

# CITY OF CLAYTON, OHIO

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## RESOLUTIONS AND ORDINANCES

October 6, 2016

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### NEW BUSINESS

### ORDINANCES (FIRST OF TWO READINGS)

#### ORDINANCE NO. O – 10 – 16 – 23

#### AN ORDINANCE AMENDING CLAYTON CODIFIED ORDINANCE SECTION 904 ENTITLED, “SPECIFICATIONS FOR DRIVEWAYS, DRIVEWAY APPROACHES, SIDEWALKS WITHIN THE RIGHT-OF-WAY AND CURBS” AND ADDING A NEW SECTION 905 ENTITLED “DRIVEWAYS”

**WHEREAS**, City staff has reviewed Clayton Codified Ordinance Section 904 entitled, “*Specifications for Driveways, Driveway Approaches, Sidewalks Within the Right-of-Way and Curbs*” and recommends amendments thereto in conjunction with the adoption of a new Codified Ordinance Section 905 to regulate Driveways within the City of Clayton; and

**WHEREAS**, Council desires to amend Clayton Codified Ordinance Section 904 entitled, “*Specifications for Driveways, Driveway Approaches, Sidewalks Within the Right-of-Way and Curbs*” in order to better regulate Driveway Approaches, Sidewalks, Curbs and Gutters within the City of Clayton and in conjunction therewith, add a new Codified Ordinance Section 905 to regulate Driveways within the City of Clayton to better protect the health, safety, and welfare of the citizens of Clayton.

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

Section 1. That Codified Ordinance Section 904 entitled, “*Specifications for Driveways, Driveway Approaches, Sidewalks Within the Right-of-Way and Curbs*” is hereby amended to read as follows (additions are in **bold** and deletions are in ~~strikethrough~~) and Section 905 entitled, “*Driveways*” is hereby added to read as follows:

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### CHAPTER 904

~~Specifications for Driveways, Driveway Approaches, Sidewalks Within the Right-of-Way, and Curbs~~ **Sidewalks, Curbs, Gutters, and Driveway Approaches**

- 904.01 Purpose **and Definitions.**
- 904.02 Applicability.
- 904.03 ~~General Provisions~~ **Duty to Maintain.**
- 904.04 ~~General Specifications~~ **Inspection; Resolution of Necessity; and Assessment**

	<b>Procedure.</b>
<b>904.05</b>	<b>Horizontal Curb Sawing Deficiencies Requiring Sidewalk, Curb, Gutter or Driveway Approach Construction, Repair, Replacement..</b>
904.06	<del>Jacking of Slabs</del> <b>General Requirements.</b>
<b>904.07</b>	<b>Specifications.</b>
<b>904.08</b>	<b>Horizontal Curb Sawing.</b>
<b>904.09</b>	<b>Jacking of Slabs.</b>
904.99	Penalty.

CROSS-REFERENCES

Subdivision design standards - see P. & Z. Ch. 1109  
 Subdivision improvement requirements - see P. & Z. Ch. 1115

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**904.01 PURPOSE AND DEFINITIONS.**

It is the purpose of this chapter to standardize the specifications **and inspection criteria** for all ~~driveways, driveway approaches, sidewalks, within the right-of-way, and curbs and gutters~~ within the City of Clayton, Ohio in order to promote and ensure uniform and structurally sound construction, repair and maintenance. (Ord. 0-08-12-18. Passed 9-20-12.)

**For purposes of this Section 904, the following terms shall be defined as follows:**

**Curb and Gutter:** A concrete border forming part of a gutter along the edge of a street.

**Driveway Approach:** The area between the roadway of a public street to private property intended and used for the ingress and egress of vehicles. As it pertains to this Section 904, a driveway approach includes the section from the back of the curb to a distance not to exceed ten (10) feet in depth from the curb edge.

**Sidewalk:** That part of a street on the side thereof intended for the use of pedestrians and improved by surfacing.

**904.02 APPLICABILITY.**

Unless otherwise noted or exempted, the regulations of this chapter shall apply to all ~~driveways, driveway approaches, sidewalks, within the right-of-way, and curbs and gutters~~ located within the City of Clayton, Ohio. (Ord. 0-08-12-18. Passed 9-20-12.)

