

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD

ORDINANCE NO. G-5-07-1

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY THE ADOPTION OF REGULATIONS CONCERNING THE MAINTENANCE, REPAIR, AND SAFETY OF PUBLIC SIDEWALKS WITHIN THE VILLAGE AND IMPOSING A DUTY ON ADJOINING OR ABUTTING LAND OWNERS TO REPAIR, MAINTAIN, OR KEEP SAFE SAID SIDEWALKS AND DECLARING AN EMERGENCY.

NOW, THEREFORE the Council of the Village of New Concord hereby ordains that;

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

Section 2. **Purpose**

The purpose of this Ordinance is to regulate the repair and maintenance of public sidewalks to keep them in a proper and safe condition for public use; to provide for the imposition of liability upon abutting land owners for injuries or damages caused by a defective sidewalk; to provide for the establishment of sidewalk maintenance districts by the Village Council for the assessment of the cost of repairs to sidewalks in said districts; to provide standards of proper sidewalk maintenance, repairs and construction; and to provide indemnification of the Village for costs of required maintenance and repair not accomplished by abutting or adjacent land owners.

Section 3. **Regulations**

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

Section 4. **Sidewalk Program and Specifications**

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

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Program

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

The process pulls together sidewalk data from the summer 2006 inventory to determine quantity, quality and locations of the network. The data guides Village Council in fulfilling pedestrian needs with appropriate action, within annual budgets, and into projects that would be most beneficial.

The public sidewalks are pathways to school, stores, work, and leisure activities. As a part of the transportation network, sidewalks reduce congestion, reduce pollution, encourage friendlier neighborhoods and promote healthier lifestyles, enhancing the quality of life. Within New Concord the public walks link with the excellent sidewalks on the Muskingum College campus to form an extensive network for the entire community.

All sidewalk repair or maintenance, as well as replacement, within the program will provide for handicapped accessibility and be of a durable and safe surface. Opportunities for new walks exist to fill gaps in the current network or expand the pedestrian paths into areas that have need for pedestrian connection and safety.

Sidewalk Condition

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

When sidewalks crack and break, it creates hazards for pedestrians. Many people especially the physically challenged, elderly, and children have trouble crossing damaged sidewalks. This program helps to minimize these hazards through sidewalk maintenance and replacement.

The existing conditions of the Village walks as recorded in the 2006 field inventory fit into three levels: good, fair, and poor.

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

A sidewalk in fair condition is generally acceptable but can have major defects in spots. The defects are large, but level cracks, some unevenness in the joint alignment (not more than one inch), large areas of spalding surface, and broken pavement parts that can even be missing. In places soil and vegetation encroach on the edges minimizing the width and walk-ability.

Often in this fair category defects occur in only one segment of concrete sidewalk, with the remaining length of walk good. Therefore, refurbishing this segment(s) can make an entire property condition rise to good condition.

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

In the Sidewalk Program maintenance and replacement of sidewalk defects would focus mostly to those walks in poor condition and those walks used frequently. Sidewalks in fair condition will be addressed as their location and use level raise the importance of repair or replacement.

Inventory Data

New Concord sidewalk and street tree inventory during the 2006 summer is a mapping and database file of the existing conditions to be used for reference and decision-making. It can be updated for record keeping.

Nearly half (46%) of the Village sidewalks, totaling approximately 4 ½ miles, are in good condition. Many parcel reconstructions have been completed in the last half of 2006, including on Lakeside Drive and on West High Street. Those in fair condition are about 30 percent and less than 25 percent are in poor condition. Since sidewalk conditions within a stretch are variable from good to poor, these percentages give an incomplete picture of the village's safety and walk-ability of the pedestrian network.

The sidewalk data is mapped on a twenty-three-page set of 100 scale drawings and is kept at the Village Hall. These drawings record every street with public sidewalks and include, for management coordination within the public right of way, the village street tree inventory data as well. Sidewalk information indicates the width of surface, the type of pavement, the condition rating, and clues to the type of defects:

1. (b) broken pavement,
2. (u) uneven joints or sections of over one inch displacement,
3. (c) cracked surface pavement

Sidewalk widths vary from around three feet in narrow spaces and in low use areas, to as large as the entire right of way, or between 10 and 14 feet. The most common widths are four and five foot walks. There is width variation from property to property so new sidewalks should aim to correct this variation and move toward uniformity along the street. Sidewalk stretches that have more public use should be wider, favoring a full five feet. This width gives enough room for two people to walk comfortably together or for pedestrians to pass.

Pavement types fall into six categories. By far, plain concrete is the predominate finish. There is a growing interest and installation of exposed aggregate concrete surface. Few sections of brick on sand and brick on concrete, or stone on concrete, occur. Asphalt has been used in a few places.

Each land parcel adjacent to a public sidewalk is condition-rated so the repair or replacement of defects can be coordinated with the adjacent landowner. The parcels are identified by street address based on the Muskingum County GIS mapping system.

Program Implementation

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

With the aid of the inventory data, sidewalk stretches are listed according to their use level. The condition of each parcel along the street shall guide formation of a schedule of repair, maintenance, and replacement. These lists can be systematically reviewed by the Village and in partnership with the adjacent landowner, to coordinate sidewalk improvements cost-effectively for both village and landowner.

High Use Level:

Comin	Stormont
East High	West High
Layton	West Main
Montgomery	Western East Main
South Lakeside	

Moderate Use Level:

Depot	East Maple
Harper	West Maple
Liberty	Thompson
Eastern East Main	

Low Use Level:

Garfield
Western West Main

Expansion Opportunities

Beyond the maintenance Sidewalk Program, expansion opportunities can connect neighborhoods without walks to the Village system, promoting safety and quality of life.

