

## CHAPTER 905

### Sidewalks

- 905.01 Construction specifications and standards.
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#### CROSS REFERENCES

Sidewalks - see Ohio R. C. 729.01  
Property owner responsible for expenses - see Ohio R. C. 729.01 et seq.  
Notice to construct or repair - see Ohio R. C. 729.03 et seq.  
Damage to soft or new pavement - see GEN. OFF. 521.04  
Loads damaging sidewalk - see GEN. OFF. 521.04  
Ice and snow removal - see GEN. OFF. 521.06

#### 905.01 CONSTRUCTION SPECIFICATIONS AND STANDARDS.

Except in such places where Council shall specify, order and direct otherwise, all sidewalks hereinafter constructed, replaced or repaired shall conform to the plans and specifications as prepared by the City Service Director and on file at the Louisville City Hall. (Ord. 19-23. Passed 6-17-19.)

#### 905.02 DETERMINING SUFFICIENCY OF SIDEWALKS.

##### (a) Sidewalks Installed.

- (1) It shall be the duty of owners of lots abutting on sidewalks to keep such sidewalks in good repair, in front of or adjacent to their premises and to prevent any unevenness, open cracks, or other defects in the surface grade of such sidewalks.
  - (2) Where there is no existing curb and no sidewalk: Installation of sidewalk shall not be required until the street is improved, including curbs.
  - (3) Where there is no existing curb and sidewalk already exists: The existing sidewalk shall be maintained to the approved standards with the exception of sidewalk width, extension of existing sidewalk will not be required, and existing sidewalk may be repaired or sections replaced to the existing sidewalk width and the width standard shall be waived until such time as curb is installed.
  - (4) Where there is existing curb and sidewalk. Sidewalk shall be maintained to the established standard.
  - (5) Where there is existing curb and no sidewalk: Adjacent to developed lots, sidewalks shall be installed to the standard, where the adjacent lot is not developed, sidewalk shall not be required until the lot is developed, and the definition of a developed lot shall include all lots where a home or accessory structure had been built. A "developed lot" shall also include lots adjacent to and owned by the same person(s) as a lot primary structure.
  - (6) Sidewalks shall be required in all residential districts with the provisions for areas without curb.
  - (7) Replacement or repair of the sidewalk shall be the responsibility of the adjacent property owner.
- (b) Trees. Where a tree in the tree lawn is deemed to have caused sidewalk to become uneven, the city shall remove the tree and grind out stump at city expense.

(c) Repair vs. Replacement. Sidewalk is typically replaced rather than repaired. Property owners may attempt to repair sidewalk themselves or by using a contractor licensed by the City. Such repairs must be completed before the deadline. Repair and/or replacement shall be completed per the specifications on file at Louisville City Hall. Regardless of who repairs/replaces the sidewalk a permit must be obtained. City will inspect the repair and determine whether repair brings the section of sidewalk into compliance. If not in compliance, the City inspector shall notify owner and replacement shall be made by the City's contractor. The City may require the individual sidewalk to be re-inspected after one year if there is any doubt about the repair. If the sidewalk does not meet the minimum standard upon re-inspection, City may require replacement.

##### (d) Additional Items.

- (1) At all intersections of streets and pedestrian crosswalks, the sidewalks shall be extended to the curb and shall be made accessible for people with disabilities.
- (2) At each intersection, the portion of sidewalk within the radius of the intersection shall be the responsibility of the City to repair or replace.
- (3) The marking and issuing of repair or replacement orders and sidewalks can be controversial and will, at times, result in disagreements. In the event that the property owner disagrees with the inspector's judgment, a written appeal may be submitted within ten days of notice to repair or replace and the City Service Director will reexamine the sidewalk and make the final determination.

(Ord. 19-23. Passed 6-17-19.)