**904.03 GENERAL PROVISIONS DUTY TO MAINTAIN**

**Each property owner of any lot or parcel of land situated within the City of Clayton whose property abuts any public sidewalk, curb, or gutter shall be responsible for the construction, repair, replacement, and/or maintenance of such sidewalk, curb, or gutter consistent with the specifications and regulations contained herein.**

**Each property owner of any lot or parcel of land situated within the City of Clayton shall maintain in good and sufficient condition consistent with the specifications and regulations contained herein, their driveway approaches.**

**904.04 ~~GENERAL SPECIFICATIONS~~ INSPECTION; RESOLUTION OF NECESSITY; AND ASSESSMENT PROCEDURE**

**As part of an ongoing maintenance program, the Public Service Director or his designee may from time to time inspect sidewalks, curbs, gutters, and/or driveway approaches in order to determine any construction, repairs, and/or replacement deemed necessary.**

**Following inspection, the Public Service Director or his designee shall generate a Deficiency Report to be submitted to City Council which shall identify all of the deficient sections of sidewalks, curbs, gutters, and/or driveway approaches by street address.**

**The Public Service Director shall also prepare and file with the Clerk of Council plans, specifications, and an estimate of the cost of the construction, repair, and/or replacement needed as a result of his inspection of sidewalks, curbs, gutters, and/or driveway approaches showing the location and dimensions of such sidewalks, curbs, gutters and/or driveway approaches and the specifications for the construction, repair and/or replacement thereof. Such plans, specifications, and estimate of costs shall be open for public inspection.**

**City Council shall then consider passage of a Resolution of Necessity requiring property owners identified on the Deficiency Report to complete the required construction, repairs, and/or replacement within a specified time-frame which time-frame shall not be less than thirty (30) days from the date of passage of the Resolution of Necessity. Written notification shall be sent to the property owners identified on the Deficiency Report advising of the passage of the Resolution of Necessity requiring the repairs, replacement and/or maintenance to be completed by the property owner within the specified time-frame. Said written notification shall be served in the same manner as service of summons in a civil case, or by certified mail (return receipt requested) at the last known address of the property owner or to the address to which tax bills are sent, or by a combination of the foregoing methods. Said written notification shall: (1) set forth the place where the plans, specifications and cost estimate are on file and the time-frame within which the property owner must complete the subject construction, repair, and/or replacement work; (2) state that in the event the property owner does not complete the subject construction, repair, and/or replacement work within the specified time-frame, the City will complete the construction, repair, and/or replacement work and assess the cost thereof to the real estate taxes of the property owner; and (3) state the property owner may appeal the City's determination requiring the identified construction, repair, and/or replacement work by submitting a written request for further evaluation to the City Manager within ten (10) days of receipt by the property owner of notice of the passage of Resolution of Necessity. Upon receipt of a written request for further evaluation, the City Manager and the Public Service Director or his designee shall meet with the property owner to review the findings**

of the initial inspection and explain the evaluation criteria with the property owner. The decision of the City Manager shall be final.

In the event a property owner fails to complete the required construction, repair, and/or replacement work of deficient sections of sidewalk, curb, gutter, or driveway approach in accordance with the time-frame specified in the Resolution of Necessity passed by City Council, the City will cause the work to be completed. Upon completion of the required construction, repair, and/or replacement work by the City, the total cost of same shall be ascertained and reported to City Council by the Clerk of Council and the City Council shall cause a list of estimated assessments to be prepared. Such list of estimated assessments shall include the total cost of such construction, repair, and/or replacement of deficient sections of sidewalk, curb, gutter, or driveway approach to each lot or land abutting upon such construction, repair, and/or replacement of deficient sections of sidewalk, curb, gutter, or driveway approach and shall be filed in the office of the Clerk of Council and available for public inspection. City Council shall cause notice to be published for three (3) consecutive weeks in a newspaper of general circulation in the City or as provided in Section 7.16 of the Ohio Revised Code, stating that such list of estimated assessments has been made and is on file in the office of the Clerk of Council for inspection and examination. If any person objects to an assessment on such list, the person shall file the objection in writing with the Clerk of Council within two (2) weeks after the expiration of the notice provided in this section.

