

Councilwoman Georgia Awig, At-Large & Chair
Councilman Dennis Boose, Ward 2
Councilwoman Holly Swenk, Ward 1



STREETS, SIDEWALKS & BRIDGES COMMITTEE MEETING
CITY COUNCIL CHAMBERS
AGENDA OF MONDAY, JULY 10, 2023
6:15 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

1. Streets, Sidewalks & Bridges Committee Meeting Minutes dated April 15, 2019
(Committee action required)

NEW BUSINESS

- T 67-2023 AN ORDINANCE PROVIDING FOR THE DELETION AND REPLACEMENT OF CHAPTER 1024 SIDEWALKS OF THE NORTH RIDGEVILLE STREETS, UTILITIES, AND PUBLIC SERVICES CODE.
(Introduced by Mayor Corcoran; First Reading on 06-05-2023)

ADJOURNMENT

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**NORTH RIDGEVILLE CITY COUNCIL
STREETS, SIDEWALKS, AND BRIDGES COMMITTEE MEETING MINUTES
COUNCIL CHAMBERS – 6:30 p.m.
MONDAY, APRIL 15, 2019**

To Order:

Chairman Bob Chapek called the Streets, Sidewalks and Bridges Committee meeting to order at 6:30 p.m.

Attendance:

Members present: Councilman Dennis Boose, Councilwoman Michelle Hung and Chairman Bob Chapek.

Also present: Assistant Law Director Toni Morgan, President Kevin Corcoran, Clerk of Council Nancy Linden, Councilman Martin DeVries, Councilman Bruce Abens, Safety-Service Director Jeff Armbruster and Assistant Clerk of Council Tara Peet.

Minutes:

Chairman Chapek asked for any additions or corrections to the minutes of February 21, 2019. No discussion was offered. The minutes stand approved as submitted.

Discussion:

Chairman Chapek began the meeting with the drafted ordinance entitled - An ordinance amending N.R.C.O. Chapter 440, *Commercial and Heavy Duty Vehicles*. He asked for any discussion on the drafted ordinance.

Councilman Boose stated the legislation incorporated all the changes he had noted and he is good with it.

Chairman Chapek asked if anyone from the audience or the Administration had any comments or questions. No discussion as offered.

Moved by Boose and seconded by Hung to recommend the legislation to City Council for further consideration.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Chapek moved on to the drafted ordinance entitled - An ordinance amending N.R.C.O. §1024.06, *Use of Unclaimed Sidewalk Deposits; Refunds*; and N.R.C.O. §1024.05(s), *Sidewalk Required Prior to Occupancy; Security Deposit*.

Councilwoman Hung stated the issue came up last year in Waterbury where sidewalks were not being installed. She stated she is happy with the amendments.

Councilman Boose stated the legislation incorporated all the changes he had noted and he is good with it.

Chairman Chapek asked if anyone from the audience or the Administration had any comments or questions. No discussion as offered.

Moved by Boose and seconded by Hung to recommend the legislation to City Council for further consideration.

A voice vote was taken and the motion carried.

Yes - 3 No - 0

Adjournment:

Chairman Chapek adjourned the meeting at 6:34 p.m.

Date Approved: _____

**Tara L. Peet, MMC
Assistant Clerk of Council**

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

MAYOR

Exhibit A

CHAPTER 1024 SIDEWALKS

1024.01 INSTALLATION AND CONSTRUCTION; PERMIT REQUIRED

1024.02 CONSTRUCTION AND MATERIAL SPECIFICATIONS

1024.03 APPROVAL OF CITY ENGINEER REQUIRED; GRADES

1024.04 PERMIT FEE

1024.05 SIDEWALK REQUIRED PRIOR TO OCCUPANCY; SECURITY DEPOSIT

1024.06 USE OF UNCLAIMED SIDEWALK DEPOSITS; REFUNDS

1024.99 PENALTY

CROSS REFERENCES

Sidewalks and gutters - see Ohio R.C.

729.01 et seq. Notice to construct or

repair - see Ohio R.C. 729.03

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

729.04 et seq. Driving upon sidewalks - see TRAF. 432.22

Maintenance - see GEN. OFF. 660.05

Obstructions, damage or injury - see GEN.

