

TEMPORARY ORDINANCE NO. 9-13*

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AMEND LANCASTER CODIFIED ORDINANCE CHAPTER 903 STREET AND SIDEWALKS AND TO REPEAL EXISTING CHAPTER 903, CHAPTER 561, AND SECTION 373.11, AND TO DECLARE AN EMERGENCY

WHEREAS, as a part of the code update with the streets, the sidewalk sections needed updated; and

WHEREAS, the Public Works Committee has recommended updates;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Chapter 903 be amended pursuant to Exhibit A, attached hereto.

SECTION 2. That existing Chapter 903, Chapter 561, Section 373.11 be repealed in their entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to properly regulate the streets and sidewalks as spring construction season begins, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Public Works Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2013 and _____, 20____ the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CHAPTER 903
Streets and Sidewalks

903.01 Duty to keep sidewalks in repair, free from nuisance.
~~**903.02 Pavement protection during unloading.**~~
903.02 Encumbering streets or sidewalks.
~~**903.04 Littering of streets, alleys or public ground.**~~

~~**903.05 Littering of streets by contractors.**~~
~~**903.04 Removal of lanterns and warning barricades.**~~
903.03 Sidewalks to be cleaned of ice and snow.
903.04 Riding on sidewalk
903.05 Sidewalk construction specifications.
903.99 Penalty.

CROSS REFERENCES

Duty to keep in repair - see Ohio R.C. 723.011
Street obstructions - see TRAF. 311.01
Dropping, sifting and leaking loads - see TRAF. 311.03, 339.08
Street excavations - see S. & P.S. 901.03 et seq.
Drainage on sidewalks - see S. & P.S. 913.12 et seq.
Permit to obstruct street areas - see BLDG. Ch. 1311

903.01 DUTY TO KEEP SIDEWALKS IN REPAIR, FREE FROM NUISANCE.

No owner of any lot or land abutting upon any street shall refuse, fail or neglect to repair or keep in repair and free from nuisance and obstruction, the sidewalk in front of such lot or land.

~~**903.02 PAVEMENT PROTECTION DURING UNLOADING.**~~

~~No person shall unload any heavy material in the City by throwing or letting the same fall upon the pavement of any street, sidewalk or other public way, without first placing some sufficient protection over the pavement.~~

903.02 ENCUMBERING STREETS OR SIDEWALKS.

No person shall encumber any street or sidewalk or being the owner, occupant or person having care of any building or lot of land bordering on any street or sidewalk, permit the same to be encumbered with barrels, boxes, cans, articles or substances of any kind, and recreational equipment so as to interfere with the free and unobstructed use thereof.

~~903.04 LITTERING OF STREETS, ALLEYS OR PUBLIC GROUND.~~

~~No person shall throw, deposit or cause to be thrown or deposited any dirt, paper, sweepings of any store, house or office, ashes, shavings, offal, straw, wood, stones, earth, yard waste, leaves, manure, refuse matter or rubbish of any kind whatever upon any street, alley public ground, or sidewalk~~

~~903.05 LITTERING OF STREETS BY CONTRACTORS.~~

~~No person doing excavating or hauling of material of any kind or any person, having a contract for excavating or hauling materials of any kind, shall litter or permit the littering of streets, alleys or sidewalks with dirt, sand, gravel, stones or any kind of material.~~

~~903.04 REMOVAL OF LANTERNS AND WARNING BARRICADES.~~

~~No unauthorized person shall remove red lanterns, barricades or other means placed by the City on the sidewalk, streets and on construction projects, public or private, in the City as a warning or protection for the public, or willfully, carelessly or negligently destroy such lanterns or barricades.~~

903.03 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.

It shall be the duty of the owner of each and every parcel of real estate in the City abutting upon any sidewalk to keep such sidewalk abutting his premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve hours, after the abatement of any storm which such snow and ice may have accumulated.

903.04 RIDING ON SIDEWALKS

- (a) No person shall ride a bicycle or skateboard upon a sidewalk within a business district.
- (b) Whenever a person is riding a bicycle upon the sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before attempting to overtake and pass such pedestrians.
- (c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

903.05 SIDEWALKS CONSTRUCTION SPECIFICATIONS.

Any person constructing concrete walks upon any street or other public way in the City shall provide expansion and contraction joints as follows:

- (a) All walks shall be cut into blocks not more than seven feet in either direction.

- (b) Built up bituminous expansion joint material three-fourths of an inch thick and the depth of the concrete shall be placed as follows:
 - (1) At all lot lines where same are at intervals of fifty feet or less. Where more than fifty-foot intervals exist between lot lines, joints shall be placed every fifty feet of length.
 - (2) Around sections of walk which are in both of two intersecting walks.
- (c) Built up bituminous expansion joint material three-fourths of an inch thick and the depth of the concrete shall be placed between the end of the walk and the back of the curb.

All work shall be in accordance with the drawings on file in the office of the City Engineer. (1939 R.O., 12:07)

903.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. Every day the violation continues constitutes a new offense. A subsequent offense shall be a misdemeanor of the fourth degree.