The Clerk of Council shall deliver the objections received under this section to the City Council. Council shall review the written objections and shall adopt an ordinance levying upon the lots and lands enumerated in the list of estimated assessments the amounts set forth on such list with such changes or corrections, if any, as the City Council shall determine to be proper after consideration of the written objections. Such ordinance shall state the number of annual installments, not exceeding ten (10), over which the assessments shall be payable and shall establish a period of time during which the assessments shall be payable in cash.

#### **904.05 ~~HORIZONTAL CURB SAWING~~ DEFICIENCIES REQUIRING SIDEWALK, CURB, GUTTER OR DRIVEWAY APPROACH CONSTRUCTION, REPAIR, REPLACEMENT.**

The Public Service Director or his designee shall apply the following criteria, singly, or in combination, in the determination of whether construction, repair and/or replacement is necessary:

(a) **Sidewalks:**

1. If more than one crack is present, the section shall be replaced. If a single crack is one eighth (1/8) of an inch or more in width, the section shall be replaced.
2. Adjoining section or portions thereof whose edges differ vertically by more than one half (1/2) of an inch or create a tripping hazard.
3. Section(s) that have holes in them one (1) inch or more in diameter or are cracked or broken in such a manner that pieces of concrete are missing or loose.
4. Section(s) having depressions, reverse cross slope (sloping away from the street), or

**below back of curb grade causing the impoundment of mud or water.**

5. **Sidewalk sections with a twenty-five percent (25%) or larger area that is generally deteriorated as evident by spalling, raveling, or irregular surfaces.**
6. **Section(s) which cause an abrupt change in the slope of the sidewalk.**
7. **Sidewalk(s) which have settled due to utility installation.**

**(b) Curb and Gutter:**

1. **Any section which has horizontal cracks or cracks causing spalling or breaking away of the curb section.**
2. **Adjoining sections or portions whose edges differ vertically by more than one-half (1/2) of an inch.**
3. **Any section in which the concrete has deteriorated leaving aggregate exposed.**
4. **Any section where the gutter impounds water.**
5. **Any section having material (asphalt, concrete, mortar, etc.) added to the gutter so as to impede normal flow.**
6. **Any section which causes an abrupt change in slope.**
7. **Any section which has been cut or altered to accommodate a drain pipe to the street.**
8. **Where 70% or more of the existing curb within the same block is defective and of similar age, all of the curb and gutter within that block may be required to be replaced utilizing "slip form" construction.**

**(c) Driveway Approaches:**

1. **Driveway approach sections which have multiple cracks or a single crack with a width of one quarter (1/4) of an inch or more in width.**
2. **Driveway approach sections which differ vertically by one-half (1/2) of an inch or more above or below the sidewalk and/or the back of the curb abutting the driveway approach.**
3. **Driveway approach sections which are cracked or broken in such a manner that pieces of concrete are missing or loose or will cause a situation where pieces can become missing or loose.**
4. **Driveway approaches which are dipped across the sidewalk in such a manner that an abrupt change of grade in the sidewalk is created.**
5. **Driveway approaches which exhibit any of the following characteristics: do not match the grade of the curb and gutter, promote the retention of water,**

**and/or impede storm water flows.**

6. **Abandoned driveway approaches shall be removed and curbing replaced.**

**904.06 JACKING OF SLABS GENERAL REQUIREMENTS.**

- (a) All work is by permit only. All permits shall be accompanied by a cash bond or security of no less than \$25,000 and payment of a ~~\$25.00 fee~~ **the current specified fee** except as otherwise noted herein. The bond or security shall cover all work performed hereunder. All ~~driveways and~~ driveway approaches constructed of concrete material shall be bonded and must pass inspection by the ~~City Inspector~~ **Public Service Director or his designee**. All ~~driveways constructed of asphalt material or paver material shall not require a bond or an inspection by the City Inspector.~~ If the property owner performs all of the work, the bond requirement will be waived.

No person, contractor, firm or corporation **not under City contract for the work specified**, shall construct, lay, or perform any repair or replacement work without first securing a permit. It shall be unlawful for any person, contractor, firm or corporation, directly or indirectly, to construct, lay, or perform any repair or replacement work without having obtained the permit required for such work.