OFF. 660.10 Sidewalks in subdivisions -

see P. & Z. 1226.13 Solicitation on

sidewalks - see P. & Z. 1226.13

1024.01 INSTALLATION AND CONSTRUCTION; PERMIT REQUIRED

No person shall install or construct a sidewalk within the City without first applying for and obtaining a permit therefor from the Chief Building Official.

(Ord. 2828-94. Passed 2-22-94.)

1024.02 CONSTRUCTION AND MATERIAL SPECIFICATIONS

- (a) Sidewalks shall be composed of four inches of Portland cement concrete or its equivalent, with a minimum width of three feet, six inches, for street rights of way less than fifty feet, with a minimum width of four feet for street rights of way from fifty feet to sixty feet, inclusive, and with a minimum width of five feet for street rights of way in excess of sixty feet, and shall conform to the current construction and material specifications of the Ohio Department of Transportation (ODOT). The edge of sidewalks farthest from the road centerline shall not be constructed within six inches of the road right-of-way line and must be within the road right of way, unless an exception to this provision is granted, in writing, by the City Engineer. Sidewalks shall not be permitted on any open ditch section without the written approval of the City Engineer. (Ord. 2828- 94. Passed 2-22-94.)
- (b) A minimum four-inch thick stone base, conforming to specifications (as may be amended from time to time) on file in the office of the City Engineer, shall be required for all sidewalk construction within the City.

(Ord. 3086-95. Passed 6-19-95.)

1024.03 APPROVAL OF CITY ENGINEER REQUIRED; GRADES

No sidewalk shall be laid within the City without the approval of the City Engineer. Sidewalks shall be laid in accordance with the grade established and given by the City Engineer. (Ord. 2828-94. Passed 2-22-94.)

1024.04 PERMIT FEE

The applicant, at the time of application for a sidewalk permit, shall pay to the Chief Building Official a permit fee of twenty-five dollars (\$25.00) per building lot. (Ord. 2828-94. Passed 2-22-94.)

1024.05 SIDEWALK REQUIRED PRIOR TO OCCUPANCY; SECURITY DEPOSIT

- (a) All dwellings, apartments and commercial and industrial buildings constructed in the City after the effective date of this section shall be provided with sidewalks in front of such buildings before occupancy of the building is permitted.
- (b) The side yards of all buildings, as enumerated above, constructed on corner lots, are to be considered and treated the same as front footage. (Ord. 2828-94. Passed 2-22-94.)
- (c) A deposit calculated by the City Engineer per this chapter for each foot of sidewalk adjacent to a highway, street, avenue or alley which is open to public use, shall be required to guarantee, for construction of any dwelling, apartment or commercial and industrial building, the construction of a sidewalk on any parcel of land upon which none exists at the time application for a building permit is made. The amount shall change from time to time as costs to install sidewalks fluctuate. The cost shall be kept on file in the Engineer's office and shall reflect the cost to install plus an administrative fee of 25% above the cost to install. Upon construction of the sidewalks in accordance with the provisions of this chapter, to the satisfaction of the Chief Building Official, this deposit shall be returned, less fifty dollars (\$50.00), for each separate lot or land to be retained for inspection. (Ord. 2828-94. Passed 2-22-94; Ord. 4422-2007. Passed 5-7-07.)
- (d) Upon the recommendation of the Chief Building Official, the sidewalk construction may be deferred for six months. The Chief Building Official shall not allow occupancy in any new building until the requirements set forth herein are complied with.

(Ord. 2828-94. Passed 2-22-94.)

1024.06 USE OF UNCLAIMED SIDEWALK DEPOSITS; REFUNDS

For those individuals, firms, partnerships and corporations who or which have made or in the future will make sidewalk deposits into the sidewalk Deposit Trust Fund, when more than six months have elapsed since said deposit and when no sidewalk has been constructed by the depositor, the following shall apply:

- (a)
 - (1) It shall be the duty of each depositor to inform the Building Department of its correct address during the deposit period and of any address changes, as well as any changes to ownership which would affect the deposit or control of the deposit or bond. If responsibility for the deposit or bond changes, a letter containing signatures of both the previous and the new responsible party must be presented to the Building Department to make the change effective. Otherwise, the initial depositor remains responsible and must make or maintain the deposit or bond. A copy of this ordinance shall be given to each depositor when the deposit or bond is collected or transferred. The depositor shall sign a form indicating receipt of this section. A bond to cover the cost of installation as outlined in Section 1024.05 shall be acceptable if the location of the sidewalk(s) is included and the City of

North Ridgeville is specifically listed as benefiting from the bond and able to call the bond when necessary. The bond shall extend to such time as necessary to cover installation of all required sidewalks covered by the bond and as determined by the Building Department. Should the bond lapse for any reason, the Builder, Developer or Depositor shall remain and hereby agrees to remain financially responsible for installation of the sidewalk. (Ord. 4422-2007. Passed 6-4-07.)

