

**CITY OF BEAVERCREEK**  
**PUBLIC SERVICES DEPARTMENT**  
**SIDEWALK MAINTENANCE POLICY**

**1.0 INTRODUCTION**

- 1.01 Chapter 729 of the Ohio Revised Code grants the City the authority to require adjoining property owners to repair sidewalks. Upon the failure of the property owner to complete the required sidewalk repairs, Chapter 729 further allows for the City to complete the sidewalk repair and assess the cost of the repair to the adjoining property owner.
- 1.02 City Council action is required prior implementing any sidewalk repair program permitted under Chapter 729 of the Ohio Revised Code. City Council must approve a resolution as prescribed in Section 729.02 of the Ohio Revised Code before the sidewalk repair program may proceed. The resolution approved by City Council shall generally include sidewalk repair specifications, estimated costs, repair locations, adjoining property owner address, the time period allotted for the property owner to complete repairs, and City Council's intent to complete these repairs and assess the abutting property owner if the work is not completed by the adjoining property owner within the specified timeframe.
- 1.03 This sidewalk repair policy was prepared to comply with the requirements listed in Resolution 24-10.
- 1.04 The goal of this policy is to outline an orderly, consistent, and fiscally responsible process for sidewalk inspection and replacement so as to provide for sidewalk replacement before a pedestrian facility deteriorates to the point that it could endanger public safety.
- 1.05 This policy shall apply to all public sidewalks within the City of Beavercreek.

**2.0 POLICY**

- 2.01 It is the declared policy of the City of Beavercreek that Sidewalks shall be kept in good repair by and at the expense of abutting property owners and that sidewalks shall be maintained free from obstructions.
- 2.02 All sidewalk repairs shall be made in conformance with City of Beavercreek Standard Construction Drawing RW-105.
- 2.03 This policy does not in any way alter or change any obligations to maintain sidewalks placed upon the homeowner that may be contained in any City of Beavercreek ordinances, or any provisions of the Ohio Revised Code.

### 3.0 DEFINITIONS

**“Crack”** shall mean a fissure within a concrete Sidewalk square. On asphalt facilities, this fissure(s) may be referred to as alligatoring, edge cracking, or reflective cracking.

**“Depression”** shall mean a difference in elevation within a concrete Sidewalk square created by a sunken area, hollow, or spalling. On asphalt sidewalks this difference in elevation may be referred to as rutting, potholes, or shoving.

**“Joint”** shall mean a cleavage created for expansion purposes that separates two or more sidewalk squares.

**“Pitch”** shall mean the constructed slope of a Sidewalk or Sidepath to the street (typically two (2) percent).

**“Sidewalk(s)”** shall mean that portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians. For the purpose of this policy, Sidewalks may vary in width and are typically between four (4) feet to five (5) feet wide and may be constructed of concrete, asphalt, or brick pavers.

**“Sidepath(s)”** shall have the same meaning as shared-use path and multi-use path for the purpose of this policy, and shall mean a bikeway outside of the traveled way and physically separated from motorized vehicular traffic by an open space or barrier. Sidepaths may vary in width and are typically greater than five (5) feet in width and may be constructed of concrete, asphalt, or brick pavers.

**“Sidewalk Square”** shall mean that portion of a Sidewalk or Sidepath bordered by Joints and the Sidewalk edge.

**“Spalling”** shall mean a chipped or splintered condition of a Sidewalk Square.

**“Temporary Repair”** shall mean a repair performed on a Sidewalk, or Sidewalk Square(s) that does not bring the facility up to City of Beavercreek specifications, but is necessary to abate an immediate hazard.

### 4.0 MAINTENANCE

- 4.01 Maintain Free From Hazards: The abutting property owner is responsible for maintaining the sidewalk in the abutting right-of-way free and clear from conditions that could develop into a hazard as set forth in Section 6 of this policy, and as required in §153.30 (C).
- 4.02 The City of Beavercreek may order a sidewalk to be repaired or replaced if it exhibits a condition that could develop into a hazard as set forth on Section 6 of this policy. Said order to repair or replace sidewalk sections shall be in writing and shall clearly describe the work needed to bring said sidewalk into compliance with this policy.

- 4.03 Any notice to repair, or replace sidewalk to a property owner shall follow the format described in section 5 of this policy.
- 4.04 Any repairs or replacements that are deemed necessary by the City Engineer, or designee, to curb ramps to meet current ADA regulations shall be the responsibility of the City of Beavercreek.
- 4.05 Any sidewalk repairs, or new sidewalk construction, made in conjunction with a larger roadway improvement project shall be the responsibility of the City of Beavercreek.

