

Ordinance No. 36-09

Passed May 11, 2009

4/21/09-gmk
(Street & Alley)

Ordinance No. 36-09

An ordinance amending PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE of the Codified Ordinances of the City of North Canton by the addition under TITLE ONE – STREET AND SIDEWALK AREAS of a Sidewalk Policy and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES CODE of the Codified Ordinances of the City of North Canton by the addition under TITLE ONE – STREET AND SIDEWALK AREAS, be, and the same is hereby amended to include a Sidewalk Policy.

Section 2. The City may cause sidewalks to be installed on any city street, as funds are available, if the street meets any two (2) of the following three (3) criteria (A)(B)(C):

A. A school, school facility, governmental recreation area or governmental athletic facility is located on the street; or

B. The street has a vehicular traffic count like other similarly situated connector streets as evidenced in the most recent Stark County Area Transportation Study. In lieu of a SCAT study a written safety recommendation in favor of sidewalk installation from either the Chief of Police or Chief of Fire may be substituted; or

C. The street is within the current no transport zone of the school;

Section 3. If the street meets any two (2) of the above three (3) criteria, the City may initiate construction of the sidewalk at its own cost. The City will cause the property to be staked so the property owners would be aware of the exact placement of the sidewalks.

Section 4. EXISTING SIDEWALKS. A property owner may petition the City of North Canton to replace the property owner's substandard sidewalks and driveway approaches with costs being shared equally by the property owner(s) and the City when subsections (a) or (b) below are met:

A. At least fifty (50) percent of the property owners living in a city block, as defined by the City Engineer, petition the City to repair substandard sidewalks; or

B. At least forty (40) percent of the property owners living within a three (3) block radius, as defined by the City Engineer, petition the City to repair substandard sidewalks.

Section 5. NEW SIDEWALKS. A property owner may petition the City of North Canton for the installation of new sidewalks and driveway approaches with costs being shared equally by the property owner(s) and the City when 100% of the property owners on one side of the street within a city block, as defined by the City Engineer, petition the City to install new sidewalks.

Section 6. Participation in Section 4 and Section 5 is voluntary and is limited to residential properties. The property must be located on an improved street (i.e., must have curbs) and the total lineage of the improvements must exceed a minimum of 500 lineal feet for all participating property owners combined.

36-09

Ordinance No. 36-09

Passed May 11, 2009

Section 7. To qualify, a residential property owner living within the area designated in Sections (4) (a) or (4) (b) or Section 5 must sign an agreement to pay for an equal share of the costs, excluding engineering and survey expenses. When the participatory minimums have been met, the City may construct the necessary improvements.

Section 8. Property owners must contact the Director of Administration to request a participation agreement. A City representative, as determined by the Administration, will visit the site, speak with the property owner(s), if available, and determine which items of work are needed. The estimate may provide for replacement or installation of the sidewalk, driveway apron, the curb adjacent to the apron, retaining wall (along right of way), roof drain pipe, and tree removal. The City will cause the property to be staked so the property owners would be aware of the exact placement of the sidewalks.

Section 9. Any tree on private property that must be removed to accomplish the work will be removed at the owner's expense. These costs will be provided in the estimate with the petition. Sidewalk slabs that are lifted by tree roots but are otherwise undamaged are considered defective, and need to be replaced. If it is determined that cutting the roots will kill the tree, the tree will be removed at the time of construction.

Section 10. The property owner(s) must accept the City's work order in its entirety. The City will provide the property owner(s) with a preliminary cost estimate. If the property owner chooses to have the City do the work, the owner(s) must sign the agreement and return it to the City. When sufficient numbers of signed agreements have been accepted by the City, the City will invoice the participating property owners. Before construction begins, the property owner(s) shall remit funds in full to the City. Improvements will only be made on those properties for which payment has been received. Construction will begin as soon as practicable.

Section 11. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely implementation of a sidewalk policy due to the short construction season; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH
Passed: 5/11/09


MAYOR

SIGNED: 5-11, 2009

ATTEST:


CLERK OF COUNCIL