- (2) A full and complete refund of the deposit shall be made, less the inspection fee contained in Section 1024.05 and the permit fee in Section 1024.04, if applicable, where the sidewalk is installed within nine months or less. While the Building Department may refund the fee if it becomes aware of satisfactory compliance, it shall remain primarily the duty of the depositor, not the City, to show proof of satisfactory installation and to request return of the deposit in writing.
 - (3) When more than nine months have elapsed since the date the deposit was posted and no sidewalk has been constructed, the Building Department shall send a certified letter to the address of the depositor on file indicating that the funds deposited shall be forfeited to the City's General Fund, for use to install the sidewalk for which it was deposited, within 30 days of the postmark on the letter unless the depositor notifies the City of its plans to install the sidewalk. Bonds may be called within the same time frame and utilizing the same procedure. The Building Department shall retain a copy of the certified letter and accompanying paperwork to show a good faith effort to notify the depositor and shall be deemed good service whether or not the letter is accepted or deliverable as it is the depositor's duty to inform the Building Department of any address changes. If the depositor so notifies the City and the sidewalk is not installed within 30 days of notification of the depositor of its plans to install the sidewalk, the initial nine months having elapsed, the funds shall be forfeited immediately without further notification. Should the amount to install the sidewalk be less than the deposited amount, the balance shall remain in the City's General Fund as liquidated damages and administrative costs, less the inspection fee in Section 1024.05(c). (Ord. 4491-2007. Passed 2-17-07.)
 - (4) Funds for sidewalk deposit, if any, currently in the City's Trust Fund or otherwise on deposit for construction of sidewalks, for use for general sidewalk construction purposes, which uses include, but are not limited to, installing sidewalks, drive aprons, extension construction of culverts or bridges, drainage improvements relating to sidewalk construction, acquisition of rights of way, etc., shall be considered forfeited to the City's General Fund if such funds have been on deposit for one year or more unless the Chief Building Official or designee makes a specific determination that the depositor(s) can still be located and notified as required under the former version of Section 1024.06(a).
 - (5) Any outstanding sidewalk liens placed prior to the effective date of this ordinance shall be deemed cancelled and withdrawn; however, those properties shall become subject to Section 1024.06(c) below. (Ord. 4422-2007. Passed 6-4-07.)
 - (6) Sidewalks shall be required on both sides of newly constructed highways, streets, avenues or alleys open to public use, whether flanked on either, neither, or both sides with dwellings, apartments or commercial and industrial buildings.
- (b) No deposit shall be required for those individuals whose situation conforms with one or more of the following criteria:
- (1) A sidewalk does not exist within 2,000 feet in any direction from any property corner.
 - (2) The property is not within 2,500 feet of a City park or a public or private school with primary or secondary programs, whether classes are currently held there or not, measured from any property corner.

- (3)
 - (4) Compliance is impractical due to site conditions, safety concerns, or engineering concerns as determined by the City Engineer and documented in writing.
- (c) For situations which do not require a sidewalk deposit pursuant to subsection (b) above, the following additional requirement is placed upon all such landowners until a sidewalk is constructed:
- (1) The property owner shall be required to install a sidewalk at the City's request when any one or more of the conditions in subsection (b) above no longer applies to the property.
 - (2) Should the property owner refuse to install a sidewalk when requested within a reasonable time frame as determined by the City Engineer or the Engineer's designee, the property shall be assessed. A lien in the amount to install the sidewalk as calculated by the City Engineer, together with an administrative fee of fifty dollars (\$50.00), shall be certified to the County Auditor by the appropriate department head. Such lien shall be assessed after the time frame determined by the Engineer as being a reasonable amount of time to install a sidewalk, but not before the City actually installs the sidewalk.