- (b) All new or replacement driveway approaches, sidewalks ~~within the right-of-way~~, and curbs **and gutters** shall be constructed of Portland cement concrete material unless a material change is authorized in the permit. ~~All new or replacement driveways shall be constructed of either Portland cement concrete material (as specified in Section 904.03(c)(1) below), or asphalt material or paver material unless a material change is authorized in the permit.~~ In Zoning Districts A, R-1, and R-2 only, driveway ~~apron~~ **approaches** may be constructed of asphalt material as an alternate to the Portland cement material as outlined further in these specifications. **All new or replacement driveway approaches constructed on roadways which include curb and gutter shall be constructed of Portland cement concrete material to abut the first concrete joint of a driveway and/or to a depth from the back of the curb not to exceed ten feet (10) feet. In Zoning Districts A, R-1, and R-2 driveway approaches may be constructed of asphalt material or paver material as an alternate to Portland cement, when curb and gutter is not existing or required to be constructed.**

- (c) All work shall be done in accordance with these Specifications and Standard Drawings of the City of Clayton. Work shall be complete in every respect including restoration of adjacent areas, clean-up of site, and removal of mud and debris from surrounding areas and haul routes.

- (d) All expansion joints shall be vinyl.

- (e) Driveways And Driveway Approaches:

- (1) Material shall be 4,000 PSI concrete at 28 days mix using 6 3/8 bags of cement with fiber per cubic yard of concrete mix or ODOT Class ~~A C~~ concrete mix with fiber. All concrete material shall have 6.0% + 1% air entrainment and a maximum slump of four inches (4").

- (2) After the concrete has been finished, it shall immediately be cured meeting the specifications and requirements of the latest edition of the State of Ohio Department of Transportation "Construction and Material Specification Manual".
- (3) Residential drive ~~aprons~~ **approaches** shall be six inches thick concrete placed on three inches of compacted ODOT Item #304 material.
- (4) Commercial property drive ~~aprons~~ **approaches** shall be eight inches thick concrete placed on six inches of compacted ODOT Item #304 material.
- (5) Vinyl expansion joint material shall be used wherever new concrete abuts old concrete and as shown by the Clayton Standard Drawings.
- (6) If curb is to be replaced with the driveway, it shall conform to the ~~original~~ gutter grade **or as specified on the City permit**. Permit holder is responsible for all asphalt work and to restore pavement at cut to the original and/or overlaid condition. Asphalt shall be saw cut straight a minimum of 12 inches from the front of the gutter and the existing pavement and shall be given a tack coat with a bituminous material before the placement of ODOT Type #404 asphalt. The gutter plate or ~~apron~~ **approach** shall not be covered with any asphalt material unless specifically directed by the ~~City Inspector~~ **Public Service Director or his designee**. Replacement curb and gutter at driveways shall be cut for full length removal unless otherwise marked by the ~~City Inspector~~ **Public Service Director or his designee**.
- (7) Driveway approaches shall be constructed using good construction practices. Driveway approaches shall have a center joint, wing joints, be edged, and have a rough finished texture on both commercial and residential applications. Edges shall be tooled and the concrete surface shall have a broom finish parallel to the street. All contraction joints shall have a minimum tooled or sawed depth of 1/4 the thickness of concrete placed, if approved by the ~~City Inspector~~ **Public Service Director or his designee**.
- ~~(8) Drives shall not exceed 30 feet width measured at the back of sidewalk. A variance request to add up to ten feet of driveway apron width must have a detailed statement showing cause and be approved by the Board of Zoning Appeals.~~
- (9) In areas zoned A, R-1, or R-2, asphalt may be replaced with Portland cement ~~driveways and~~ **driveway** approaches. However, existing Portland cement ~~driveways and~~ **driveway** approaches must be replaced with Portland cement. Asphalt approaches shall have a minimum aggregate base (#304) thickness of six inches and shall be constructed on a compacted subgrade approved by the ~~City Inspector~~ **Public Service Director or his designee**. A minimum of two inches of #404 surface asphalt shall be placed on the approved base. ~~In the case of restoration of existing asphalt driveways in zoning districts where they are permitted, the contractor shall place a two inch lift of #404 surface asphalt on an approved tacked asphalt base as approved by the City Inspector~~
- (10) The requirements for the completion of the permit are as outlined on the permit application, however in the interest of public safety and the overall

good of the City and its residents the ~~City Manager~~ **Public Service Director** or his designee may require additional information before granting a permit.

