options 1 or 2 above please be advised that a stiff broom finish is the Municipal approved finish for concrete slabs. Alternative finish types will be considered by the Municipality on a case by case basis prior to construction at the request of the property owner.

Q: Why do I need to replace sections of my sidewalk?

A: An inspector from the Department of Public Works has evaluated your sidewalk using standards approved by the Municipal Engineer and has determined that portions of your sidewalk present a safety hazard and must be replaced. Everybody benefits from safe sidewalks. Reduced injuries from people tripping and falling result in fewer costly claims against property owners. They also increase property values and enhance the quality of life we all enjoy.

Q: May I have private work done by the township's contractor?

A: The contractor may elect to do private work, although he is not obligated to do so. With all private work, you and the contractor negotiate the terms including the cost and payment. Proper permits must be obtained from Mt. Lebanon Department of Public Works prior to construction.

Q: How long before I can walk or drive on the concrete portion of my driveway?

A: You may walk on the concrete 24 hours after it has been poured; however, no vehicles should be placed on the pavement for seven days.

Q: Will my lawn need to be restored after the work?

A: Within a short time it should restore itself. Usually only a few inches of sod adjacent to the defective sidewalk are uprooted. The strip is filled with topsoil and seeded after the concrete forms are removed. No sod will be laid in the interest of keeping repair costs at a minimum. The adjacent grass normally spreads quickly to the edges of the walk.

CITY OF CORVALLIS, OREGON

GUIDELINES FOR PUBLIC SIDEWALK AND DRIVEWAY REPAIRS

These guidelines shall be used to determine when and to what extent public sidewalk driveway approach and alley approach repairs shall be required.

Removal and replacement or repairs shall be required whenever a public sidewalk or driveway approach is in a hazardous or unsafe condition. A hazardous or unsafe condition shall be determined by the limits as set forth in these guidelines in conjunction with the judgement of the City Engineer or designated representative.

DEFINITIONS

- Panel:** A panel is any section defined by joints, or score marks or an approximate square when joints do not exist.
- Driveway Approach:** A driveway approach is that portion of the driveway between the curb and the property line.
- Alley Approach:** An alley approach is that portion of an alley between the curb and property line side of the sidewalk or right-of-way.
- Public:** Any facility within the public right-of-way between the property line and street curb or surfacing.

CONDITIONS REQUIRING REPAIR OR CONSTRUCTION

The following is a listing of the criteria by which a sidewalk is considered hazardous or unsafe and therefore may require removal and replacement or repairs. Removal and replacement or repairs may be required based on any one of the items individually or a combination of the items. These criteria should be used as guidelines with judgement and discretion used in their application.

Removal and Replacement

Removal and replacement of complete panels is required when any of the following conditions exist:

- A vertical separation of more than 1-inch at either a joint or crack.
- A horizontal separation of 1 inch or more at either a joint or crack.
- The cross slope of sidewalks is greater than 3/4" per foot (1:16).
- Water ponds due to insufficient cross slope or misalignment. Removal and replacement shall not be required if the problem is corrected by modifications to

adjacent landscaping or obstructions.

- Severely rough, uneven surface due to scaling or spalling that would cause a tripping hazard.
- Severe cracking resulting in multiple loose or unstable individual pieces within a panel.

Grinding

Grinding is required when any of the following conditions exist:

- A vertical separation between 1/2-inch and 1-inch at the joint. Ground surfaces shall have a maximum slope of 1.5 inches per foot (1:8). Ground surfaces 4 inches or more in width shall be roughened.

OTHER CONDITIONS

Tree Roots

The following alternatives may be used to repair sidewalks affected by adjacent tree roots. Please consult a licensed arborist regarding these options.

- The sidewalk may be rerouted around the offending roots. Rerouting of the sidewalk may require dedication of an easement to the City for the sidewalk.
- The sidewalk may be ramped over the tree roots, provided the longitudinal slope does not exceed 1 inch per foot (1:12).
- The sidewalk may be removed and replaced after the tree roots have been pruned by a licensed arborist.
- Remove tree (permit required from the Parks and Recreation Department) and replace sidewalk. This option should be considered only if other remedies are impractical.

