

**RULES FOR HOMEOWNERS & CONTRACTORS FOR
SIDEWALK AND DRIVEWAY APRON REPAIR AND REPLACEMENT
IN THE RIGHT-OF-WAY**

- A. Contractors must be registered with the Building Department.
- B. Contractors or homeowners must obtain a concrete permit and a public property permit from the Building Department. See Sections 1305.01 (f), and 153.02 Codified Ordinances.
- C. Contractors must comply with all City ordinances, including, but not limited to, those set forth below.
- D. Contractors must contact the Building and/or Public Works Department for a pre-pour /installation inspection and post-pour/installation inspection of concrete and sandstone sidewalks and concrete aprons.
- E. Contractors must support and protect all structures, conduits, equipment and fixtures of all kinds, and all other public or private sidewalks, driveway aprons, tree lawns, tree roots, trees, landscaping and equipment and fixtures of all kinds, and all other public or private property. Contractor must repair or correct any damage caused to any such property. If a Contractor breaks or cracks any adjacent blocks of sandstone or concrete, the Contractor shall replace them. If a Contractor causes any chipping on adjacent blocks of sandstone or concrete, the Contractor shall have a two or three inch section along the edge saw cut to remove the chips and include that area in the replacement block.
- F. Contractors shall use every possible precaution to prevent injury to trees, shrubbery, landscaping and lawns which may be located on or near the site of the work along public right-of-ways or on private property and Contractor shall not be permitted to locate any equipment where it would interfere with or injure any trees, shrubbery, landscaping or lawns.
- G. All tree roots encountered during work shall be protected to avoid damage if at all possible. No tree roots may be cut without the approval of the Supervisor of Forestry of the Public Works Department. All roots greater than three-quarters inch ($\frac{3}{4}$ ") in diameter that are damaged shall be properly cut by accepted methods by the Forester and sealed with approved dressing to insure complete healing over.
- H. All sandstone in the public right-of-way is City property, and may not be taken by a contractor. The City's policy is to allow the owner of the property adjacent and contiguous to the sidewalk to keep the sandstone if they wish to keep it. Any sandstone not kept on the property of the owner adjacent and contiguous to the sidewalk where the sandstone or pieces of sandstone are being removed, must be returned to the City.

- I. Blocks of sidewalk of either sandstone or concrete shall be replaced with like-sized blocks, whether of sandstone or concrete. The minimum length size for blocks is 3 feet. Blocks of smaller size may be installed only if required by the space available or topography of the location. No block may be partially repaired or patched.
- J. Concrete Sidewalk installations shall require the area to be dug out to allow for 4 inches of concrete. Aprons shall have 6 inches. Commercial aprons require 8 inches of wire mesh.
- K. The City reserves the right to impose additional reasonable standards as circumstances warrant, and to address particular site conditions.
- L. No relay of broken sandstone is permitted.
- M. When replacing sandstone or concrete, the Contractor must saw-cut all blocks to assure a straight and neat edge.
- N. All debris, rubble, unusable material, and items not salvaged shall become the property of the Contractor and shall be removed from the site. The Contractor cannot wash concrete into the catch basin.
- O. The Contractor shall be responsible for restoring to its previous condition all site areas damaged during construction.

**City of Shaker Heights Codified Ordinances
Related to Sidewalks and Driveway Aprons in the Public Right of Way**

SECTION 153.02 PERMIT REQUIREMENTS.

No person shall perform any work upon, over, or under any public property within the City unless the following requirements are first met to the satisfaction of the Director of Public Works:

- (a) There shall be submitted evidence of insurance as follows: comprehensive general liability insurance for bodily injury and death in an amount not less than one million dollars (each person)/one million dollars (each accident) (\$1,000,000/\$1,000,000); property damage insurance in an amount not less than two hundred fifty thousand dollars (each occurrence)/two hundred fifty thousand dollars (aggregate) (\$250,000/\$250,000); and two thousand dollars (\$2,000) in med/pay insurance. The insurer shall certify that in the event of cancellation or material change of the insurance, at least ten (10) days' written notice of such cancellation or material change shall be given the City. The City shall be covered by such insurance as a co-insured party.
- (b) There shall be a cash deposit in an amount not less than one thousand dollars (\$1,000) and/or a performance bond or further cash deposit in an amount which, together with the amount of the cash deposit, will be equal to the estimated cost of the work to be performed. Such estimate shall be made by the Director of Public Works.
- (c) A permit shall be issued by the Director of Building for such work after payment of applicable fees as set forth in the Building Code, if the Director of Public Works finds that the work will not adversely affect the public health, safety or welfare, and the public property and public interest will be protected.