Such amount shall be entered upon the tax duplicate and shall be a lien upon the property to be collected as other taxes and assessments are collected as other taxes and assessments are collected and returned to the City when so collected and used to cover the cost of installation if the City has installed the sidewalk.

(Ord. 5657-2019. Passed 6-17-19.)

1024.99 PENALTY

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2828-94. Passed 2-22-94.)

Exhibit B

CHAPTER 1024 SIDEWALKS

- 1024.01 SIDEWALKS REQUIRED
- 1024.02 PERMIT REQUIRED
- 1024.03 CONSTRUCTION AND MATERIAL SPECIFICATIONS
- 1024.04 APPROVAL OF CITY ENGINEER REQUIRED; GRADES
- 1024.05 SIDEWALK DEPOSIT
- 1024.06 SIDEWALK FEE IN LIEU OF DEPOSIT
- 1024.07 REFUNDS; UNCLAIMED SIDEWALK DEPOSITS
- 1024.08 FAILURE TO INSTALL SIDEWALKS
- 1024.99 PENALTY

CROSS REFERENCES

- Sidewalks and gutters - see Ohio R.C. 729.01 et seq.
- Notice to construct or repair - see Ohio R.C. 729.03
- Construction or repair at owner's expense - see Ohio R.C. 729.04 et seq.
- Driving upon sidewalks - see TRAF. 432.22
- Maintenance - see GEN. OFF. 660.05
- Obstructions, damage or injury - see GEN. OFF. 660.10
- Sidewalks in subdivisions - see P. & Z. 1226.13
- Solicitation on sidewalks - see P. & Z. 1226.13

1024.01 SIDEWALKS REQUIRED

- (a) Sidewalks shall be required on both sides of newly constructed streets, avenues or alleys open to public use, whether flanked on either, neither or both sides with dwellings, apartments or commercial and industrial buildings.
- (b) Sidewalks shall be required along the boundary of a development area or subdivision where that boundary borders on a public street, avenue or alley open to public use.
- (c) All dwellings, apartments and commercial and industrial buildings constructed in the City shall be provided with sidewalks along the frontage of such buildings before occupancy of the building is permitted. The side yards of all buildings constructed on corner lots are to be considered and treated the same as frontage.
- (d) Where additions of 500 square feet or greater are proposed to existing buildings that are subject to Planning Commission review under Section 1243.03, and where sidewalks do not exist on the property upon which said building is located, Planning Commission may require the installation of sidewalks in accordance with this chapter as a condition of development plan approval.

1024.02 PERMIT REQUIRED

No person shall install or construct a sidewalk within the City without first applying for and obtaining a permit in accordance with the following:

- (a) For sidewalks to be installed as part of a construction project as described in 1024.01, the building permit issued for the project shall include the permit to construct the sidewalk. The applicant

shall provide a deposit as required in Section 1024.05 and shall be subject to all the requirements of this chapter.

(b) For new sidewalks or replacement sidewalks not installed as part of a construction project as described in 1024.01, the applicant shall make separate application for a sidewalk permit. The applicant shall make payment of the required fee as established by Council and shall be subject to the requirements of Section 1024.03 and 1024.04.

1024.03 CONSTRUCTION AND MATERIAL SPECIFICATIONS

(a) Sidewalks shall be a minimum width of four feet along street rights-of-way up to 60 feet wide and a minimum width of five feet for street rights-of-way greater than 60 feet in width. The edge of sidewalks farthest from the road centerline shall not be constructed within six inches of the road right-of-way line and must be within the road right of way, unless an exception to this provision is granted, in writing, by the City Engineer. Sidewalks shall not be permitted on any open ditch section without the written approval of the City Engineer.

(b) Sidewalks shall be constructed of concrete four inches thick, except that where they are crossed by driveways, they shall not be less than six inches thick. All sidewalk construction shall conform to specifications on file in the office of the City Engineer.

(c) Where sidewalks are constructed along a property adjacent to a crosswalk, curb ramps shall be installed in conformance with specifications on file in the office of the City Engineer.

1024.04 APPROVAL OF CITY ENGINEER REQUIRED; GRADES

No sidewalk shall be laid within the City without the approval of the City Engineer. Sidewalks shall be laid in accordance with the grade established and given by the City Engineer.