(f) Sidewalks In Right Of Way:

- (1) Sidewalk material shall be Portland cement concrete having strength of 4,000 PSI strength at 28 days, either 6 3/8 bag mix with fiber or ODOT Class A mix with fiber shall be used with 6.0% + 1% air entrainment and a maximum slump of four inches. All edges shall be tooled and a light broom finish shall be placed on the finished concrete. Immediately after finishing, the concrete shall be properly cured following the specifications and requirements of the latest edition of the State of Ohio Department of Transportation "Construction and Material Specifications Manual".
- (2) Sidewalks shall be four inches thick concrete placed on three inches of compacted ODOT #304 aggregate base material, except at driveways where the sidewalk shall be six inches thick placed on three inches of compacted Item #304 aggregate base material. All sidewalks shall be five feet wide except on residential or local class streets where sidewalks four feet wide are acceptable. The minimum replacement area is one full block unless the ~~City Inspector~~ **Public Service Director or his designee** allows the sawing of a partial block. Surface patching in lieu of replacement is not allowed.
- (3) Expansion joints shall be used wherever new material abuts old concrete and as shown in the Clayton Standard Drawings. Expansion joints shall be of vinyl material not fiberboard, and the void between the existing concrete surface and the expansion joint shall be filled with liquid asphalt.
- (4) Sidewalks shall be constructed using good construction practices. Sidewalks shall be installed using forms and have contraction joints plated at a uniform rate of five feet. Edges shall be tooled and the concrete surface shall have a broom finish perpendicular to the street. Contraction joints shall be tooled or sawed a depth of 1/4 the thickness of concrete placed if approved by the ~~City Inspector~~ **Public Service Director or his designee**.
- (5) On handicap ramps, a heavier broom finish shall be used perpendicular to the slope of the handicap ramp. The ~~City Inspector~~ **Public Service Director or his designee** shall review this finish prior to approval of the handicap ramp.

(g) Curbs and Gutters:

- (1) Curb and gutter material shall be 4,000 PSI concrete at 28 days. Either 6 3/8 bag mix with fiber or ODOT Class A mix with fiber shall be used with 6.0% + 1% air entrainment and a maximum slump of four inches (4").
- (2) Curbs and gutters shall be constructed in accordance with the City of Clayton Specifications and Standard Drawings. Curbs shall have a front, back, and side forms contouring to the profile of the curb. Depressed curbs at driveways shall have a 1 1/2 inch lip. Curbs shall have contraction joints placed at five feet centers.



- (3) Curbs at a sidewalk terminus shall be provided with a wheelchair ramp for handicapped persons in accordance with City of Clayton Specifications and Standard Drawings (see Sidewalks ~~Within The Right Of Way~~, Subsection (f) (5) above for special surface roughness requirements).
- (4) Asphalt street restoration work adjacent to new curb and gutter construction shall not cover the concrete gutter plate but leave it exposed unless otherwise directed by the ~~City Inspector~~ **Public Service Director or his designee**. Asphalt work shall be in accordance with these specifications concerning sawing, placement, tacking, and sealing. The contractor shall remove existing asphalt from adjacent gutter plate areas when directed by the ~~City Inspector~~ **Public Service Director or his designee** to facilitate drainage.
- (5) The front face of all barrier type curbs shall be hand troweled and finished to a depth of eight inches below the top of the curb.
- (6) Expansion joint material (vinyl type) shall be used wherever new concrete abuts old concrete and as shown by the Clayton Standard Drawings.
- (h) Restoration: After the concrete has had time to cure and as soon as the forms have been removed, the excavated area behind the curb should be backfilled, tamped, then seeded or sodded. Any settlement in the backfill behind the curb within one year after placement shall be corrected by the contractor at no expense to the City of Clayton. All pavement restoration work must also be completed. All castings disturbed or damaged by the contractor shall be replaced and reset. This must be done before final acceptance and/or the release of the bond.
- (i) Limitation: The construction season for rebuilding driveways, driveway approaches, sidewalks, ~~within the right of way~~, and curb **and gutter** work is from April 15 to October 31. The ~~City Inspector~~ **Public Service Director or his designee** may, but is not required to, grant permission to perform construction work hereunder for any time period before or after the construction season has begun or ended. Extra precaution and/or admixtures to the concrete may be advised by the ~~City Inspector~~ **Public Service Director or his designee** if the work is permitted. The ~~City Inspector~~ **Public Service Director or his designee** is hereby granted the right to extend the construction season in accordance with good engineering practices.  
(Ord. 0-08-12-18. Passed 9-20-12.)
- (j) **If the Public Service Director or his designee deems necessary the repair or replacement of curb and/or gutter comprising the radius of an intersection, the repair or replacement will be completed by and at the expense of the City and shall not be included in the abutting property owner's assessment. However, the City will only be responsible for the repair or replacement of up to thirty (30) feet of curb and/or gutter on either side of the corner radius for a total of sixty (60) feet per corner.**