SECTION 153.04 SUPERVISION OF WORK; INSPECTIONS.

The Director of Public Works shall supervise all work performed under the provisions of this chapter. The work shall be performed according to the specifications concerning such work which have been established by and are on file in the office of the Director. The Director or his authorized representative shall make such inspections of the work as he may deem necessary. The fee for each inspection shall be as set forth in the Building Code and the total charge for such inspections shall be deducted from the cash deposit before the balance is returned to the applicant. If the City is required to perform any work for the applicant for the protection or preservation of the public property, the cost of the work shall be deducted from the cash deposit.

SECTION 153.05 PROTECTION OF OPENINGS AND OBSTRUCTIONS.

All openings and obstructions in public property shall be carefully guarded, protected or barricaded at all times and at night shall be defined by lights, and such other precautions shall be taken as may be necessary to guard against accidents. At all times the work shall be done in a manner so as to cause the least inconvenience to the City, to property owners, and the general public.

SECTION 153.99 PENALTY.

Any person who violates any provision of this chapter relating to public property permits, whether such violation consists of the commission of an act forbidden thereby, or the failure to perform any act required thereby, shall be deemed guilty of a misdemeanor of the first degree, and upon a plea of guilty or conviction thereof shall be punished in accordance with Section 101.99.

SECTION 155.01 RESPONSIBILITY FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS, DRIVEWAY APRONS AND TREE LAWNS IN THE PUBLIC RIGHT-OF-WAY; INSPECTION AND STANDARDS BY THE DIRECTOR OF PUBLIC WORKS.

A property owner is responsible for the maintenance and repair of the sidewalk, driveway apron and tree lawn in the public right-of-way adjacent and contiguous to the owner's property. The Director of Public Works, from time to time, shall cause to be inspected the sidewalks, driveway aprons and tree lawn areas within the City to determine whether it is necessary to construct, grade, repair or replace such sidewalks, driveway aprons or tree lawn areas. The Director shall prescribe standards and specifications for new construction as well as the reconstruction, grading, repairing or replacing of such sidewalks, driveway aprons and tree lawn areas.

SECTION 155.03 REPAIR BY OWNER OR CONTRACTOR.

If the construction, grading, repairs or replacement is performed by the owner or his agent, the owner or agent shall first obtain a public property permit and pay any fees established by ordinance of Council. The work shall be performed under the supervision and to the satisfaction of the Director of Public Works.

SECTION 155.06 DAMAGE TO CITY-OWNED PROPERTY; CHARGE OF COST.

Any person causing damage to City-owned property shall be liable for the current cost of repair or replacement of such property, including labor, parts and administrative costs to the City.

SECTION 741.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

- (a) No person, without privilege to do so, shall recklessly cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land.
- (b) In addition to any penalty provided, whoever violates this section is liable in treble damages for the injury caused. (ORC 901.51)

SECTION 747.01 INJURY TO TREES AND SHRUBS.

It shall be unlawful for any person:

- (a) To remove, destroy, cut down, break, climb or injure any tree, ornamental plant or shrub in any street or public ground within the City, or any stake, wire or device protecting the same, except with and in conformance to the written permission of the Director of Public Works, which permission shall be given only when the Director finds that the proposed action is necessary to preserve the appropriate use of the street or public ground.
- (b) To prune, fertilize, spray or otherwise treat any tree, ornamental plant or shrub, or to attach any rope, wire, chain, sign or other device thereto, except when employed by the City to do so, or with and in conformance to the written permission from the Director, which permission shall be given only when the Director finds that the proposed action will not substantially injure the tree, ornamental plant or shrub. Upon application for

a permit to prune any tree, plant or shrub, the Director, or a subordinate designated by him, shall make an actual inspection of the tree, plant or shrub proposed to be pruned, and shall point out to the applicant, or mark with paint or both, the branches, if any, which may be removed and the point of removal, and the designation shall constitute a part of the permit.

