

CHAPTER 905

Construction of Sidewalks and Curbs

905.01 Owner to repair; notice; work by City; cost and lien.

905.02 Sidewalk area.

905.03 Discharging surface water prohibited.

905.04 City to relay sidewalks improperly constructed.

905.05 Grading of space between walks and curblines.

905.06 Construction of sidewalks and curbs required.

905.07 Enforcement.

CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.

Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.

Duty to keep sidewalks clean and in repair - see GEN. OFF. 521.06

Construction standards - see S.U.& P.S. Ch. 917

905.01 OWNER TO REPAIR; NOTICE; WORK BY CITY; COST AND LIEN

(a) It shall be the duty of every owner, occupant, person or agent having charge of any tenement, building, lot or land fronting on any avenue, street, alley, road or other public highway of the City, abutting on sidewalks and curbs to keep such sidewalks and curbs, and also the tree lawn or grass strip existing between any such sidewalks and curbs, in a state of good repair and safe condition in front of or adjacent to their premises, and to further prevent the existence of any nuisance or hazard to persons or property upon such tree lawns or grass strips arising by any reason whatsoever, including the criteria specified in Section 919.03 of the Codified Ordinances. Said duty shall also mean being responsible for the construction, maintenance, replacement and repair of necessary sidewalks and curbs, or parts thereof. It shall be the duty and responsibility of the Engineering Department to inspect the sidewalks upon receipt of a complaint. It shall be the duty of the Director of Public Service and Safety to give first cause notice to be given to the owner of the premises abutting upon such sidewalks, curbs, grass strips or tree lawns of any repairs or improvement required to be made pursuant to this section.

(b) If such owner does not, within sixty (60) days after notice to do so weather permitting, make the necessary repairs or improvements to such sidewalks, curbs, drain lines, tree lawns or grass strips, Council, upon resolution, shall notify the property owner of its intent to make the necessary repairs and shall thereafter, if repairs are not made within five days after the service of notice of the resolution, authorize the Director of Public Safety and Service to make the necessary repairs and improvements, and further direct that the expense of such repairs or improvements shall be assessed upon the property so abutting and certify to the County Auditor for collection in the manner of other taxes and assessment against real estate.

(c) The Auditor shall certify such expense to the County Auditor upon the report of the Safety Service Director, which expense shall be placed on a tax duplicate and collected as other taxes are collected, or the Auditor may collect the expenses by civil action before the municipal court or any justice of the peace against the owner of the property.

(d) Any owner, occupant, person or agent shall be liable in money damages to any person, who while in the lawful use of such sidewalk, sustains an injury to person or damage to property, by reason of the failure of such owner, occupant, person, or agent in charge, to maintain the sidewalk in good repair and free from any defects.

(Ord. 14-2011. Passed 4-4-11.)

905.02 SIDEWALK AREA.

All sidewalks area construction improvement and repair shall be under the direction and supervision of the City Engineer and conform to the criteria specified in Section 1111.09 of the Planning and Zoning Code. The space between the right of way line and curb line on each side of the paved roadway on curbed streets shall constitute the location of the sidewalk. Upon unpaved and uncurbed streets, the sidewalk shall be the portion adjoining the right of way line on each side, and shall have a width on each side equal to one-half of one-fifth of the distance between the right of way lines, unless otherwise provided by resolution of Council. When newly constructed sidewalk is to tie into existing sidewalk, the width of the new sidewalk is at a minimum to match the existing sidewalk. (Ord. 14-2011. Passed 4-4-11.)

905.03 DISCHARGING SURFACE WATER PROHIBITED.

(a) No person, firm or corporation shall discharge surface water upon the surface of any sidewalk within the City of Massillon. No owner or other person shall discharge surface water from any premises by means of water spout, or in any manner, upon the surface of any sidewalk or any part thereof, or by means of an open gutter or ditch across the sidewalk.

(b) All waterspouts or drains for surface water shall be connected with drains or pipes under the surface of the sidewalk to the gutter or other drain provided for general drainage of surface water through which all surface water shall be discharged from any premises in the City of Massillon. No part of the surface water shall be discharged upon the sidewalk. But nothing herein contained shall permit any waste, filth or refuse water to be discharged into any gutter or street or drain, other than into a sanitary sewer.

(c) If such owner does not, within sixty (60) days after notice to do so, weather permitting, make the necessary repairs or improvements to such drain lines, Council, upon resolution, shall notify the property owner of its intent to make the necessary repairs and shall thereafter, if repairs are not made within five days after the service of notice of the resolution, authorize the Director of Public Safety and Service to make the necessary repairs and improvements, and further direct that the expense of such repairs or improvements shall be assessed upon the property so abutting and certify to the County Auditor for collection in the matter of other taxes and assessments against real estate.

(d) The Auditor shall certify such expenses to the County Auditor upon the report of the Safety-Service Director, which expense shall be placed on a tax duplicate and collected as other taxes are collected, or the Auditor may collect the expenses by civil action before the municipal court or any justice of the peace against the owner of the property.

(Ord. 14-2011. Passed 4-4-11.)

905.04 CITY TO RELAY SIDEWALKS IMPROPERLY CONSTRUCTED.

The Director of Public Safety and Service shall, upon being notified that any sidewalk, ADA curb ramp, curb or concrete curb and gutter is being or has been constructed contrary to the provisions of this chapter may direct the Superintendent of Streets or in agreement with a licensed City

concrete contractor, to immediately remove such sidewalk and relay the same. The expense thereof shall be assessed upon the property abutting upon the sidewalk, and such costs and expense shall be credited to the proper officials, to be placed upon the tax duplicate for collection as provided by law.

(Ord. 14-2011. Passed 4-4-11.)

905.05 GRADING OF SPACE BETWEEN WALKS AND CURB LINE.

Any grading necessary between the walks as laid or re-laid, and the curb line, or between such walks and the edge of the sidewalk space as established, shall be done at the time of the laying of the walks so as to leave the sidewalks space at the grade meeting City standards. (Ord. 14-2011. Passed 4-4-11.)

905.06 CONSTRUCTION OF SIDEWALKS AND CURBS REQUIRED.

All special assessment and general projects constructed in the City after the effective date of this section which involved the construction or reconstruction of streets, sidewalks and curbs in part or in whole shall require the construction of sidewalk, ADA curb ramps, and curbs on both sides of the improvement the entire length of the project as may be designated or directed by the City Engineer. (Ord. 14-2011. Passed 4-4-11.)

905.07 ENFORCEMENT.

The provisions of this chapter shall be enforced by the Director of Public Safety and Service or his/her designee, as any and all other designated officials and/or law enforcement officers. (Ord. 14-2011. Passed 4-4-11.)