



# Memo

**To:** Deerfield Township Board of Trustees  
**From:** Billy Highfill, Director of Public Works  
**CC:** Eric Reiners, Township Administrator  
**Date:** February, 2021  
**Re:** Sidewalk Policy

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## **Background:**

The current sidewalk maintenance policy states that the Public Works Department will perform sidewalk inspections on all roadways which are being resurfaced annually. If a sidewalk is found to be in disrepair per the Township Policy, the abutting property owners are notified, in accordance with the existing policy. Property owners are then required to make any and all repairs at their own expense.

## **Discussion:**

The Township is seeking the permitted allowable increase in the motor vehicle license fee, which is estimated to generate approximately \$350,000 dollars per year. The Township currently collects \$20 per registration but is not collecting the total allowable amount of \$30. The additional \$10 that the Township is not collecting is allowable under ORC 4504.18 and/or 4504.181.

In proceeding with the proposed full collection amount, the Township must hold two public hearings. Resolutions to enact the full collection amount must be sent to the State by July 1<sup>st</sup>, to be effective the following year. In proceeding with the recommendation for full collection amount to the Township, as allowable by state law, we will need to pass two resolutions and the final public hearing. Appropriate public notices for the public hearings have been circulated with legal advertisements.

Staff recommends adoption of the two resolutions, which would allow the additional revenue collected to be utilized to alleviate out of pocket expenses involving the repair and replacement of sidewalk on publically owned streets, for the residents in Deerfield Township. In addition the funding would allow staff to continue our development and our expansion of pathway connectivity throughout Deerfield Township.

- If approved, funding would be used as listed below: \$300,000 a year allocated towards the design, engineering and construction of new pathways and sidewalks.
- \$50,000 a year to be used for sidewalk maintenance (repair and/or replace)

**Recommendation:**

Proceed with both public hearings as required, on March 2<sup>nd</sup> and March 10<sup>th</sup>; adopt the necessary resolutions, and send notification to the State of Ohio no later than July 1, 2021.

The dollars received from the allowable collection will be used to support sidewalk maintenance for the community and allow for a funding source for continued expansion of pathway and sidewalk construction throughout Deerfield. If the resolutions are passed, staff will return to the Trustees in April of 2021 for adoption of a new "Sidewalk Maintenance Policy" which will provide updates to reflect that the Township will be responsible for making the necessary maintenance type repairs in the future. We will also continue to update the Pathway/Sidewalk CIP plan and outline a program of projects that will enable expansion of our pedestrian transportation network.

First Reading: March 16, 2021  
Second Reading: Dispensed

**RESOLUTION 2021- 20**

**A RESOLUTION ADOPTING A TOWNSHIP POLICY FOR  
SIDEWALK REPAIR AND REPLACEMENT**

**WHEREAS**, Ohio Revised Code §5543.10 authorizes the Board of Township Trustees to construct repair and maintain sidewalks on public roads; and

**WHEREAS**, Deerfield Township has adopted a limited home rule government and chooses to exercise its powers of local self-government within in the unincorporated area of the Township to regulate sidewalk repair and replacement.

**WHEREAS**, Board of Trustees desires to enact a Sidewalk Repair and Replacement Policy.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Township Trustees of Deerfield Township, Warren County, Ohio:

**SECTION 1.** That the Board of Trustees adopts the Deerfield Township Sidewalk Installation Policy, which is attached to this resolution as Exhibit A.

**SECTION 2.** That the Township Administrator and/or the Director of Public Works is hereby authorized to oversee the administration of this policy.