General

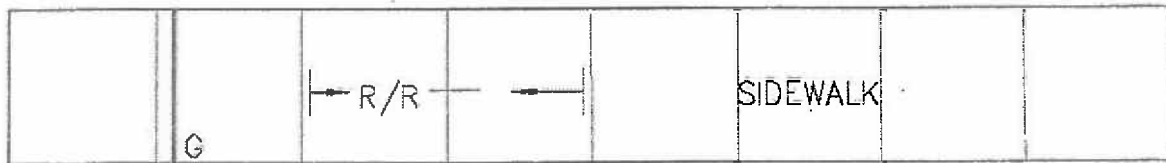
- Gravel or asphaltic concrete driveway and alley approaches shall be replaced with concrete where street curb and sidewalk exist.
- Abandoned or vacated driveway and alley approaches shall be removed and curb and sidewalk constructed across the abandoned section.
- Ambulatory ramps will be installed at all intersections in conjunction with the Safety Sidewalk Program annual repair districts as City funds allow.

- Sidewalks shall be installed to complete gaps and missing sections when other segments of adjacent sidewalks exist between intersections in accordance with Council Policy 7.08.022.

Standard Construction Specifications

- All public sidewalk, driveway approach, alley approach, and ambulatory ramps shall be constructed in accordance with the City's Standard Construction Specifications, latest edition.

Sidewalk Marking Codes




 = Grind panel edge


 = Remove and replace sidewalk panels between "tee" marks

Updated 11/7/05

Ordinance No 90-22Passed September 17, 1990**RECORD OF ORDINANCES****SIDEWALK ORDINANCE**

WHEREAS the Council of the Village of Green Springs, Ohio, finds it necessary to establish standards and specifications for construction, repair or relaying of sidewalks within the Village; and

WHEREAS the Council of the Village of Green Springs, Ohio has recommended certain standards and specification governing the construction, repair or relaying of sidewalks and the Council finds same to be appropriate, fair, necessary and pertinent and said standards and specifications should be put into effect.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GREEN SPRINGS, OHIO:

SECTION 1: DUTY OF ABUTTING OWNER All sidewalks within the Village shall be kept in repair by the owner of the property abutting thereon by constructing, repairing, or relaying of the same, as may be required by the Village.

WORK TO COMPLY WITH VILLAGE SPECIFICATIONS

No person shall construct, replace or repair, or cause to be constructed, replaced or repaired any curb, gutter or sidewalk on any public way within the Village which does not comply with the following specifications or with the rules and regulations established by the Village Street Commissioner.

MATERIAL SPECIFICATIONS

(a) All curbs, gutters and sidewalks shall be constructed, replaced with air entraining cement.

(b) All concrete sidewalks shall be constructed or repaired in accordance with the following specifications and requirements:

1. **CEMENT** - Cement shall be Portland cement, minimum five (5) bag mix, six (6) bag recommended.
2. **JOINT FILLER** - A premolded bituminous expansion joint, one-half of an inch wide by four inches deep, shall be installed where new sidewalk meets the curb or building foundations.
3. **SIDEWALK WIDTH, DEPTH, AND SLOPE** - A sidewalk constructed, replaced or repaired within the area of intersections with driveways for vehicles, except streets and alleys, shall be of cement not less than six (6) inches in thickness. All other sidewalks shall be constructed, replaced or repaired not less than four (4) inches in thickness. A sidewalk in a residential area when repaired, replaced or extended shall be in line and same width as existing sidewalks.

VILLAGE STREET COMMISSIONER-RULES AND REGULATIONS

(a) **Repair or Replacement Criteria** --- The Village Street Commissioner shall use the following criteria in the determination of whether sidewalks shall be repaired or replaced.

1. Cracks

2. Unevenness
3. Water pocketing
4. Stumbling blocks
5. Slipperiness

90-22 Page 2

These criteria shall be used singly or in combination to determine if defects warrant repair or replacement of side walks. .

(b) Laying Concrete

1. Concrete shall be placed on an even, compact subgrade surface that is free of soft, spongy earth, vegetable or other perishable matter.
2. Forms shall be set true to line and grade and well supported so that no shifting, sagging, twisting or bending may occur.
3. If village forms are used, they shall be signed for (deposit made) when picked up. Deposit will be refunded upon return of forms.
Forms shall be coated with approved form oil immediately prior to placing concrete. Forms shall be removed with care so as to cause no damage to the edges of concrete.
4. No concrete shall be placed until the forms have been approved by the Village Street Commissioner as to line and grade, and the other above listed requirements met.
5. All village forms shall be in charge of the Village Street Commissioner.

