

**CITY OF TWINSBURG, OHIO**

**ORDINANCE 08-2009**

AN ORDINANCE CREATING SECTION 904 OF THE  
CODIFIED ORDINANCES OF THE CITY OF  
TWINSBURG ESTABLISHING A SIDEWALK  
MAINTENANCE, REPAIR AND REPLACEMENT  
PROGRAM

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**WHEREAS**, City Council at regular meetings and at its committee of the whole has discussed the necessity for establishing a sidewalk repair program otherwise known as a “Sidewalk Ordinance”; and

**WHEREAS**, Council has determined that it is in the best interests of the City of Twinsburg and its residents to establish a sidewalk repair program wherein the City and the residents would share in the cost of repairing and replacing deficient sidewalks.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Twinsburg, County of Summit and State of Ohio:

**SECTION I:** That Section 904 of the Codified Ordinances of the City of Twinsburg is hereby created as follows:

**904.01 CREATION OF SIDEWALK REPAIR PROGRAM.**

- (a) The City has established a sidewalk program to allow for cost sharing for construction or reconstruction of sidewalks. The cost sharing components of the sidewalk program are as follows:
- 1) The property owner shall pay for fifty percent (50%) of the entire project.
  - 2) The City shall pay for fifty percent (50%) of the entire project.
- (b) The sidewalk program is only available to property owners when City funds are available at the sole discretion of City Council and the Mayor. The Sidewalk Program is not available to property owners (or owners of the lot abutting such sidewalk) who have received a Notice to Repair or for nuisance issues. The property owner must sign a cost sharing agreement before being accepted in the sidewalk program and before any work can begin.
- (c) Any funds allocated to the sidewalk program shall be equally divided among the five (5) wards in the City with each Ward receiving twenty percent (20%). If any Ward does not fully utilize the funds allocated, those funds may be applied to other Wards upon the approval of Council and the Mayor.

**904.03 SIDEWALK REPAIR PROGRAM.**

City Council may elect to direct the City Engineer to initiate and administer a sidewalk repair program, and to permit all property owners with identified sidewalk deficiencies requiring such repair, to participate in.

- (a) Property Owner Benefits. Property owners benefit from participating in a City program for the following reasons:
- (1) The City administers all repair activities.
  - (2) No permit or inspection fees apply to the property owner.
  - (3) Competitive bidding generally yields lower construction cost to the property owner.

- (4) The work is warranted as further described in subsection (d) hereof.
- (5) Inspections are performed by the City Engineering Department.

(b) Program Procedure. The City sidewalk inspection and repair program is administered by the City Engineering Department in accordance with the following procedure:

- (1) Initial inspections. The Engineering Department will commence sidewalk inspections identifying and prioritizing properties with deficient sidewalks requiring repair or replacement according to criteria established by the Engineering Department. Point of Sale Inspections shall be excluded from this program.
  - (2) Council authorization. A resolution authorizing the City Engineer to require the property owners to make required repairs shall be presented to the City Council for approval. The resolution identifies the affected properties and provides a preliminary cost estimate for completing the required repairs.
  - (3) Property owner notification. Affected property owners shall be mailed notices requesting their participation in the City Sidewalk Program. The notices shall state that if the property owner elects not to participate in the program then the repairs shall be completed within 60 days at the property owner's sole expense.
  - (4) Project plans and bid and award. Plans and specifications shall be prepared by the City Engineer for all sidewalk work on properties electing to participate in the City sidewalk repair program. The City shall bid the project and award the work to the successful bidder.
  - (5) Notice of cost; right of entry. Notice shall be sent to participant property owners indicating the successful contractor's estimated construction costs and requesting a "Work Right Agreement" for the contractor and City to access the property for the purpose of making required repairs.
  - (6) Construction and inspection. The City shall administer the construction and inspection activities associated with completing the sidewalk repair work.
  - (7) Final invoice. The City Engineer shall certify that the work has been satisfactorily completed for each individual property via written notification and submit an accompanying invoice requesting payment by the property owner be made within 30 days.
  - (8) Payment options. Property owners are required to pay their fifty percent (50%) share of the actual cost of the repair work upon final invoice from the City. The property owner may inquire as to alternate payment option for their associated cost in the completed sidewalk repair work by contacting the City Finance Department.
  - (9) Failure to pay. Upon the property owner's failure to pay for the invoiced amount for the sidewalk repair work performed on their property, the City Finance Director shall cause such costs, including necessary administrative and interest charges, to be assessed against the property taxes until such time as full payment is received by the City.
- (c) Additional Sidewalk Work. Property owners desiring to have more sidewalk work performed than the required minimal repair work identified in the notice, must make separate arrangements with the contractor for such work and for the payment thereof.

(d) Construction Warranty. The City requires the contractor to warranty and make all necessary repairs for the following deficiencies that occur within the following time frame from the date the sidewalk was accepted. Some variation in the final color and texture of the repaired sections of walk may occur compared to existing sections in nearby locations.

- (1) Two years for concrete slabs against cracking, spalling or settling.
- (2) One year for backfill around the sidewalk against settling.
- (3) That grass seed in restored areas will germinate.

(e) Property Owner Responsibility. Once the repairs are completed, the property owner is responsible for watering any newly planted grass seed around the sidewalk, until such time as the grass is fully established. The owner is responsible for notifying the City Engineer in writing regarding any defective work that develops on sidewalks repaired on their property.

**SECTION II:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting or meetings of this Council and any of its committees that resulted in such formal action, were in meetings open to the public and in full compliance with all legal requirements, including without limitations, those set forth in Section 121.22 of the Ohio Revised Code.

**SECTION III:** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Steve Murphy, President of Council

Submitted to the Mayor for approval this  
\_\_\_\_\_ day of \_\_\_\_\_, 2009

Approved by the Mayor \_\_\_\_\_, 2009

\_\_\_\_\_  
Katherine A. Procop, Mayor

ATTEST:

\_\_\_\_\_  
Marie K. Weaver  
Clerk of Council

1<sup>st</sup> Rdg. \_\_\_\_\_  
2<sup>nd</sup> Rdg. \_\_\_\_\_  
3<sup>rd</sup> Rdg. \_\_\_\_\_

Passed: \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

**CERTIFICATE OF POSTING**

I, Marie K. Weaver, Clerk of Council, of the City of Twinsburg, State of Ohio, do hereby certify that publication of the foregoing ordinances, resolutions was duly made by posting true copies thereof at five of the most public places in said City as determined by Section 113.02 of the Codified Ordinances of the City of Twinsburg; each for a period of fifteen days commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Marie K. Weaver  
Clerk of Council  
City of Twinsburg

**PROPOSED**

**PROPOSED**