Streets without continuous sidewalks can be reviewed for filling in the sidewalk gaps. On some streets the sidewalks shift mid-street from one side to the other, forcing the pedestrian to cross the street. Thompson, Depot, Comin, Garfield, and Maple streets are candidates for gap filling.

Bridging sidewalks can benefit neighborhoods without sidewalks by becoming the link from their 'street-walking' environment, across a busy street and connecting to the existing sidewalk network. Examples of these bridges are 1) Westview across Friendship Drive to link with Thompson and Montgomery, 2) Meadowwood neighborhood across Lower Bloomfield road to link with Lakeside Drive, 3) upper Lakeside Drive across John Glenn Road to link with the school sidewalk system, 4) Wedgwood neighborhood and farther south across Friendship Drive to link toward the businesses and Main street, and 5) Friendship Drive houses crossing Friendship Drive to gain paved access to a paved pathway toward the College and the Village sidewalk network.

Care and Repair Methods

In places minor repair work can deem an entire length of sidewalk excellent.

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

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

Sidewalk Specifications

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

Every new sidewalk pavement will meet the guidelines described here in order to create safety, uniformity, and durability to the Village sidewalk network.

In the interest of uniformity, a standard concrete sidewalk is generally the preferred material. However, exposed aggregate concrete finish is an equally desirable choice, especially next to areas already using the finish.

Installation of pavers, brick, or stone as a surface may be used only when approved by the Village. This is to assure quality installation and durability where this material is desired to enhance or delineate special construction. Asphalt is not to be used for permanent sidewalks.

A. Guidelines for Concrete Sidewalk

1. Subgrade: flat, dry and compacted subsoil.
2. Gravel base: four inches of compacted dense graded aggregate limestone.
3. Forms: wood or steel set to slope toward the street at a two percent slope (1/4" / foot). The existing elevation of sidewalk and roadway will determine the elevation.
4. Width: four foot minimum or equal to existing walk, as determined by Village of New Concord.
5. Reinforcement: steel mesh or rebar where walk crosses a driveway, set 1-1/2 inch below surface.
6. Material: four inches of 3,500 psi concrete, six inches over residential driveways, eight inches over commercial driveways.
7. Finish: hand float, light broom perpendicular to traffic flow, tooled joints at distance equal to width of walk, tooled edges.
8. Expansion joints: place a half-inch fiber strip between new walk and existing walks or structures.

B. Guidelines for Exposed Aggregate Finish Sidewalk

Follow guidelines for Concrete Sidewalk except finish the surface with retardant and gently wash off surface cement from the aggregate after an appropriate waiting period.

Guidelines for Brick Finish Sidewalk

1. Subgrade: flat, dry and compacted subsoil.
2. Gravel base: four inches of compacted dense graded aggregate limestone.
3. Forms: wood or steel set to slope toward the street at a two percent slope (1/4" / foot). The existing elevation of sidewalk and roadway will determine the elevation.
4. Width: four foot minimum or equal to existing walk, as determined by Village of New Concord.
5. Reinforcement: steel mesh or rebar where walk crosses a driveway, set 1-1/2 inch below concrete base surface.
6. Concrete base: four inches of 3,500 psi concrete, six inches over residential driveways, eight inches over commercial driveways. Cure seven days before brick installation.
7. Concrete finish: hand float, tooled joints at distance equal to width of walk, tooled edges. Coordinate alignment with brick surface cut joints.
8. Expansion joints: place a half-inch polyethylene or premolded cellular elastomeric rod between new walk and existing walks or structures. Along straight stretches place the joint every 16 feet. Coordinate with brick surface joints.
9. Brick Setting Bed: 3/8 inch minimum (1 inch maximum) Type M meeting ASTM C 270 mortar.
10. Brick paver joint: 3/8 inch tooled with concave jointer.

11. Brick paver: Light traffic; ASTM C 902; red or red blend color, or as approved by Village. Lay in running bond or herringbone (at all corners), or as approved by Village.
12. Joints: Cut contraction joints in coordination with concrete base. Align expansion jointing, as specified above, with concrete base joints.

Section 5 **Owner-Caused Defects**

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

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

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

Section 6 **Saving Clause**

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

Section 7 **Repeal of Conflicting Ordinances and Effective Date**

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

Section 8 **Trees**

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

Section 9 Village Council shall appropriate \$20,000 annually through 2011, providing that funds are available from the general fund for sidewalk grants. Grant shall be made on a first come first serve basis.

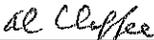
Section 10 The Village may grant property owners a percentage of the cost up to a maximum of \$1,500 for the repair and/or replacement of a public sidewalk based on this ordinance and the sidewalk inventory completed by Nancy Felde, ASLA in 2006-2007 as follows:

% represents the amount of the project the village will underwrite.

	High Use	Medium Use	Low Use
Poor Condition	80%	60%	40%
Fair Condition	60%	40%	20%
Good Condition	15%	10%	0%

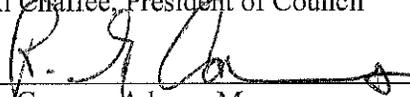
Application shall be approved according to rules and regulations established by the Village Administrator.

PASSED: May 16, 2007



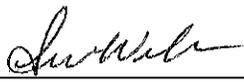
Al Chaffee, President of Council

APPROVED: May 16, 2007



R. Gregory Adams, Mayor

ATTEST:



Sue Wilson, Fiscal Officer

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



Sue Wilson, Fiscal Officer