## 5.0 PROCEDURE

- 5.01 The City Engineer (or designee) is responsible for selecting streets for resurfacing, curb repairs and other required maintenance work on an annual basis. Upon the selection of the streets for annual resurfacing and curb repair work, the City Engineer (or designee) shall take the following steps prior to advertising this maintenance work for bids:
  - (a) An inspection shall be performed of all sidewalks along the roadways selected for annual maintenance work. These sidewalk inspections shall look for and identify any defects listed in Section 6 of this policy.
  - (b) The listing of defects identified as a result of these inspections shall include the following elements at a minimum: date of inspection, address where defect is located, description of defect, estimated quantity of sidewalk in need of replacement, estimated cost of necessary sidewalk replacements.
  - (c) When inspections are performed, the location of any identified sidewalk defect shall be clearly marked in paint.
  - (d) The City Engineer shall provide a summary of any identified sidewalk defect, adjoining property owner names, addresses, and estimated costs to the Finance Department.
  - (e) The City Engineer shall produce a flyer for mailing to impacted homeowners generally describing the sidewalk replacement process, homeowner options for repairs, and timelines required for the replacement work to be completed.
- 5.02 After a construction contract is awarded for sidewalk repairs, the City Engineer shall take the following steps prior to directing the contractor to complete any sidewalk replacements:
  - (a) Upon the expiration of the time period allotted for the property owner to complete the required sidewalk repair, an inspection will be performed to determine the locations where sidewalk replacement work has not yet been completed and will need to be performed by the City's contractor.

- (b) Upon the completion of all sidewalk replacements, the City Engineer shall produce a report of all addresses and final construction costs for locations where the City's contractor completed sidewalk replacements. This report is provided to the Finance Department.
- 5.03 Upon the receipt of this sidewalk inspection and cost information from the City Engineer, the Finance Department shall take the following actions:
- (a) The drafting of a Resolution of Necessity for City Council consideration as required by Section 729.02 of the Ohio Revised Code.
  - (b) Upon resolution approval by City Council, the Finance Department shall ensure the approved Resolution of Necessity and the sidewalk program flyer are provided to all impacted property owners as required in Chapter 729 of the Ohio Revised Code.
  - (c) Upon the receipt of the final sidewalk replacement report from the City Engineer, the Finance Department shall prepare a summary of estimated assessments and shall transmit invoices to all impacted property owners. The Finance Department shall also be responsible for the publication of any required notices and shall be responsible for collecting any property owner objections.
  - (d) The Finance Department shall be responsible for coordinating the resolution of objections, the tracking of invoice payments, and shall draft any required legislation needed to finalize the assessment of sidewalk repair costs to the adjoining homeowner.

## 6.0 CONDITIONS THAT COULD DEVELOP INTO HAZARDS

- 6.01 The City Engineer, or designee, shall consider the following conditions which, if not addressed, could develop into a hazard, in determining whether to order a section of Sidewalk replaced or repaired:
- (a) There is a difference in height at the Joint greater than one-half (1/2) inch in the elevation of adjacent Sidewalk Squares.
  - (b) The Pitch of the Sidewalk is greater than one (1) inch per foot or the Pitch is in the opposite direction than provided for according to the City of Beavercreek Sidewalk specifications.
  - (c) There is a Crack greater than one-quarter (1/4) inch in width.
  - (d) There is a difference in height greater than one-half (1/2) inch in the elevation of adjacent sections of a Sidewalk separated by a Crack.
  - (e) There is a Depression greater than one-half (1/2) inch within a Sidewalk.
  - (f) There is Spalling over more than fifty percent (50%) of the area of a Sidewalk that has not resulted in a Depression greater than one-half (1/2) inch.

(g) With asphalt Sidewalks or Sidepaths, excessive raveling is evident, rutting, or the existence of potholes is noted.

(h) There has been a temporary Sidewalk repair.

This list of conditions is not a complete list of conditions. The City Engineer, or designee, may encounter other conditions that could develop into a hazard and therefore may address those conditions as though they were in this section.

## 7.0 TEMPORARY SIDEWALK REPAIR

7.01 No Sidewalk Square shall be ordered or arranged to be repaired by way of Crack fillers, wedges, surface treatments or the like except as a temporary measure pending replacement. Sidewalk Squares which, upon inspection, are noted to have been temporarily repaired shall be replaced.

## 8.0 SUMP PUMP DISCHARGE

8.01 Discharge from a sump pump shall not be directed so as to cause discharge to flow over any Sidewalk or Sidepath. Sump pump discharge shall not be directed in such a manner that will cause water to accumulate upon a Sidewalk or Sidepath. Whenever a sump pump discharge is determined by the City Engineer, or designee, to have flowed over or accumulated upon a public Sidewalk or Sidepath, the City Engineer may order the owner of the property that is the source of the discharge to redirect the sump pump discharge. The procedure for this work shall be identical to the procedure for Sidewalk repairs, as stated in Section 5 of this policy.

## 9.00 DOCUMENTATION; REVIEW AND MODIFICATION OF POLICY

9.01 The City Engineer, or designee, will document sidewalk and sidepath maintenance activities, and keep on file all citizen comments and complaints regarding this policy and/or sidewalk maintenance in general.

9.02 The City Council shall review this policy periodically, including documented maintenance activities, and citizen comments and complaints.

9.03 The City Manager shall also review any factors/circumstances affecting this policy or its implementation and determine program goals for the future.