

EXHIBIT “A”

HAMILTON TOWNSHIP SIDEWALK REPAIR AND REPLACEMENT POLICY

DEFINITIONS:

The terms used in this chapter shall have the meanings herein defined unless another meaning is clearly apparent in the language or context.

- (a) “Owner” means:
 - (1) In the case of land, any person who is recorded on the tax records as the owner of the land, or
 - (2) In the case of property other than land, any person who is in lawful possession thereof.

- (b) “Occupant” means:
 - (1) A person who is in physical possession of a property, or
 - (2) A person who has responsibility for, and control over, the condition of a property, the activities conducted on that property, and the persons allowed to enter that property.

- (c) “Person” includes any individual, corporation, society, association, partnership or firm and the successor or the heir, executor, administrators or other legal representatives of a person.

- (d) “Sidewalk” means a part of a highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of the highway between the curb line (or edge of the roadway where there is no curb line) and the adjacent property line, whether or not paved or improved.

- (e) “Supervisor” means the Hamilton Township Maintenance Supervisor or his/her designee.

SIDEWALKS TO BE KEPT IN GOOD REPAIR:

- A. Under the provisions of the **Ohio Revised Code, Section 5543.10**, the board of township trustees, by unanimous vote, may order the construction, repair, or maintenance of sidewalks, curbs, and gutters along or connecting the public highways, outside a municipal corporation, without a petition for that construction, repair, or maintenance, and may assess none, all, or any part of the cost against abutting property owners, provided that notice is given by publication for three successive weeks in a newspaper of general circulation within the county stating the intention of the board of township trustees to construct, repair, or maintain the specified improvements and fixing a date for a hearing on them. As part of a sidewalk

improvement, the board may include the repair or reconstruction of a driveway within the sidewalk easement. As part of a curb improvement, the board may include construction or repair of a driveway apron. In addition to the requirements of other applicable ordinances, every property owner and/or occupant of real estate in the Township abutting a roadway shall be required to maintain a sidewalk and driveway apron in good repair.

- B. The Supervisor shall establish a program for carrying out the provisions of this section. The Supervisor is hereby further authorized and directed to promulgate rules and regulations consistent with the requirements and provisions of this chapter to carry out the intent and purpose of this Resolution.
- C. The Supervisor or his/her designee shall inspect the sidewalks and driveway aprons of the Township at reasonable intervals and, within the limitations of available funds, require repair or installation of sidewalks and/or driveway aprons in those areas of the Township where the most need for the improvement thereof then exists.
 - (1) A sidewalk or driveway apron block shall be replaced when the supervisor determines any of the following conditions are present:
 - a. The difference in elevation between two slabs at a formed or random joint or crack exceeds one inch;
 - b. Where a portion of the sidewalk or driveway apron is missing;
 - c. Where a horizontal gap exceeds one inch;
 - d. Where a block has buckled, within the limits of the block, to a height which exceeds one inch;
 - e. Where a block has settled, within the limits of the block, to a depth which exceeds one inch;
 - f. Where a slab has pitted, spalled, scalled or deteriorated twenty-five percent (25%) or more of its surface;
 - g. Where a slab has disintegrated or shattered;
 - h. Where a slab rocks or moves under the weight of a pedestrian; or
 - i. Where diagonal, transverse and longitudinal cracks interconnect forming a series of polygons resembling an alligator skin.
 - (2) Upon such determination, the owner of the property shall be notified by personal service or by certified mail, return receipt requested, to make the necessary improvements. If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published in a newspaper of general circulation within the Township once. No person shall remove or deface a posted copy of such notice without prior written authorization of Hamilton Township. Such repairs or replacements shall be made within sixty days from the giving of notice when such notice is not returned undelivered or within thirty days following the period of publication or from the date of posting of notice on the

property, unless extension(s) are granted by the Maintenance Supervisor due to inclement weather or other unforeseen circumstance.

- (3) Property owners given notice to make repairs or replacements shall have the following options:
- a. The property owner may contract with a third party private contractor at his/her own expense to make the repairs or replacements; or
 - b. The property owner may contract with the Township's own contractor to make repairs or replacements; or
 - c. If, after the expiration of thirty days following the giving of the notice required in Section 08(c), the repair or installation of sidewalks and/or driveway aprons is not made by the owner, the Maintenance Supervisor shall establish the grade and shall order the installation of the sidewalk and/or driveway apron under the overall sidewalk-driveway apron contract of the Township as hereinafter provided. The installation and/or repair of such sidewalk and/or driveway apron shall be supervised by the Maintenance Supervisor or his/her assignee.

