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CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11264-2022

INTRODUCED BY: MAYOR ORCUTT

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF THE 2022 SIDEWALK REPLACEMENT PROGRAM, AND DECLARING AN EMERGENCY

WHEREAS, City Council appropriated \$50,000, from the 2022 Street Improvements Fund #547 in the 2022 municipal budget to provide sidewalk replacement to Brook Park residents;

WHEREAS, the City of Brook Park encourages the improvement and maintenance of real property located within the City; and

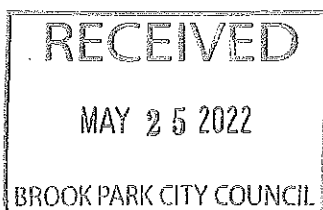
WHEREAS, financial assistance from the City of Brook Park is necessary to permit residents to effectuate the remediation and repairs to their residential properties and to protect the community from blight and deterioration; and

WHEREAS, in an effort to maintain low cost and high quality, the work will be done in-house by Brook Park Service Department personnel.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: The Mayor shall implement the Sidewalk Replacement Program (Exhibit "A") to homeowners of Brook Park dwellings upon the following terms and conditions:

1. City personnel will evaluate sidewalks based on Brook Park Codified Section 521.06 and Ohio Revised Code Section 729.01 to determine if blocks need to be replaced.
2. Blocks failing inspection will be clearly marked by City Personnel.
3. Once the inspections have been completed, property owners with failing sidewalks will be mailed a letter outlining the 2022 Sidewalk Replacement Program. This is a first come first served program.



4. Property owners will be made aware of the opportunity to pay \$100.00 to replace individual sidewalk blocks found to be needing replacement.
5. Residents choosing not to participate will be notified that they could be cited as not being in compliance with Brook Park Codified Section 729.01, and will be responsible for 100% of the cost.

**SECTION 2:** The money needed for the aforesaid program shall be paid by the City from Fund #547 appropriated for the Sidewalk Replacement Program.

**SECTION 3:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Sections 121.22 of the Ohio Revised Code.

**SECTION 4:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason implement of the 2022 Sidewalk Replacement Program; provided this Ordinance receives the affirmative vote of at least five (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

Troyer  
Mencini  
Roberts  
Scott  
Coyne  
Poinceter

PASSED: June 7, 2022

[Signature]  
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson  
Clerk of Council

APPROVED: [Signature]  
MAYOR

6-7-22  
DATE

**CERTIFICATE**

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance Resolution No. 11264-2022 passed on the 7 day of June 2022 by said council.

Carol Johnson  
Clerk of Council

I, Carol Johnson, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location: City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing June 8, 2022  
Carol Johnson  
CAROL JOHNSON  
Clerk of Council

I HEREBY APPROVE THE WITHIN INSTRUMENT AS TO LEGAL FORM AND CORRECTNESS.

DIRECTOR OF LAW

Mencini  
Roberts  
Scott

Yea  
Nay

Yea  
Nay  
Troyer  
Mencini  
Roberts  
Scott  
Coyne  
Poinceter  
Salvatore



## City of Brook Park 2022 Sidewalk Replacement Program

### General Program Information

Sidewalks can become damaged from weathering, tree roots, and even regular use. A sidewalk replacement program has been undertaken by the City of Brook Park to inspect and reconstruct damaged sidewalks. The goal is to provide a safe pathway for pedestrian travel. Brook Park Code of Ordinances section 521.06 states that "No owner or occupant of lots or lands abutting any sidewalk, curb or gutter shall fail to keep the sidewalks, curbs and gutters in repair...." In addition, Ohio Revised Code section 729.01 states that "the legislative authority of a municipal corporation may require the construction or repair of sidewalks, curbs, or gutters within the municipal corporation by the owners of lots or lands abutting thereon..."

A limited amount of funding is available to assist citizens to replace deteriorating sidewalks. City of Brook Park Service Department personnel will be utilized to replace damaged individual sidewalk blocks adjacent to homeowner's properties at a cost of \$100.00 per block. These funds will be utilized on a first come first served basis.

The deficiencies will be reviewed by the Service Department and the locations and types of deficiencies are recorded, tabulated and summarized. The method of replacement to be employed under this Program is the removal and replacement of entire block(s) of concrete sidewalk (joint to joint).

### Inspection Criteria

The city will identify sidewalk blocks for replacement that meet one or more of the following criteria:

- The sidewalk is displaced with a vertical edge of 3/4" or more.
- The sidewalk is depressed, raised or a trip hazard.
- The sidewalk has cracked in 3 or more pieces, has cracks that are 1/4" or greater or is missing a full depth piece of concrete.
- The sidewalk has spalled over 75% of the surface.
- The sidewalk has horizontal separations equal to or greater than 3/4" within the square, or greater than 1" at the sidewalk joints.



## **City of Brook Park 2022 Sidewalk Replacement Program**

### **What to Expect**

Property owners adjacent to any sidewalk that is marked for replacement will be mailed a letter notifying them of the Sidewalk Replacement Program. The notification letter will list the number of blocks and the costs associated with the replacement.

Only when the resident's share of the proposed replacement costs is received by the City, will the associated replacement locations be added to the Final List. Payments must be made to the Service Department.

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### **Frequently Asked Questions**

#### ***How do I know if my sidewalk needs to be replaced?***

Blocks will be identified for replacement and marked by the Brook Park Service Department. A notification letter will be mailed to corresponding residents.

#### ***Am I responsible for getting a contractor?***

You do not need to get a contractor. If your sidewalk needs replaced under the criteria established by the City, you will automatically be notified. You will need to make payment to the City in the amount indicated on the Notification Letter (\$100.00 per block).

#### ***Can I do the work myself or hire my own contractor?***

Yes, residents may hire their own contractor, but it does not fall under any guidelines under the City Sidewalk Replacement Program and you will be responsible for 100% of any or all costs of the project. A building permit will be required.

#### ***Could I be sued if someone is injured on the sidewalk in front of my house?***

Yes. If a hazardous sidewalk defect in front of your house causes a person to trip, and the person is injured, the property owner could potentially be sued.

#### ***Are there any exceptions to the Sidewalk Replacement Program?***

Yes, only blocks marked by the City are eligible for replacement.