(a) Specifications for the construction and installation of the following:

- (1) ~~Driveways and Driveway Approaches (Aprons);~~
- (2) Sidewalks ~~within the right-of-way,~~ Curbs **and Gutters**;
- (3) Concrete Structures; and
- (4) Related construction within the right-of-way and on City property.

The permit holder shall hold the City free and harmless from any and all loss, damage, expense, including, but not limited to, attorney 's fees, court cost arising from, caused by or incident or related to injuries or damage to property (including but not limited to property of the City) or injury or death to any person or persons.

(b) Excavation shall consist of the excavation of all materials necessary in the construction of the listed projects, all to the lines and grades indicated on the plans or as directed by the ~~City Inspector~~ **Public Service Director or his designee**. All labor and equipment shall be furnished for the proper execution of said work. Excavation to be wasted shall be disposed of offsite by the contractor as directed by the ~~City Inspector~~ **Public Service Director or his designee**.

(c) No concrete shall be poured for any sidewalk ~~in the right-of-way,~~ any curb, **gutter**, or any ~~concrete driveway or~~ concrete driveway approach until the ~~City Inspector~~ **Public Service Director or his designee** has been properly notified, has inspected the premises, and approved the proposed work in writing. The degree of sub-base compaction will be carefully reviewed by the ~~City Inspector~~ **Public Service Director or his designee** prior to approval of the work. The City requires a 24 hour notice. Concrete may not be poured on Sundays, legal holidays, or before or after regular work hours without specific approval of the ~~City Inspector~~ **Public Service Director or his designee**. After all work is complete for any sidewalk ~~in the right-of-way,~~ any curb, **g u t t e r**, or any ~~concrete driveway or~~ concrete driveway approach, the contractor shall contact the ~~City Inspector~~ **Public Service Director or his designee** to make final inspection within twenty-four (24) hours. Work shall not be accepted by the City, until the finished work has been inspected and all completion or correction items have been finalized to the satisfaction of the City.

(d) Unless otherwise provided, contraction joints shall be placed in five feet intervals for curbs and sidewalks ~~within the right-of-way.~~ The ~~City Inspector~~ **Public Service Director or his designee** shall determine in advance of placement when these contraction joint intervals may be varied.

(e) Vinyl expansion joints shall be placed parallel (or perpendicular) to all:

- (1) Retaining and building walls.
- (2) Catch basins, gas and water boxes, manholes, and poles.
- (3) Near trees and other plantings as may be determined by the ~~City Inspector~~ **Public Service Director or his designee**.
- (4) Every 100 running feet or as determined by the ~~City Inspector~~ **Public Service Director or his designee**.
- (5) When a curb, sidewalk, or step forms a continuous point of contact.