Upon completion of such work by the Township, a statement by the Fiscal Officer shall be forwarded to the owner at his tax mailing address as shown in the records of Warren County by registered mail, return receipt requested. If any notice herein required to be given by registered mail, return receipt requested, is not delivered to such owner or his agent as evidenced by the postal return thereon, it shall then be advertised in a newspaper of general circulation in the Township for a period of not less than once a week for three consecutive weeks.

The statement shall include the cost of repair and/or installation, the cost of the notices, costs for establishing the grade and supervision for each lot as shown by the subdivision plat records and all other necessary expenses. The owners shall thereafter have thirty days during which to pay such expense, and if it is not paid at the expiration of the thirty day period, the cost shall thereupon constitute a lien upon the lots and lands so benefited and a tax is levied therefore. The Fiscal Officer upon approval by the Board of Trustees shall certify such tax lien to the County Auditor under Section § 5543.10 of the Ohio Revised Code in the following manner:

- (1) If the amount of construction or repair is equal to or less than 500 square feet, the amount due shall be divided into two semi-annual payments and collected within the immediate tax year. The Fiscal Officer shall add to the amount due interest at the rate of ten percent (10%) but in no event an amount less than fifty dollars (\$50.00).

- (2) If the amount of construction or repair is greater than five hundred square feet, the amount due shall be divided into four semi-annual payments, and collected one-half within the immediate tax year, and one-half in the next following tax year. The Fiscal Officer shall add to the amount due interest at the rate of ten percent (10%) per annum, but in no event an amount less than fifty dollars (\$50.00).

CONSTRUCTION BY TOWNSHIP; BIDS:

The Supervisor shall, based upon the inspection, estimate the number of square feet of sidewalk and driveway apron that will be laid by the Township as part of the sidewalk repair or replacement project.

The Board of Trustees shall award a contract to the lowest and most responsible bidder who shall, at the direction of the Maintenance Supervisor, repair or install sidewalks and driveway aprons as required by the bid specifications of the Township.

The Maintenance Supervisor within thirty days of an award of a contract, shall issue written notification to owners of property with sidewalks and/or driveway aprons to be repaired and/or replaced. The bid required hereunder shall provide that the price is to be based on normal grade conditions. In the performance of individual jobs involving grades that require filling with or removal of earth or other materials, not including cinders or slag, the Maintenance Supervisor shall agree with the contractor for the reasonable cost of the earth removal or fill to accomplish normal grade.

The following is a copy of the Ohio Revised Code, Section 5543.10. Sidewalk, curb, and gutter improvements; removal or trimming of vegetation

(A) The county engineer, upon the order of the board of county commissioners or board of township trustees, shall construct sidewalks, curbs, or gutters of suitable materials, along or connecting the public highways, outside any municipal corporation, upon the petition of a majority of the abutting property owners. The expense of the construction of these improvements may be paid by the county or township, or by the county or township and abutting property owners in such proportion as determined by the board of county commissioners or board of township trustees. The board of county commissioners or board of township trustees may assess part or all of the cost of these improvements against the abutting property owners, in proportion to benefits accruing to their property.

The board of county commissioners or board of township trustees, by unanimous vote, may order the construction, repair, or maintenance of sidewalks, curbs, and gutters along or connecting the public highways, outside a municipal corporation, without a petition for that construction, repair, or maintenance, and may assess none, all, or any part of the cost against abutting property owners, provided that

notice is given by publication for three successive weeks in a newspaper of general circulation within the county stating the intention of the board of county commissioners or board of township trustees to construct, repair, or maintain the specified improvements and fixing a date for a hearing on them. As part of a sidewalk improvement, the board may include the repair or reconstruction of a driveway within the sidewalk easement. As part of a curb improvement, the board may include construction or repair of a driveway apron.

Notice to all abutting property owners shall be given by two publications in a newspaper of general circulation in the county, at least ten days prior to the date fixed in the notice for the making of assessments. The notice shall state the time and place when abutting property owners will be given an opportunity to be heard with reference to assessments. The board of county commissioners or board of township trustees shall determine whether assessments shall be paid in one or more installments.

(B) The county engineer may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the county, and the board of township trustees may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the easement of a public sidewalk along or connecting the public highways and maintained by the township, as is necessary in the engineer's or board's judgment to facilitate the right of the public to improvement and maintenance of, and uninterrupted travel on, public sidewalks in the county or township.