

## JEFFERSON TOWNSHIP SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE POLICY

### PURPOSE:

This policy is intended to provide Jefferson Township ("Township") with a consistent procedure for evaluating the need for the construction, repair and/or maintenance of sidewalks located within the public right-of-way of Township roads outside of municipal corporations. It has been formulated to act as a benchmark for the Board of Township Trustees in their exercise of the authority granted in R.C. 5543.10.

**(A) DEFINITIONS:** For purposes of this Sidewalk Construction, Repair and Maintenance Policy, the following definitions shall apply:

(1) "Abutting property owner" means an individual or entity indicated on the most recent tax records of the Franklin County Auditor's office as an owner, in whole or in part, whose property frontage confronts, is adjacent to or abuts a sidewalk.

(2) "Block" or "blocks" means approximately equally spaced, generally rectangular, blocks on the surface of a sidewalk area, formed by saw cut joints or tooled joints in the concrete (control/contraction joints) and/or by expansion joints.

(3) "Multi-purpose path" means a hard surfaced portion of the public right-of-way, or of land over which the Township has ownership or easement rights, for the shared recreational use of bicyclists and pedestrians, and designated by the Board of Township Trustees as a part of the Township recreational pathway system.

(4) "Recreational pathway system" means the system of multi-purpose paths established by the Township for the recreational use of bicyclists and pedestrians, as designated by the Board of Township Trustees.

(5) "Sidewalk" means a hard surfaced portion of the public right-of-way for pedestrian use which lies outside the curb lines (or integral with the curb) or edge of pavement of the roadway.

**(B) INITIATION OF INSPECTION:** The Township Service Superintendent, or their designee, will inspect a sidewalk for the purpose of determining the possible need for construction, repair or maintenance upon the occurrence of any of the following:

(1) Receipt by the Township Service Superintendent of a notice from an abutting property owner that their sidewalk is believed to violate one or more of the below listed inspection criteria and requesting it to be inspected for such purpose.

(2) Receipt by the Township Service Superintendent of a complaint from the public concerning the condition of a sidewalk and alleging its condition to be in violation of one or more of the below listed inspection criteria.

(3) Receipt by the Township Service Superintendent of a report from an employee of the Township concerning a sidewalk and alleging its condition to be in violation of one or more of the below listed inspection criteria.

**(C) INSPECTION; CRITERIA:** Upon occurrence of an event initiating inspection, the Township Service Superintendent, or their designee, shall examine the affected sidewalk for the following in determining whether the construction, repair or maintenance of the sidewalk is necessary. Where the construction, repair or maintenance requires the disturbance of the driveway within the sidewalk easement, consideration of the necessity for the repair or reconstruction of the driveway within the easement shall be included in the determination.

- (1) The difference in elevation between two slabs at a formed or random joint or crack is one half inch (1/2") or greater;
- (2) Where a portion of the sidewalk is missing;
- (3) If the sidewalk has a crack one half inch (1/2") in width or greater;
- (4) Where a block has buckled, within the limits of the block, to a height which exceeds one half inch (1/2") or greater;
- (5) Where a block has settled, within the limits of the block, to a depth which exceeds one half inch (1/2") or greater;
- (6) Where a slab has pitted, spalled, scalled or deteriorated twenty-five percent (25%) or more of its surface;
- (7) Where a slab has disintegrated or shattered;
- (8) Where a slab rocks or moves under the weight of a pedestrian; or
- (9) Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons resembling an alligator skin.
- 10) If the sidewalk has more than two (2) cracks of one-quarter inch (1/4") in width or more in any two (2) linear feet of sidewalk sections.
- 11) Where blocks were constructed or repaired without approval or inspection by the Township Service Superintendent or their designated representative, unless such official determines such construction or repair to be in satisfactory condition and in accordance with the standards and specifications for such construction, repairs or maintenance adopted by the Township.

**(D) REPORT TO TRUSTEES:** Following completion of the inspection, the Township Service Superintendent shall report the findings of the same, together with their recommendation, to the Board of Township Trustees. Upon receiving such report, the Board of Township Trustees shall, by unanimous vote, determine whether further action is warranted and, if action is found necessary, whether it should consist of the construction, repair or maintenance of the sidewalk. Where construction, repair or maintenance requires the disturbance of the driveway within the sidewalk easement, the Board may also order the repair or reconstruction of the driveway within the easement.