(c) Finishing - Finishing shall be done with a wood float after screening of the surface at least twice to obtain a uniform surface and then brooming to produce a non-skid surface. The edges of all walks shall be rounded to a one-quarter inch radius with an edging tool at least two inches wide. Transverse joints shall be cut with a jointing tool, or sawed to a minimum of one inch. Transverse lines shall be cut or scored not over four feet apart. The coloring of sidewalks by a permanent paint or coloring powder is prohibited.

1. No concrete shall be laid when the temperature is below thirty-two degrees Fahrenheit without permission of the Village Street Commissioner, and then only pursuant to provisions that he prescribes.
2. Valve boxes that fall within the sidewalk area shall be brought flush with the finished walk surface and protected while construction is in progress. Roof drains shall be extended under the sidewalk and through the curb.

(d) Regulations on File - Copies of these rules and regulations shall be on file in the office of the Clerk of the Village.

NOTICE TO OWNERS AND TIME LIMIT The owners of lots where sidewalks, curbing or gutters are to be constructed or repaired shall be notified in accordance with the statutes of the state relative thereto and in accordance with the following procedure:

- a) Council shall request an inspection

- b) Council shall pass a resolution determining the necessity to proceed with the notifications of owners.
- c) Notices shall be sent, by registered mail, to owners, to repair, or replace in not more than sixty (60) days, or Proof of Intent.
- d) If the notice is returned, or an owner cannot be located, then Public Notice shall be given in the newspaper.
- e) If a property owner does not construct or replace, the Village shall proceed with the work or hire a contractor.
- (f) The cost of the construction shall then be assessed to the property owner.

Page 3 90-22

FAILURE OF OWNER TO CONSTRUCT, REMEDY OF VILLAGE

Upon failure of the owner of any property to cause sidewalks, curbing or gutters to be constructed within the time mentioned in above line (c), the Mayor is authorized and directed to cause such sidewalks, curbing or gutters to be constructed and to assess the entire cost of the same against such property and cause the same to become a lien thereon, to be collected in such manner as may be provided by State law, the Codified Ordinances or other Village Ordinances. She/he is hereby authorized and directed to contract for such work with the lowest and best bidder, after advertisement according to law. She/he may, at her/his discretion, let the entire job in one contract, or in several contracts, to cover each of the separate streets.

RAMPS REQUIRED - Whenever a sidewalk at an intersection is to be constructed or replaced by the Village or by the individual, ramps for the handicapped and elderly shall be constructed in a uniform manner set up by Village specifications or the Street Commissioner.

PENALTY - Whoever violates or fails to comply with any of the provisions of this chapter shall be fined not more than fifty dollars (\$50.00). This section shall not apply when the Village proceeds with an action as provided. (Please refer to paragraph on Failure of Owner to Construct: Remedy of Village).

SECTION 2

CONSTRUCTION OF NEW SIDEWALKS

- (a) Location and line to be established by the Street Commissioner
- (b) To be of width no less than 48 inches.
- (c) To be installed of same criteria as SECTION 1.

SECTION 3

It is found and determined that all formal actions of this Council concerning and relating to the adoption this ordinance were adopted in an

open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meeting open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

ADOPT: AYE 6
 NAY 0

Passed September 17, 1990

Beverly J. Gilbert
CLERK

Fred Audritsh
MAYOR

Signatures are on file on original ordinance.

12.16.010

Chapter 12.16**SIDEWALK REPAIR,
MAINTENANCE OR
REPLACEMENT****Sections:**

- 12.16.010 Sidewalk defined.
- 12.16.020 Purpose.
- 12.16.030 Applicability.
- 12.16.040 Maintenance responsibility.
- 12.16.050 Notice to repair— Issuance.
- 12.16.060 Notice to repair— Service.
- 12.16.070 Notice to repair— Posting of copy.
- 12.16.080 Notice to repair— Specifications.
- 12.16.090 Repair by city.
- 12.16.100 Repair by contract— Bidding.
- 12.16.110 Repair by owner.
- 12.16.120 Work specifications.
- 12.16.130 Cost of repair— Accounting.
- 12.16.140 Cost or repair—Notice to owner.
- 12.16.150 Cost of repair—Report to council.
- 12.16.160 Hearing.
- 12.16.170 Assessment of costs— Lien.
- 12.16.180 Collection of costs.
- 12.16.190 Refund.
- 12.16.200 Size of work.
- 12.16.210 Permit required for work on public streets.
- 12.16.220 Approval of work requiring permit.