**SECTION 3.** This Resolution shall be effective from the earliest date permitted by law.

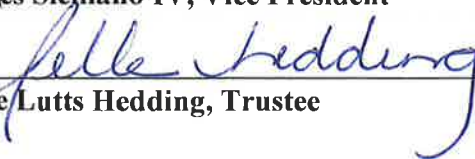
**VOTE RECORD:**

Ms. Malhotra   Y   Mr. Siciliano   Y   Mrs. Hedding   Y  

**PASSED** at the Meeting of the Board of Trustees this 16th day of March, 2021.

  
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**Kristin Malhotra, President**

  
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**James Siciliano IV, Vice President**

  
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**Lelle Lutts Hedding, Trustee**

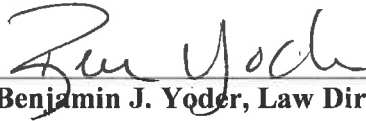
**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Deerfield Township Fiscal Officer, this 16th day of March, 2021.



\_\_\_\_\_  
**Dan Corey, Fiscal Officer**  
**Deerfield Township, Warren County, Ohio**

**APPROVED AS TO FORM**



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**Benjamin J. Yoder, Law Director**

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**DEERFIELD TOWNSHIP  
SIDEWALK REPAIR AND REPLACEMENT POLICY**

**SECTION 1: PURPOSE**

The purpose of these rules and regulations are to establish criteria and procedures for the repair and replacement of sidewalks, curbs and gutters in accordance with Section 5543.10 of the Ohio Revised Code.

**SECTION 2: DEFINITIONS**

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

- (a) "Director" means the Deerfield Township Public Works Director or his/her designee.
- (b) "Person" includes any individual, corporation, society, association, condominium association, homeowner association, partnership or firm and the successor or the heir, executor, administrators or other legal representatives of a person.
- (c) "Property Owner" and/or "Owner" means:
  - (1) In the case of land, any Person who is recorded on the tax records as: the Owner of the land; or the Owner of land abutting a sidewalk; or the Owner of land abutting an easement or right-of-way in which a sidewalk is located, or
  - (2) In the case of property other than land, any Person who is in lawful possession thereof.
- (d) "Residential Single Family Purposes" means a detached single family dwelling utilized as a residential house.
- (e) "Sidewalk" means a part of a highway or street 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 therein no curb line) and the adjacent property line, or the easement for sidewalks established by subdivision plat.

**SECTION 3: SIDEWALK REPAIR/REPLACEMENT PROCEDURE**

- A. Under the provisions of the Ohio Revised Code, Section 5543.10, the board of township trustees, by resolution, will inspect and maintain sidewalk on a yearly basis. There are two ways in which the inspections will take place.
  - 1. Inspection of all sidewalks will be completed each year on roads to be paved within the Townships annual resurfacing project.
  - 2. Inspection of sidewalks will take place when reported to be in disrepair.

Repair or replacement of sidewalks that are along public roadways will be performed and funded by Deerfield Township or sub-contractors for Deerfield Township.

- B. The Director shall establish a program for carrying out the provisions of this section. The Director is hereby further authorized to promulgate rules and regulations consistent with the requirements and provisions of this policy to carry out the intent and purpose of this policy.

C. The Director shall inspect the sidewalks in the Township of roadways that are included in the annual resurfacing project and repair sidewalks.

(1) A sidewalk block shall be replaced when the Director 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 is missing;
- c. If the sidewalk has a crack more than three-quarters (3/4) inch in width;
- 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, scaling 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.
- j. If the sidewalk has more than two (2) cracks of one-quarter (1/4) inch in width or more in any two (2) linear feet of sidewalk section.

(2) Upon such determination for a sidewalk block, the Director shall schedule to make the necessary improvements to the sidewalk. Repairs that result from the Township's yearly inspections will be included as part of the annual resurfacing project. Repairs required that are complaint driven, will be scheduled by the director during the fall of that calendar year. The Township will cover all expenses for necessary improvements to public sidewalk.

D. This policy applies to all sidewalks installed by Property Owners, developers, homeowner associations, other Persons and their respective successors and assigns, and the Township. This policy does not apply in situations where the roadway and sidewalk to access the Residential Single/Multi Family are deemed private.