- (c) To permit any gas, salt, brine, oil, liquid dye or other substance deleterious to tree life to come in contact with the soil surrounding the roots of any tree, ornamental plant or shrub in such manner as to kill or injure the same.
- (d) To place or maintain upon the ground in any public street or place within the City any stone, concrete or other impervious material in such manner as to obstruct the free access of air and water to the roots of the tree, ornamental plant or shrub. An area of less than nine (9) square feet of open ground around the base of the trunk of a tree three (3) inches in diameter with an increase of one (1) square foot of open ground for every two (2) inches increase in diameter shall be prima-facie evidence of violation of this subsection.
- (e) To cause or procure or knowingly or negligently to permit a wire or other conductor charged with electricity to come in contact with any tree, ornamental shrub, or plant so as to kill or injure the same, or fail to remove any wire or conductor or to cut off the current therefrom within forty-eight (48) hours after written notice from the Director to do so, in case the Director finds it necessary to cut, prune or remove the tree.
- (f) To fail to provide a good and sufficient protection for any tree, ornamental plant or shrub against any injury arising from any building operation of which he has charge.
- (g) To cause or knowingly or negligently to permit any animal to injure any tree, ornamental plant or shrub.
- (h) To maintain any of the nuisances defined in this chapter.

SECTION 1305.01 BUILDING PERMITS REQUIRED; ISSUANCE AND FEES.

The owner, agent, lessee, party in control, contractor or other person performing or authorizing work included in this Section shall obtain the permit listed in this Section and pay the established fee. The Director of Building shall authorize the issuance of the permits required by this Building Code and shall collect the established fees in accordance with the following schedule. All floor areas shall be calculated from plan dimensions, using outside measurements.

(b) Obstruction Permits. All deposits subject to increases if nature of work warrants, or if damage during construction exceeds deposit:

(1)	Deposit on all new house work up to lots of 100 ft. frontage, minimum	\$1,000.00
(2)	Deposit on other new work and house work on lots with 100 ft. frontage, minimum	\$1,500.00
(3)	Each additional 100 ft. or fraction thereof	\$1,000.00
(4)	Fee deducted for two regular inspections	\$ 30.00
(5)	Fee deducted for each additional inspection requested by owner or made necessary by incomplete work	\$ 15.00

(Deposits for tree lawn openings, street openings, etc., depend on nature of work and are estimated by Director of Public Service accordingly.)

(c) Excavation Permits. (see Chapter 153 of the Codified Ordinances)

(1)	Deposit for hauling excavated material over City streets	\$ 200.00
(2)	Fee deducted for regular inspections	\$ 30.00
(3)	Fee deducted for extra inspections due to incomplete work	\$ 15.00

(e) Parking Lot and Driveway Permits.

(1)	Installation and repairs to parking lots and commercial driveways up to 3,000 square feet	\$ 75.00
	A. For each 1,000 square feet or fraction of in excess of 3,000 square feet	\$ 5.00
(2)	Installation or replacement of residential driveway	\$ 65.00
(3)	Repairs to asphalt or concrete residential driveway*	\$ 50.00
(4)	For each reinspection made necessary by faulty or incomplete work	\$ 30.00

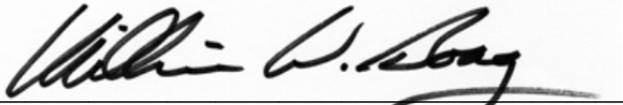
* Does not relate to crack filling or sealcoating

(f) Concrete Permits.

- (1) Fee for new apron or replacement within public right-of-way (see Chapter 155 of the Codified Ordinances) \$ 35.00
- (2) Fee for new sidewalk within public right-of-way* \$ 35.00
- (3) For each reinspection made necessary by faulty or incomplete work \$ 5.00
- * Requirement to obtain a permit may be waived for work performed under contract awarded by the City.

(s) A one percent (1%) surcharge is collected on all fees subject to the Residential Code of Ohio for One-, Two- and Three-Family Dwellings ("RCO") that are imposed for acceptance and approval of plans and specifications and for the making of inspections, which shall be collected from and after the date the City is notified that it has been certified to enforce the RCO by the State of Ohio.

These rules were approved by the Director of Public Works this 11th day of August, 2011 and REVISED the 11th day of March 2013.



William Boag, Director of Public Works