12.16.230 Permit specifications.**12.16.240 Violation—Penalty.****12.16.010 Sidewalk defined.**

As used in this chapter, "sidewalk" means and includes in addition to its normal meaning a park or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or of any such park or parking strip. (Ord. 169 § 1, 1965)

12.16.020 Purpose.

The provisions of this chapter constitute a separate and alternate procedure for performing the works specified in this chapter and are not intended to exclude the continued use of the Improvement Act of 1911 for the repair of sidewalks. The purpose set forth in this chapter is to permit sidewalk repair work under certain conditions of convenience and cost to be done by private contractors and to thus expedite the repair of sidewalks in the city. (Ord. 169 § 3, 1965)

12.16.030 Applicability.

The provisions of this chapter shall only apply to maintenance, replacement and repair proceedings and shall not be used for the construction of new non- replacement improvements. "The Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to proceedings taken under this chapter. (Ord. 169 § 2, 1965)

12.16.040

12.16.040 Maintenance responsibility.

The owners of lots or, portions of lots fronting on any portion of a public street or place where the street or place is improved, or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property, and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along or in connection with such sidewalk by any person other than the owner, under any virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under alike duty in relation thereto. (Ord. 169 § 4, 1965)

12.16.050 Notice to repair—Issuance.

When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk. (Ord. 169 § 5, 1965)

12.16.060 Notice to repair—Service.

Notice to repair may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the sidewalks so out of

repair, or by mailing a postal card, postage prepaid, to the person in possession of such property, or to the owner thereof at his last known address as the same appears on the last equalized assessment rolls of such city or to the name and address of the person owning such property as shown in the records of the office of the clerk. (Ord. 169 § 6, 1965)

12.16.070 Notice to repair—Posting of copy.

The postal card shall contain a notice to repair the sidewalk so out of repair, and the superintendent of streets shall, immediately upon the mailing of the notice, cause a copy thereof printed on a card of not less than eight inches by ten inches in size, to be posted in a conspicuous place on the property. (Ord. 169 § 7, 1965)

12.16.080 Notice to repair—Specifications.

The notice shall particularly specify what work is required to be done, and how it is to be done, and what materials shall be used in the repair and shall further specify that if the repair is not commenced within ten days after notice is given and diligently and without interruption prosecuted to completion, the superintendent of streets shall make such repair or shall request the city council to enter into a contract to have such repair made, and the cost of the same shall be a lien on the property. (Ord. 169 § 8, 1965)

12.16.090 Repair by city.

If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent

12.16.090

of streets shall forthwith repair the sidewalk in any one city block in which the amount of sidewalk to be repaired is less than two hundred square feet. If the amount of sidewalk to be repaired in any one city block exceeds two hundred square feet the superintendent of streets shall either repair the side walk or request in writing the city council to enter into a contract to cause the side walk to be repaired. The term "block" means one running block of one direction and not a square block of four directions. The superintendent of streets shall decide on the amount of sidewalk to be repaired in any one block. (Ord. 169 § 9, 1965)

12.16.100 Repair by contract—Bidding.

In the event that the city council shall determine to enter into a contract to cause the sidewalk to be repaired, the city council shall take the necessary steps as required by law for the inviting and securing of sealed proposals or bids for the doing of the work, and thereafter shall award the contract to the lowest and best regular responsible bidder; provided, that the council may reject any and all bids, and in that event, or in the event that no bids are made, may readvertise for bids or provide for the work to be done by city forces. (Ord. 169 § 10, 1965)

12.16.110 Repair by owner.

Any property owner shall have the right to have his sidewalk repaired at his own expense, provided the work is substantially completed within five days after the publication of notice calling for bids in reference to the repair of his sidewalk as provided in this section, and to the satisfaction

of the superintendent of streets. In such event the sum due the contractor who shall perform the work for the city shall be reduced on a pro rata basis according to his per square foot bid. If five days has elapsed after the publication of a notice calling for bids, the property owner shall not have the right to repair his sidewalk for a period of ninety days unless written permission therefor is given by the superintendent of streets. (Ord. 169 § 11, 1965)