**(E) NOTIFICATION TO ABUTTING PROPERTY OWNERS; REPAIR PERIOD:** In the event that the Board of Township Trustees, upon receiving the report of the Township Service Superintendent, determines that further action is warranted, the following procedure will be implemented:

- (1) The Township will notify the abutting property owner(s) of the mandatory construction, repair or maintenance required for sidewalks and/or driveways located upon or contiguous with their property; and the ability and authority of the Township to proceed if the property owner(s) fail(s) to act. The notice shall be directed, by Certified United States Mail, with return receipt requested, to the address of the abutting property owner(s) as shown on the most recent tax records of the Franklin County Auditor's office.

(2) The abutting property owner(s) will also be provided a copy of the relevant standards and specifications adopted and established by the Board of Township Trustees which pertain to the necessary work. Additionally, the abutting property owner(s) will be directed to obtain an Application for Right-of-Way Excavation Permit from Jefferson Township for administrative approval and inspection.

(3) The abutting property owner(s) will be given a period of one hundred and twenty (120) days within which to complete the mandatory construction, repair and/or maintenance, after which time the Township may proceed to accomplish the work pursuant to R.C. 5543.10. An extension of the time within which the abutting property owner(s) must complete the work may be granted by the Township upon determination that the extension is necessary due to inclement weather and/or other unforeseen circumstances.

**(F) PROCEEDING IF PROPERTY OWNER FAILS TO ACT:** If an abutting property owner fails to complete, within the period allotted or any extension thereof, the mandatory construction, repair or maintenance of which they are given notice, the Township may proceed pursuant to R.C. 5543.10 in the following manner:

(1) The Board of Township Trustees will pass a resolution and cause a notice to be given, by publication for three successive weeks in a newspaper of general circulation within the county or as provided in R.C. 7.16, stating their intention to construct, repair or maintain the specified improvements and fixing a date for hearing on them. The notice may also indicate whether the Board will consider the advisability of assessing the cost of construction, repair or maintenance against the abutting property owners at the hearing.

(2) Following the hearing, the Board of Township Trustees may, by unanimous vote, order the construction, repair or maintenance, and determine whether to assess none, all or a part of the cost against the abutting property owner.

(3) After the estimated cost of the work under the overall sidewalk contract of the Township has been received, the Township will fix a date for making allocation and assessment of such cost, and for determining whether assessments shall be paid in one or more installments.

(4) Notice to all abutting property owners of this date shall be given by two publications in a newspaper of general circulation in the county or as provided in R.C. 7.16. Such publication shall be made at least ten days prior to the date fixed in the notice for making such assessments. The notice will state the date, time and place when the abutting property owner(s) will be given an opportunity to be heard with reference to the assessments.

(5) On such date, the abutting property owner(s) shall have an opportunity to be heard, after which time the Board of Township Trustees shall proceed to determine any assessment in proportion to benefits accruing to each respective abutting owner's property and whether the assessments shall be paid in one or more installments. Upon certification of the final costs, the Township Fiscal Officer shall certify the same to the Franklin County Auditor.

**(G) STANDARDS; MATERIALS; INSPECTION:**

(1) All construction, repair, and maintenance of sidewalks shall require a Right-of-Way Excavation Permit from Jefferson Township and all inspections associated with that Permit. Work performed without such coordination and inspection shall be subject to further construction, repair or maintenance. All construction, repair or maintenance of sidewalks by abutting property owner(s) shall be to the satisfaction of Township Service Superintendent or designated representative

(2) All construction, repair or maintenance of sidewalks shall be in accordance with the following standards and specifications:

a) Concrete sidewalk standards and specifications shall be in accordance with the most current edition of the State of Ohio, Department of Transportation, Construction and Material Specifications (ODOT CMS), Items 608.01, 608.02, 608.03, 608.08 and 608.09, except as follows (all item numbers refer to the ODOT CMS):

i) An aggregate base of 4 inches (thickness) of compacted size No. 57 or 67 stones (or equivalent approved by Township Service Superintendent or designated representative) shall be placed on top of the prepared subgrade prior to placing concrete for the sidewalk. The subgrade shall be shaped and uniformly compacted to meet the requirements of Item 203 or as ordered by Township Service Superintendent or designated representative;

