

ORDINANCE 2006-17

2nd + 3rd Mike P
7/3/06 Reading Sol.
Price Sol.

AN ORDINANCE REQUIRING THOSE WHOSE DUTY IT IS AND/OR THOSE WHO DESIRE TO CONSTRUCT OR RECONSTRUCT SIDEWALKS TO FIRST OBTAIN A PERMIT TO CONSTRUCT SAME IN ACCORDANCE WITH GENERAL PLANS, SPECIFICATIONS, RULES AND REGULATIONS GOVERNING THE CONSTRUCTION OF ALL SIDEWALKS PROVIDED BY COUNCIL, AND PROVIDING FOR INSPECTION ALONG RIGHTS OF WAYS WITHIN THE CORPORATE LIMITS OF VILLAGE OF ARLINGTON AS TO NEED OF CONSTRUCTION, REPAIR OR REPLACEMENT OF SIDEWALKS; PROVIDING FOR A REPORT TO COUNCIL; AND PROVIDING FOR WRITTEN NOTICE TO ABUTTING OWNER(S), OR AGENT ORDERING CONSTRUCTION, REPAIR OR REPLACEMENT OF SIDEWALK; AND IN EVENT OF NONCOMPLIANCE PROVIDING THAT THE COST AND EXPENSE INCURRED IN CONSTRUCTION AND REPAIR SHALL BE ASSESSED UPON AND COLLECTED FROM THE LOT OR LAND BOUNDING AND ABUTTING UPON THE IMPROVEMENT IN THE MANNER PROVIDED BY LAW.

BE IT ORDAINED by the Village of Arlington, State of Ohio, two-thirds (2/3) of all members elected thereto concurring:

Section 1: That all sidewalks hereafter constructed within the Village of Arlington, Ohio, shall be constructed under the supervision of the Council of the Village of Arlington, Ohio.

Section 2: No sidewalk shall be constructed in this village until the person whose duty it is to construct the same, or who shall desire to do so, shall have applied for and obtained a permit from the Council evidenced by the signature of the Mayor; nor until Council shall inspected and approved the grade and line staking to be at the expense of said abutting property owner, and thereafter such sidewalk shall be made and constructed under the supervision and control and to the satisfaction of the Council. This section shall apply except in cases where abutting property owner fails to comply with written notice and order to construct, repair or replace sidewalk, in which case of involuntary action other provisions of this ordinance shall apply.

Section 3: Subgrade excavation shall be made to the required sidewalk thickness plus an additional two inches (minimum) to accommodate a compacted aggregate base meeting ODOT Item 411 (6" or 8" total). Tree roots shall be removed to a depth of 12" below the top of the proposed forms. Soft or organic subgrade soil shall be removed and replaced with compacted aggregate placed in lifts not to exceed four inches in depth. Wood or metal forms shall extend for the full depth of the concrete and be of sufficient strength to resist the pressure of the concrete without springing. The subgrade shall be moistened thoroughly immediately prior to placing concrete.

Section 4: All sidewalks shall be constructed of Portland Cement Concrete meeting ODOT Item No. 499; Class "C" mix specifications (6 bag mix with 8% air entrainment). Reinforcing steel mesh shall be installed one inch above the prepared subgrade at all driveway and utility crossings (6x6 W4xW4 minimum). Expansion joints and approved filler

material a minimum of one-half inch wide shall be constructed a maximum of every 25 lineal feet and along the entire length of any building, fixture or abutting sidewalk or structure. Concrete shall be deposited in a single layer, struck off with a template and smoothed with a float. Outside edges shall be finished with an edging tool, and surfaces shall have a light broom finish perpendicular to the length of the walk. The walk shall be cured for a minimum of forty-eight hours after pouring utilizing either wet burlap or a chemical curing agent. If a curing agent is utilized it shall meet ODOT specification 705.07 and be applied at a rate of not less than one gallon per 200 square feet immediately after the free water has disappeared from the surface of the sidewalk. . The walk shall be constructed with tooled contraction joints a evenly spaced to divide the walk into 4' squares. The contraction joint shall be a minimum of one quarter of the depth of the slab (1" for 4" thick walk).

All sidewalks shall be in accordance with the general plans and specifications, rules and regulations for the construction of sidewalks and to the satisfaction of the Council of the Village of Arlington.

Section 5: All sidewalks shall be constructed a minimum width of 48 inches unless otherwise provided, and all sidewalks on any particular street or public place shall be of uniform width throughout and conform to ad joining sidewalks, and must be a minimum of at least 4 inches thick, with a minimum of 6 inches thick at driveway crossings. Wheelchair ramps shall be constructed at all intersections so that the sidewalk and street blend to a common level. Any and all wheelchair ramps constructed shall meet current American with Disabilities Act (ADA) construction standards.

It shall be the duty of the Street Commissioner to make at least two inspections on all sidewalk repairs and construction. One inspection shall be made before the concrete is poured.

Section 6: It shall be the duty of the Street and Alley Committee to inspect all sidewalks of the Village, and report to Council the need of construction, repair or replacement of sidewalks. The Council by motion or resolution may then direct the Mayor or Clerk on its behalf to notify in writing the owner or agent of the owner of the property abutting on any sidewalk which should be constructed or repaired to construct or repair the same within 60 days after the service of such notice.

Section 7: Nuisance conditions are prohibited. The owners and/or occupants or any person having the care of any building, lot or land in the Village shall keep the entire width of any abutting sidewalk free of filth, mud, dirt, snow and ice, merchandise, portable signs, rubbish, impediment or obstruction that may damage property of another or injure any person traveling along or upon such sidewalk.

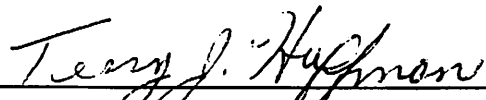
Section 8: Upon failure of owner to construct or repair sidewalk within the required time, Council may by motion or resolution order the construction or repair of sidewalk and the entire cost and expense incurred in said construction or repair by resolution shall be assessed upon and collected from the lot or land bounding and abutting upon the improvement in the manner provided by law. The owner of the abutting property upon which such assessments shall be made shall pay the same in cash within thirty days from and after the levy of the assessment, and if not paid within said thirty days then it shall be

paid with interest at the rate which would have to be paid by the Village to borrow funds to make the improvement and not to exceed five annual installments, and shall by the Clerk of Council be certified to the County Auditor of Hancock County, Ohio, to be placed on the tax duplicate and collected with penalty and interest according to law in the same manner as other taxes are collected. Sidewalks replaced by the Village under this section shall not be eligible for any village cost sharing or village financial assistance programs.


Section 9: Any person or persons violating in any way any section, part of section, or any requirement or provision of this ordinance shall be guilty of a minor misdemeanor, and on conviction thereof, shall be fined not more than \$100.00 for each offense plus all costs of prosecution.

Section 10: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the Village of Arlington and for the further reason it is immediately necessary to enact said sidewalk ordinance prior to the construction season.

WHEREFORE, this Ordinance shall take effect and be in force from and after its passage and approval by the Mayor.

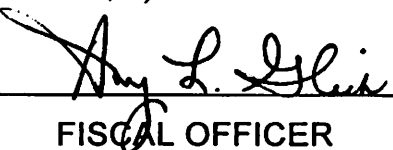


PRESIDENT OF COUNCIL



MAYOR

PASSED 7/3/06

ATTEST 

FISCAL OFFICER

APPROVED _____