#### 905.03 REPAIR; NOTICE.

(a) The City Inspector, is hereby authorized and empowered to determine what sidewalks are defective. The City Inspector shall cause written notice of the passage thereof to be served upon the resident owner, or agent of the owner, of each parcel of land abutting upon said sidewalk, in the manner provided by law for the service of summons in civil actions. For the purpose of such service, if the owner of any such property be not a resident, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. But if it shall appear from any such return that the owner is a nonresident, or that neither such owner nor agent can be found, one publication of a copy of the resolution in a newspaper of general circulation in the City to serve the notice to repair as herein provided.

(b) The individual or party receiving the notice shall inform the City within 14 days from the service of notice of their intent to repair or replace the sidewalk or to have the City replace the sidewalk as part of the sidewalk program. If individual or party receiving notice chooses to repair or replace the sidewalk themselves or by utilizing a licensed contractor a permit must be obtained within 60 days from service of the notice. Once a permit is obtained the individual or party will have 30 days to complete the required repair or replacement.

(c) If sidewalks are not constructed or repaired within ninety days from the service of the notice provided for in the preceding section, or the completion of the publication thereof, the City Service Director may proceed by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner, as in the case of other improvements. Such total expense, including

all associated expenses such as clearing and grading, shall be reported by the City Manager to the Council, which shall by ordinance assess said expense upon the owner or owners of the property bounding or abutting thereon. Such assessment shall be collected in the same manner as other assessments, with a service fee of five percent (5%) plus the County Auditor's fee for providing collection services for failure to pay at the time fixed by the assessment resolution. Such amount remains unpaid or in the instance where the address of the owner is unknown, the Director of Finance shall certify the total amount of the expenses, the name of the owner of the land and a sufficient description of the premises to the County Auditor, to be entered on the tax duplicate, to be a lien upon each lot or parcel of the abutting property as soon as repairs have been completed in front of such lot or parcel from the date of entry and to be collected as other taxes and assessments and returned to the city.

(Ord. 19-23. Passed 6-17-19.)

#### **905.04 SIDEWALK CONSTRUCTION PERMIT.**

(a) A permit shall first be obtained by the owner from the City Planning Director before proceeding with the construction, replacement or repair of a sidewalk. The application shall be made in such form as required by the City Planning Director and shall be accompanied by the following information and such additional information as may be required by the City Planning Director.

- (1) Name and address of owners of land abutting such sidewalk.
- (2) Lot number and address where sidewalk is to be repaired or constructed.
- (3) Description of work to be done (i.e. new construction or partial replacement, etc.).
- (4) Name of contractor and estimated time of construction.

(b) All permits issued under this section shall be void after the expiration of thirty days from the date of such permit. (Ord. 19-23. Passed 6-17-19.)

#### **905.05 PERMITS; INSPECTIONS; EXCEPTIONS.**

(a) No permit under Section 905.04 shall be required where sidewalks are constructed by persons allotting lots and bond has been posted pursuant to the Subdivision Regulations, including construction of sidewalks.

(b) Any person constructing, replacing or repairing a sidewalk within the corporate limits of the city shall secure a permit from the City Planning Director. A permit shall be issued only after payment of the required permit fee(s). Such fee(s) shall be commensurate with the cost of administering the permits, performing inspections and other related services.

(c) Any developer or any person providing subcontract work for any developer under this section and within the right-of-way of a subdivision which has been approved by law and for which the required bond has been posted must obtain the necessary permits, but shall not be required to pay for permits obtained during a period of twenty-four months following the approval date of the subdivision plans by the Council of the city.

(d) All work under this section shall be in accordance with the standard drawings approved and provided by the City Service Director.

(Ord. 19-23. Passed 6-17-19.)

#### **905.06 CONSTRUCTION FEE.**

The fee for sidewalk construction permit shall be a base fee of fifteen dollars (\$15.00) plus the cost of engineering and survey expenses as certified by the City Service Director. (Ord. 19-23. Passed 6-17-19.)

#### **905.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues. Nothing in this ordinance shall prohibit separate civil actions for enforcement, repair, collection, or additional relief including that which is found in Title 7 of Ohio Revised Code.

(Ord. 19-23. Passed 6-17-19.)