- (6) Whenever a gutter forms a continuous point of contact with a separately poured curb or separately poured concrete street.
  - (7) Pavement contraction joints shall be sawed every 17 running feet or as directed by the ~~City Inspector~~ **Public Service Director or his designee**. The joint shall be sawed on a six or one skew as shown on the plans.
  - (8) There will  
be a sawed joint every 200 square feet of pavement unless waived in writing by the ~~City Inspector~~ **Public Service Director or his designee** (nominal 17x12).
  - (9) Whenever new concrete is placed adjacent to existing concrete.
  - (10) At curb, sidewalk sides of ~~apron~~ **approach**, sidewalk, ~~and building sides of driveway~~.
- (f) After the removal of forms, all curbs, sidewalks, or other structures, except those specifically excluded by the ~~City Inspector~~ **Public Service Director or his designee**, shall be backfilled with approved soil (free from stones larger than 1" diameter), and compacted, and either sodded or seeded as may be determined at the beginning of the contract or the issuance of a permit. Compacted top soil shall be placed in the top four inches of fill. In no case shall concrete, wood, metal, stones, other debris, or scraps be allowed in the backfill area or general excavation area.
  - (g) All fill shall be on a slope no greater than three-to-one unless written permission to the contrary is received from the ~~City Inspector~~ **Public Service Director or his designee**.
  - (h) Steel forms shall be used throughout the work unless wooden forms are accepted by the ~~City Inspector~~ **Public Service Director or his designee**. Radius forms shall be used on curbed work. All forms shall be oiled and kept in good condition. All forms shall be removed before backfilling.
  - (i) All work shall be warranted for one year after completion and acceptance. For these purposes, one year shall start when total delineated contracting areas are completed and a letter of acceptance sent to said contractor by the City of Clayton contracting officer. The contractor shall also be responsible for any settlement of disturbed areas within one year.
  - (j) Unless specifically excluded herein, the contractor and his representative shall adhere to all laws of the City of Clayton and the State of Ohio.
  - (k) The contractor and his entire work force shall follow such sanitary provisions of the City through its laws and regulations at all times.
  - (l) When in the opinion of the ~~City Inspector~~ **Public Service Director or his designee**, the subgrade upon which concrete is to be placed is not structurally adequate to support 3,000 pounds per square foot without yielding and will not provide a proper base, the ~~City Inspector~~ **Public Service Director or his designee** may require:
    - (1) Compacted #304.02 aggregate base material (6" minimum additional

thickness), or #2 stone base material, or an approved substitute.

- (2) Wire mesh, steel bars, or any combination of these reinforcement, and base materials.
- (3) Any fill concrete used for bridging shall be reinforced when determined in the best interests of sound construction.
- (4) Size of bars and mesh shall be approved by the ~~City Inspector~~ **Public Service Director or his designee** taking into consideration load, subsoil, and other conditions that may affect structural strength.

Any or all of the above measures shall be undertaken by the contractor at no expense to the City of Clayton, but shall be a cost of the project born by the contractor.

- (m) All concrete shall be completely covered with a white pigmented curing compound after finishing but before setting. Curing compound and application device shall be approved by the ~~City Inspector~~ **Public Service Director or his designee** prior to commencement of work. Minimum application rate shall be one gallon per 200 square feet of surface. Wind protection spray shall be provided. After September 15, no curing compound shall be used on concrete flat work (pavement, ~~aprons~~ **approaches, driveways**, and sidewalks) unless directed by the ~~City Inspector~~ **Public Service Director or his designee**. All work poured after this date will be sprayed with an anti-spall mixture approximately one week after the concrete is placed. This mixture shall be cure and seal 118 white water base. The contractor shall protect all freshly poured concrete against marking or defacing. The contractor shall promptly replace any defective, defaced, or marred concrete at no expense to the City or property owner.
- (n) All structural concrete exposed to weathering shall also be completely covered by spraying with an anti-spall mixture before backfilling. The mixture shall be applied seven days after the forms are stripped.
- (o) All items placed within the right-of-way may be tested anytime to verify that they conform with good construction practices. In case of dispute as to methods of testing and structural requirements, the State of Ohio Department of Transportation "Construction and Materials Specifications Manual" shall prevail. The City Manager may, upon notice, change the methods of inspection. In case of disputes, the City Manager may require material to be tested by a testing laboratory at the contractor's expense.
- (p) The following additional practices will be required unless otherwise specified by the ~~City Inspector~~ **Public Service Director or his designee** when the following weather conditions occur:
  - (1) Cold Weather:

Straw, polyethylene cover, curing blankets, or other acceptable means of protection shall be placed over the fresh concrete whenever there is an indication of freezing. These materials shall be on hand when the temperature is below 40 degrees F. No concrete shall be placed on frozen subgrade and blankets will be placed over subgrade, prior to pouring, whenever the overnight

temperature falls to 32 degrees F. However, during cold weather, the contractor may use heated water in the production of concrete for the City of Clayton work. The forms may also be heated; however, no calcium chloride shall be added to the concrete in any case.

