

Sidewalk and Curb Replacement Program

919.01 PURPOSE.

The City of Massillon, through the Office of the Director of Public Safety and Service, is hereby authorized to assist private property owners in the replacement of existing sidewalk, curb, combined curb and gutter, or a driveway approach in accordance with the procedures set forth in this Chapter. The purpose of this Chapter shall be to encourage private property owners located in the City of Massillon to replace deteriorating sidewalk, curb, combined curb and gutter, or driveway approach in both residential and non-residential districts; the program shall be limited to sidewalk, curb, combined curb and gutter, or driveway approach replacement projects which comply with the criteria set forth in this Chapter, coinciding with Chapter 905 of the Codified Ordinances, and conforming to the standards specifications of Chapter 917 of the Codified Ordinances of the City of Massillon.

919.02 ELIGIBILITY.

Eligibility to participate in the Sidewalk, Curb, Combined Curb and Gutter, or Driveway Approach Replacement Program (the "Program") is extended to any property located in the City of Massillon that qualifies as an eligible project as defined by this Chapter.

919.03 CRITERION TO DETERMINE ELIGIBLE SIDEWALK, CURB, COMBINED CURB AND GUTTER, OR DRIVEWAY APPROACH PROJECTS.

(a) For purposes of the Program, the following criterion will be considered in determining eligible sidewalk, curb, combined curb and gutter, or driveway approach projects:

- (1) A vertical separation of more than 1.5 inches at either a crack or joint;
- (2) A horizontal separation or crack greater than 1 inch;
- (3) The cross slope of the sidewalk is unnecessarily greater than 1-inch per foot;
- (4) Water accumulation due to insufficient grade of the sidewalk;
- (5) Severely rough, uneven surface due to spalling;
- (6) Severe cracking;
- (7) Missing pieces;
- (8) Gross deterioration due to tree roots or other decay caused by the pressure of trees;
- (9) Gross deterioration due to unauthorized vehicular traffic or parking on a sidewalk; and
- (10) Other conditions not listed above which have caused the sidewalk, curb, combined curb and gutter, or driveway approach to deteriorate to the point of necessary replacement as determined by the Director of Public Safety and Services or their designee.

(b) For purposes of the Program, a sidewalk, curb, combined curb and gutter, or driveway approach must exhibit one or more of the criteria contained in Section 919.03(a) as determined by the Director of Public Safety and Service or their designee in order to be eligible for replacement.

919.04 RESPONSIBILITIES OF CITY.

The City of Massillon will pay fifty percent (50%) of the total approved project cost, up to a maximum of \$4,000.00, for a sidewalk, curb, combined curb and gutter, or a driveway approach project, as determined to be an approved eligible project in accordance with the Program.

919.05 RESPONSIBILITIES OF THE DIRECTOR OF PUBLIC SAFETY AND SERVICE.

The Director of Public Safety and Service or their designee shall be responsible for implementing the procedures contained in this Chapter and shall have sole and final discretion in determining the City of Massillon's participation in any proposed sidewalk, curb, combined curb and gutter, or driveway approach project.

919.06 RESPONSIBILITIES OF PROPERTY OWNERS.

The participating property owners shall be responsible for all remaining costs beyond the City's responsibility as provided in Section 919.04 associated with the construction, removal and replacement of the sidewalk, curb, combined curb and gutter, or driveway approach which may include, but are not limited to, additional excavation, backfill, embankment, tree and root removal, engineering, surveying, grading, drainage, and construction, all of which shall conform to the City of Massillon's specifications listed in Chapter 917 and in accordance with all other governing ordinances. The property owners shall provide the City Engineer four (4) digital photos or video evidence of the project area prior to construction of the project, to be used as reference for any claims of negligence arising after the completed project. The property owners shall also be responsible for negotiating with and payment to any utility companies for the relocation of any utilities affected by the participation in the Program.

919.06 APPLICATION PROCEDURES.

- (a) The Director of Public Safety and Service or their designee shall establish procedures by which written applications requesting the City of Massillon's assistance for sidewalk, curb, combined curb and gutter, or driveway approach replacement projects may be initiated. The application shall contain all of the following:
 - (1) A description of the proposed project, which must include four (4) digital photos or video evidence of the proposed project;
 - (2) A sketch plan drawing that includes the limits of the project area, which must include the full names of owners, street addresses, lot numbers and front footage amounts of each parcel of real property adjoining the project area and on a separate sheet, and the signatures of the title owners of each parcel of real property;
 - (3) A minimum of two (2) price estimates from City of Massillon licensed concrete contractors;
 - (4) The name and address of the licensed concrete contractor selected for the project, who has the contractual authority to contract with the City of Massillon;
- (b) An applicant must submit a completed application between January 1st and April 30th of each year for review and approval. Applicants shall submit their completed application to the City of Massillon Engineering Office. Applications will be time stamped upon submission.
- (c) The Director of Public Safety and Service or their designee shall reject any application in the event that the applicant or property owner is delinquent by more than 30 days to the City of Massillon on the payment of any

tax bill, sewer bill, or other City generated debt at the time of making said application. All applicants must be current on all applicable property taxes.

919.07 APPROVAL REQUIRED.

The City Engineer shall approve all plans, specifications, materials and grades associated with the project; the project shall additionally be subject to all requirements contained in this Chapter, Chapters 905, 917, as well as any other applicable Chapters or Sections of the Codified Ordinances of the City of Massillon. The participating property owners shall pay all fees as required by Section 917.13 and any other fees as required by applicable Sections of the Codified Ordinances of the City of Massillon.

919.08 REQUIREMENT OF LICENSED CONCRETE CONTRACTOR.

The concrete contractor for each sidewalk, curb, combined curb and gutter, or driveway approach replacement project shall meet all licensing and bonding requirements of Section 917.12 and all other applicable Sections of the Codified Ordinances of the City of Massillon and the Ohio Revised Code.

919.09 CONTRACT REQUIREMENTS.

(a) The Director of Public Safety and Service shall execute a contract with the participating property owners, as well as the concrete contractor, which shall detail the respective obligations of the parties. The contract shall provide as a minimum that the property owners and concrete contractor shall hold the City of Massillon free and harmless from any expenses in excess of the responsibilities prescribed in Section 919.04, or any other liabilities associated with the project. The contract shall also provide that upon completion of the project and final inspection and approval by the City Engineer, the concrete contractor shall issue an invoice directly to the City of Massillon for payment of the City's portion of the eligible approved project cost, in accordance with Section 919.04.

(b) The contract shall state that all projects must be completed within ninety (90) days after application approval, unless otherwise extended by the Director of Public Safety and Service or their designee. Failure to complete the project within the ninety (90) days shall result in the loss of funding from the City for the project.