12.16.120 Work specifications.

The work for improvement must, in all cases, be done under the direction and to the satisfaction of the superintendent of streets, and all materials used shall comply with the specifications and be to the satisfaction of the superintendent of streets. (Ord. 169 § 12, 1965)

12.16.130 Cost of repair—Accounting.

In the event that the sidewalk repair is made by the city, the superintendent of streets shall keep an account of the costs of repairing the sidewalk in front of or on each separate lot or parcel of land where the work is done by him or his deputies. To this he shall add the incidental expenses and properly prorate these expenses over the separate lots. In the event that the sidewalk repair is made by a contractor with the city he shall keep an account of costs of repairing the sidewalk in front of or on each separate lot or parcel of land where the work is done and shall render three copies of this account to the superintendent of streets who shall investigate

12.16.130

and approve the same. The superintendent of streets shall furnish the contractor with a description or map of the lots. To this the superintendent of streets shall add the incidental expenses and properly prorate these expenses over each lot, which the incidental expenses shall include the expenses and costs of the city in preparation of specifications, contracts and notices and in inspecting the work and the cost of printing and advertising which may be required therefor. (Ord. 169 § 13, 1965)

12.16.140 Cost or repair—Notice to owner.

Upon the completion of the repair the superintendent of streets shall compute the costs and incidental expenses attributable to each lot or parcel of land from his records and the accounts of the contractor or contractors, and he shall then cause notice of the cost of repair and incidental expenses to be given in the manner specified in this chapter for the giving of notice to repair to the property owner, which notice shall specify the day, hour and place where the city council will hear and pass upon a report by the superintendent of streets of the cost of the repair, together with any objections or protests, if any, thereto which may be raised by any property owner liable to be assessed for the cost of such repair and any other interested persons. (Ord. 169 § 14, 1965)

12.16.150 Cost of repair—Report to council.

Upon the completion of the repair, the superintendent of streets shall prepare and file with the city council a report specifying the

repairs which have been made, the cost of the repairs and incidental expenses, a description of the real property in front of which the repairs have been made and the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repairs to any number of parcels of property, whether contiguous to each other or not. (Ord. 169 § 15, 1965)

12.16.160 Hearing.

Upon the day and hour fixed for the hearing the city council shall hear and pass upon the report of the superintendent of streets, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the work of making such repair and any other interested persons. Thereupon the city council may make such revision, correction or modifications in the report as it may deem just, after which, by motion or resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The city council may adjourn the hearings from time to time for a period not to exceed thirty days. The decision of the city council on all protests and objections which may be made, shall be final and conclusive. (Ord. 169 § 16, 1965)

12.16.170 Assessment of costs Lien.

The cost of the repair and incidental expenses may be assessed by the city council against the parcel of property fronting upon the sidewalk upon which such repair was made, and such cost so assessed, if not paid within ten days after its confirmation by the city council, shall constitute a special

12.16.170

assessment against that parcel of property, and shall be a lien on the property for the amount thereof which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record. (Ord. 169 § 17, 1965)

12.16.180 Collection of costs.

Five days after confirmation of the report a copy shall be turned over to the assessor and the tax collector of the city, whereupon it shall be the duty of the officer to add the amounts of the respective lots and parcels of land for municipal purposes; and thereafter the amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures under foreclosure and sale in case of delinquency, as provided for ordinary municipal taxes. (Ord. 169 § 18 1965)

12.16.190 Refund.

All or any portion of the special assessment herein mentioned shall be canceled, or if collected, be refunded by the city on order of the city council. If the council finds and determines that such special assessment and/or penalty or costs were entered, charged or paid more than once, through clerical error, or illegally, no order for cancellation or a refund under this section shall be made except upon a claim verified by the person against whose property the special assessment was levied and which was paid by him, or by his guardian or executor or administrator, and filed within one year after

the date of confirmation of the assessment. (Ord. 169 § 19, 1965)

12.16.200 Size of work.

The provisions of this chapter shall be applicable only to sidewalk and driveway work of less than two thousand five hundred square feet and curb and gutter work of less than five hundred linear feet. Work of greater magnitude shall not be governed by the provisions of this chapter. (Ord. 169 § 20, 1965)

