

ORDINANCE 2011-05

AN ORDINANCE AMENDING §1248.04 OF
THE CODIFIED ORDINANCES OF THE CITY
OF WAPAKONETA, OHIO, REGARDING
SIDEWALKS

FIRST READ	SECOND READ	THIRD READ		SUSPENDADOPT			
				YES	NO	YES	NO
			J NEUMEIER				
			D, LEE				
			B WURST				
			D GRAF				
			W WELLS				
			S WALTER				
			T FINKLEMEIER				
			TOTAL				

BE IT ORDAINED by the City of Wapakoneta (herein the "City"), County of Auglaize, State of Ohio, to-wit:

SECTION ONE

That §1248.04 of the Codified Ordinances of the City of Wapakoneta is hereby amended to read as follows:

1248.04 SIDEWALKS.

- (a) It is the responsibility of Council to provide for the health and safety of citizens of and visitors to the City. The presence of the sidewalk statistically reduces the chance of vehicle pedestrian accidents. The safety of pedestrians especially children being a concern; Wapakoneta is designated a sidewalk community and sidewalk is considered a part of the basic required infrastructure within the municipality.

(b) The preferred configuration is sidewalk, tree lawn then curb and this configuration shall be used in all instances where feasible. In the case of narrow right of way or topography restrictions sidewalk may be installed directly against the curb or waived at the discretion of the Director of Safety and Service or his/her designated Engineering representative. Each waiver must be ratified by Council. A written copy of the waiver shall be given to the property owner for their records.

(c) When sidewalk is removed by the City for utility work or other similar reason; the sidewalk shall be replaced with no assessment of the property owner.

(d) Repairs to sidewalk damage cause by City owned trees in the tree lawn shall not be assessed to the property owner.

(e) New Construction.

(1) Concrete sidewalks having a minimum width of four feet and having a minimum thickness of four inches shall be installed along both sides of streets or thoroughfares. Concrete sidewalks shall be constructed in conformance with the current edition of the State of Ohio Department of Transportation and Material Specifications, as the same pertains to this type of improvement.

(2) New construction means the building of a structure on a previously unimproved parcel. It does not mean the replacement of or addition to an existing structure; or the addition of an outbuilding.

(f) Existing Improved Parcels.

(1) Existing improved properties without sidewalk will be required to install sidewalk per the specifications in the new construction requirements as part of a systematic annual sidewalk deployment program that will be independent of the annual sidewalk repair program.

(2) When sidewalk is required to be installed by the owner of an existing residential or non-profit owned property, the property owner shall only be assessed for the cost of concrete and gravel for the actual sidewalk. The City shall pay for all labor, equipment, grading, drainage, grass seeding and disposal costs. This offer is only available for City installed sidewalk.

- (3) When the frontage requiring sidewalk of an existing residential or non-profit owned property exceeds 120' the property owner shall not be assessed for the cost of that portion of the sidewalk which exceeds 120'. Lots shall be required to have sidewalk along all streets. The property owner shall be assessed for the cost of concrete and gravel for the actual sidewalk on the front street frontage only. Installation costs and materials for side or other frontage shall be the responsibility of the City.
- (4) Beginning the year following the adoption of this ordinance, an annual sidewalk deployment program will be prepared by the Director of Safety and Service or his/her designated Engineering representative and will include the two properties adjacent to the ending point of any existing sidewalk. The Director of Safety and Service or his/her designated Engineering representative may reduce the total number of properties in any given year's sidewalk deployment program based on budgetary or engineering constraints but may not reduce the program to less than ten parcels in any given year. If budgetary restraints necessitate the postponement of an entire year's sidewalk deployment program, a one year deferral may be accomplished by a majority vote of Council.
- (5) Emphasis shall be given to connecting sidewalk infrastructure with priority being given to areas that are high traffic or lead to schools.
- (6) Corner lots across streets will be considered adjacent for the purpose of this program. Which corner will be selected by the Director of Safety and Service or his/her designated Engineering representative based on the most logical progression to other existing sidewalk, high traffic areas or schools.
- (7) Any gap in existing sidewalk of two unimproved properties or less may be included in the annual sidewalk program at the discretion of the Director of Safety and Service or his/her designated Engineering representative.

SECTION TWO

That former §1248.08 of the Codified Ordinances is hereby repealed.

SECTION THREE

That this Ordinance shall be enforced from and take effect from and after the earliest period allowed by law.

Attest:

Passed this _____ day of _____, 2011

Clerk of Council

President of Council

Approved:

Approved as to form:

Mayor

City Law Director

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WAPAKONETA DAILY NEWS, A NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF _____ AND _____.

CLERK OF COUNCIL