ii) The finished surface of the sidewalk shall be float-finished, or broom-finished, perpendicular to the direction of travel path, to obtain a sandy texture -decorative patterns on the finished surface are prohibited;

iii) Sidewalks shall consist of 4 inches (thickness) of concrete, except where the sidewalk crosses through driveways, in which case the thickness shall be 6 inches and such thickness must extend one (1) foot wider than the driveway on each side of the driveway;

iv) Transverse control/contraction joints for sidewalks may be saw cut (approximately 1/8-inch width) or tool formed during placement of concrete; however, tooled transverse control/contraction joints shall not exceed 1/4-inch width at the top of tooled joint;

v) The surface of sidewalks shall be divided into blocks by joints (transverse control/contraction or expansion) equally spaced, with the spacing of joints being approximately the same as the width of the sidewalk;

vi) Expansion joint material 1/2-inch thick shall be installed for transverse expansion joints to the full depth and across the full width of the concrete sidewalk at intervals not to exceed two-hundred fifty feet (250'), as well as when the sidewalk thickness changes such as at driveways (see item (c) above), and between the walk and any fixed structures or objects including existing or proposed concrete sidewalks, driveways or driveway aprons. The top of the expansion joint material shall be flush with the finished surface of the sidewalk and shall not protrude above the finished surface of the sidewalk;

vii) The transverse slope of the surface of the sidewalk shall be 3/16-inch per foot (i.e., 1.6%) preferred; however, the transverse slope shall not exceed 2.0% (i.e., 1:50). Transverse slopes, in accordance with this specification, shall also apply to sidewalks that cross through driveways. The low side of the sidewalk shall be the side adjacent to the roadway;

viii) The longitudinal slope of the surface of the sidewalk shall not exceed 5.0% (i.e., 1:20), exclusive of ramps, except where Township Service Superintendent or designated representative designee approves a steeper grade to follow the natural ground slope;

ix) Sidewalks shall be a minimum of 4 feet in width on residential local streets, and a minimum of 5 feet in width on collector or arterial streets or any other location in the Township, unless otherwise required by the Jefferson Township Sidewalk Construction, Repair and Maintenance Policy, or unless approved (in writing and prior to construction) by Township Service Superintendent or designated representative;

x) Appurtenances including, but not necessarily limited to, water and gas valve boxes, manholes, sign posts and utility poles shall be located outside of the sidewalk area, unless otherwise approved (in writing and prior to construction) by Township Service Superintendent or designee or designated representative;

xi) Roof/sump drains shall be extended beneath the concrete sidewalk through to the curb, at which point they shall be day lighted by coring of an appropriately sized hole through the curb. Drain pipes shall not encroach vertically within the concrete of the sidewalk;

xii) Fills, if required, shall be of clean earth (free of foreign materials), compacted in 2-inch lifts; or of a suitable aggregate base, as approved by Township Service Superintendent or designated representative, compacted in lifts not exceeding 4 inches;

xiii) All public sidewalks shall be contained within the public right-of-way, or within a recorded easement, approved (in writing and prior to construction) by Township Service Superintendent or designated representative, and such easement shall deed rights to the Township for the location of the sidewalk and for the public pedestrian use of the sidewalk;

xiv) As soon as the concrete is firmly set, the forms shall be removed and finished grade shall be made to the level of the concrete sidewalk edges;

xv) Obstructions, such as valuable trees of long standing, may be avoided by aligning the sidewalk around the tree. In such cases, the alignment of the sidewalk shall be approved (in writing and prior to construction) by Township Service Superintendent or designated representative. In all cases of injury to persons or property caused from any obstruction, the Township shall not be liable for damage in any respect;

xvi) All materials used and completed work, shall be to the satisfaction of Township Service Superintendent or designated representative, and shall be free from defects and deficiencies;

xviii) The Contractor, or other party performing the construction, shall be solely responsible for ensuring the sidewalk is compliant with the requirements of the Americans with Disabilities Act (ADA).

(2) Unless otherwise required by the approved zoning development plan, sidewalk material shall be concrete installed to Township standards and specifications. In the case of construction, repair or maintenance of an existing sidewalk, the materials, width and style of the construction, repair or maintenance shall match that of the existing sidewalk.

(3) Work performed under the auspices of the Franklin County Engineer shall be inspected and approved by the Franklin County Engineer.