12.16.210 Permit required for work on public streets.

No person, company or corporation shall construct or repair or cause to be constructed or repaired by private contract any sidewalk, driveway, curb or gutter or any public street or streets, or portion of any public street, within the city, without first having had and obtained a permit in writing to do the work. The permit shall be on a form provided by the city clerk. The permit shall be obtained by the property owner, contractor or person under whose supervision the work will be done. The permittee shall be held responsible for the work. The applicant for the permit shall furnish written evidence of the consent of the property owner or his agent. (Ord. 169 § 21, 1965)

12.16.220 Approval of work requiring permit.

All work covered by a permit must be constructed and laid down subject to the approval of the city engineer or his designated

12.16.220

representative and he shall have the authority to prescribe the quality of the material used therein and the manner in which the work shall be done. All work shall, be done in accordance with specifications approved by the city engineer, and to the line, grade and width approved by the city engineer. (Ord. 169 § 22, 1965)

12.16.230 Permit specifications.

The permit shall specify the number of working days within which the work shall be completed. The work shall be commenced

within thirty days of the granting of the permit and be prosecuted with diligence to completion. (Ord. 169 § 23, 1965)

12.16.240 Violation—Penalty.

Any person, company or corporation who violates any provisions of this chapter or fails to comply with any of the regulatory requirements thereof, shall be deemed guilty of a misdemeanor and punishable as provided in Chapter 1.08 of this code. (Ord. 169 § 24, 1965)

Louisville City Ordinances About Sidewalks

Thu, 03/06/2008 - 22:34 -- Tim Darst

§ 71.04 VEHICLES CROSSING SIDEWALKS.

(A) It shall be unlawful for the operator of any vehicle to drive within any sidewalk space except at a permanent or temporary driveway or by special permit from the director of department of public works.

(B) It shall be unlawful for the operator of any vehicle to drive the vehicle out of any alley, driveway, building, or lot and across a sidewalk, or its extension across the alley, unless the vehicle has been brought to a complete stop immediately prior to crossing the sidewalk or its extension. On entering the roadway from the alley, driveway, or building the operator shall yield the right-of-way to all vehicles approaching on the roadway. The operator of any vehicle intending to cross a sidewalk and turn into an alley from the roadway may do so at low speed and with caution.

(1999 Lou. Code, § 71.13) (Lou. Ord. No. 0056-2001, 1, approved 4-27-2001) Penalty, see § 71.05

§ 71.05 PENALTY.

(A) Any person who violates § 71.01 of this ordinance shall be fined not less than \$25 nor more than \$100.

(B) Any person, owner, or operator of any such vehicle who violates any of the provisions of §§ 71.02, 71.03, and/or § 71.04 of this ordinance shall be fined not less than \$25 nor more than \$250 for each offense.

(1994 Jeff. Code, § 71.02) (Jeff. Ord. 12-1992, adopted and effective 9-22-1992)

§ 71.26 RULES AND REGULATIONS.

No operator of any moped shall drive the vehicle upon any sidewalk within the geographical boundaries of Jefferson County.

§ 74.01 OPERATION OF BICYCLES.

(A) No person 11 years of age or older shall operate a bicycle on the sidewalks of Jefferson County. Provided, however, no person, regardless of age, shall operate a bicycle on the sidewalks of Jefferson County within the Central Business District.

(B) No person shall operate a bicycle on any section of a public park, playground, play lot, or tot lot, except on a roadway or in a parking area.

(C) No operator of any bicycle shall carry another person on such bicycle.

(1999 Lou. Code, § 74.01) (Lou. Ord. No. 85-1961, approved 4-27-1961; Lou. Am. Ord. No. 79-1992, approved 5-12-1992) Penalty, see § 74.99

§ 97.075 VEHICULAR OBSTRUCTIONS.

(A) It shall be unlawful for any person to leave any vehicle or any other thing that may be a nuisance, obstruction, or hindrance in or on any street, alley, or sidewalk within Jefferson County, either during the day or night.

(B) It shall be unlawful for any person to place or maintain any vehicle of any kind on or over any sidewalk or any part of any sidewalk.

(C) It shall be unlawful to remove any wrecked vehicle without removing broken glass or debris from the roadway.