1024.05 SIDEWALK DEPOSIT

(a) A deposit, calculated annually by the City Engineer for each foot of sidewalk adjacent to a street, avenue or alley which is open to public use, shall be required to guarantee, for construction of any dwelling, apartment or commercial and industrial building, the construction of a sidewalk on any parcel of land upon which none exists at the time application for a building permit is made. Deposits shall be placed in a City depository fund.

(b) A bond to cover the cost of installation as outlined above shall be acceptable if the location of the sidewalk(s) is included and the City of North Ridgeville is specifically listed as benefiting from the bond and able to call the bond when necessary. The bond shall extend to such time as necessary to cover installation of all required sidewalks covered by the bond and as determined by the Chief Building Official. Should the bond lapse for any reason, the Builder, Developer or Depositor shall remain and hereby agrees to remain financially responsible for installation of the sidewalk.

(c) It shall be the duty of each depositor to inform the Building Department of its correct address during the deposit period and of any address changes, as well as any changes to ownership which would affect the deposit or control of the deposit or bond. If responsibility for the deposit or bond changes, a letter notifying the City of the change and containing signatures of both the previous and the new responsible party must be presented to the Building Department to make the change effective. Otherwise, the initial depositor remains responsible and must make or maintain the deposit or bond. A copy of this ordinance shall be given to each depositor when the deposit or bond is collected or transferred. The depositor shall sign a form indicating receipt of this chapter.

1024.06 SIDEWALK FEE IN LIEU OF DEPOSIT

(a) It shall be the option of the property owner, upon application and as approved by the City Engineer, to make payment of a sidewalk fee in lieu of the sidewalk deposit required in Section 1024.05 where a property meets one or more of the criteria listed below. The fee shall be paid at the time of building permit issuance in an amount equivalent to the deposit that would otherwise be required by this chapter.

(1) A sidewalk does not exist within 2,500 feet in any direction from any property corner, and it is unlikely that there will be development nearby that would require the installation of sidewalks.

(2) The property is not within 2,500 feet of a City park or a public or private school measured from any property corner.

(3) Compliance is impractical due to site conditions, safety concerns or engineering concerns as determined by the City Engineer and documented in writing.

(b) Any fee paid under this section shall be earmarked and used for general sidewalk construction purposes, which include, but are not limited to, installing sidewalks and multi-purpose paths, drive aprons, extension of culverts or bridges, drainage improvements relating to sidewalk construction, acquisition of rights-of-way, etc.

1024.07 REFUNDS; UNCLAIMED SIDEWALK DEPOSITS

(a) Upon construction of the sidewalks in accordance with the provisions of this chapter to the satisfaction of the Chief Building Official, the deposit shall be returned, less fifty dollars (\$50.00), for each separate lot to be retained for inspection. It shall remain primarily the duty of the depositor, not the City, to show proof of satisfactory installation and to request return of the deposit in writing.

(b) Sidewalk deposits in the City's depository fund shall be considered forfeited if such funds have been on deposit for one year or more after issuance of a Certificate of Occupancy or acceptance of a final plat for the project. Deposits considered forfeited shall be transferred to unclaimed funds. Thereafter, any such unclaimed funds transferred to the General Fund shall be earmarked and used for general sidewalk construction purposes as described in 1024.06(b).

1024.08 FAILURE TO INSTALL SIDEWALKS

(a) When more than one year has elapsed since the date a sidewalk deposit was posted and no sidewalk has been constructed, the Chief Building Official shall send a certified letter to the address of the depositor on file indicating that the funds deposited shall be forfeited to the City within 30 days of the postmark on the letter unless the depositor notifies the City of its plans to install the sidewalk. Bonds may be called within the same time frame and utilizing the same procedure. The Chief Building Official shall retain a copy of the certified letter and accompanying paperwork to show a good faith effort to notify the depositor and shall be deemed good service whether or not the letter is accepted or deliverable as it is the depositor's duty to inform the Building Department of any address changes.

(b) If the depositor timely notifies the City of its plans to install the sidewalk and the sidewalk is not installed within 120 days of the date of said notification, the deposit shall be forfeited immediately without further notification to the City's General Fund.

(c) Any sidewalk deposits forfeited subject to this section shall be earmarked and used for general sidewalk construction purposes as described in 1024.06(b).

1024.99 PENALTY

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.