(D) It shall be unlawful for any automobile repair shop, tire shop, accessory store, filling station, or any other establishment to use any part of any street for the storage, repair, adjustment, or equipment of vehicles and accessories therefore.

(1999 Lou. Code, § 94.06) Penalty, see § 97.999

§ 97.112 REPAIR OF SIDEWALKS.

(A) The owners of property abutting sidewalks in Jefferson County are required to repair that part of the sidewalk adjoining property respectively belonging to them at their own expense by repairing any holes, uneven surface, and other defective places therein, by using like materials to that of which the sidewalk is constructed within ten days after receiving notice in writing from the Department of Public Works to do so. The Department of Public Works may grant a waiver if like materials cannot be found or if materials used in a sidewalk would make it difficult for an individual with a medical condition to obtain access to the property abutting the sidewalk. Such waiver shall only be granted after review and recommendation by the Urban Design Department staff of the Louisville Development Authority. This section shall not waive or affect the right of the Metro Government or Department of Public Works to order the reconstruction of any such sidewalk if it is found proper to do so.

(B) It shall be the duty of the Department of Public Works as soon as it ascertains the existence of defects in the sidewalks of Jefferson County to forthwith notify, in writing, the owners of the property abutting that part of the sidewalk which is found to be defective, to repair it at their own expense with like materials to that of which the sidewalk is constructed unless a waiver is granted pursuant to subsection (A), within a period of ten days after the delivery of the notice. In the event the owner fails to make such repairs, the Director of Public Works is authorized to have the necessary repairs made with like materials to that which the sidewalk is constructed and to assess the cost of repair to the abutting owner and notify him of the assessment in writing. In the event the owner fails to remit the costs as assessed within 30 days of the notice as given above, the Director of Public Works shall take the necessary steps to place a lien against the abutting property owner in the office of the Jefferson County Clerk, in the amount of the unpaid assessment.

(1999 Lou. Code, § 94.27) (Lou. Ord. No. 15-1966, approved 2-9-1966; Lou. Am. Ord. No. 28-1998, effective 3-15-1998) Penalty, see § 97.999

§ 97.113 SNOW REMOVAL.

(A) It shall be the duty of all persons and corporations owning or occupying property abutting a public street in Jefferson County, except property that is occupied or used as single-family dwellings, to remove within 24 hours thereafter such snow as may fall on the sidewalks in front of the property. Where the property is unimproved or unoccupied this duty shall devolve on the owner or the agent for the property. Where property is occupied by others than owners thereof, this duty shall devolve on the owner or the tenants and either may be proceeded against for the violation.

(B) Snow when removed from the sidewalk shall be placed either on private property or in the public driveway at a distance not less than 12 inches from the curbing of the sidewalk. However, in no event shall the snow be so placed as to obstruct the free passage of water in the gutter or in the direction of any sewer or catch basin.

(1999 Lou. Code, § 94.28) (Lou. Ord. No. 15-1970, approved 2-12-1970) Penalty, see § 97.999

Services Committee Items

09.28.2010

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Itinerant Merchant	Henson	9-28-10	
Lobbyist Registration Amendment to Ethics Act	Lawless	9-21-10	
Residential Parking Permits	Lawless	9-21-10	
Sidewalk Specifications	Feigel	9-21-10	
Erecting Large Utility Poles on ROW	Martin	6-29-10	Sept 10
Golf Operations Enterprise Fund	McChord	6-22-10	Fall
Street Cleaning On Street Parking Restrictions	Lawless	6-15-10	Sept 10
Gypsy Taxicabs	Myers	6-13-10	
Re-Paving List	Lawless	4-6-10	Sept 10
Emergency Snow Plan	James	2-23-10	Aug 10
Graffiti Removal	Feigel	1-19-10	Task Force to be Formed

<u>Item (cont)</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Snow Plan	Myers	1-12-10	Aug 10
Review Leaf Collection Program	Henson	1-12-10	
West Main/Vine Street Pedestrian Safety	Lawless	9-29-09	
Loading & Unloading Zones in Downtown	James	8-18-09	Nov 09
Private Solid Waste Providers	Gorton	2-13-09	Working Group To Be Formed
Horse Cruelty	Beard	8-6-09	
Employee Automobile Usage and Reimbursement	Blues	5-13-08	General Services Update