(2) Rainy Weather:

Whenever there is a possibility of rain, the ~~City Inspector~~ **Public Service Director or his designee** may require the protection of the fresh concrete with polyethylene, canvas, or other acceptable material. Therefore, the contractor shall have this protective material on the job at all times. The protection shall be maintained as directed by the ~~City Inspector~~ **Public Service Director or his designee**. Failure to do so shall be sufficient reason to reject any concrete section. Any rejected concrete shall be corrected at the contractor's expense.

(3) Hot Or Windy Weather:

When in the opinion of the ~~City Inspector~~ **Public Service Director or his designee**, the temperature of the atmosphere or wind conditions are such that accelerated drying or setting of the concrete would result, the ~~City Inspector~~ **Public Service Director or his designee** may require wet burlap bags, or other suitable substitutes to be applied to the concrete surface, or the ~~City Inspector~~ **Public Service Director or his designee** may suspend the placement of concrete.

(4) All pavement, ~~driveway~~, driveway approach, and sidewalk ~~within the right-of-way~~, concrete shall be poured between ambient temperatures of 90 Degrees F and 40 Degrees F. The ~~City Inspector~~ **Public Service Director or his designee** is granted the right to extend these limits and to include any conditions in accordance with good engineering practices.

(q) The ~~City Inspector~~ **Public Service Director or his designee** shall at all times receive a copy of all concrete batch tickets from the truck drivers or the job foreman. These tickets shall show the volume, time of hatching, type of add mixtures, mix or strength, addition of jobsite water, and specified slump, etc.

(r) All concrete poured within the right-of-way shall not be internally colored, pigmented, nor painted, except for those sections which are so marked for traffic control work or which may be approved by the City Engineer or ~~City Inspector~~ **Public Service Director or his designee**.

(s) Any driveway cuts, any cuts in the pavement, barrier curb, curb and gutter portion of the right-of-way shall be complete replacement of the sections involved from existing joint to existing joint, unless otherwise marked by the City. Any openings which are cut in concrete pavement, ~~apron~~ **approach**, or sidewalk for any purpose shall require the replacement of full sections of concrete from existing joint line to existing joint line, unless otherwise marked or directed by the ~~City Inspector~~ **Public Service Director or his designee**.

(t) All excavations cuts on hard surfaced streets or structures within the right-of-way shall be made to the full depth of such structures as directed by the ~~City Inspector~~

**Public Service Director or his designee.** Lights and barricades shall be placed around excavations and uncured concrete work.

- (u) All catch basins, sanitary and storm manholes, valve boxes, and other appurtenances in the construction area or those which are involved in the completion of the work shall be kept free from construction materials, rubbish, and shall be cleaned to the satisfaction of the City at the conclusion of the work.
- (v) Concrete delivery trucks shall be washed out only where directed by the ~~City Inspector~~ **Public Service Director or his designee**. The washing area shall be within the limits of the construction site and shall be self-contained. In no case, shall the concrete trucks be washed out adjacent to a natural area, catch basin, or manhole.
- (w) Mud and other debris shall be promptly removed from the site or from adjacent streets when it is trucked onto these roadways, ~~aprons~~ **approaches**, or sidewalks by concrete delivery trucks or other construction vehicles operating within or to and from the construction site.
- (x) Safety devices and techniques shall be used as mandated by OSHA and as directed by the ~~City Inspector~~ **Public Service Director or his designee**. Reflectorized barrels or Type II barricades of plastic or metal construction in accordance with the ODOT "Manual of Traffic Control for Construction and Maintenance Operations", shall be placed at each end of the excavation for sidewalks and curbs. At driveway ~~aprons~~ **approaches**, reflectorized barrels shall be spaced at close intervals so that cars may not pass between the barrels. Any safety device not meeting the approval of the ~~City Inspector~~ **Public Service Director or his designee** shall be promptly removed from the project. The ~~City Inspector~~ **Public Service Director or his designee** may order the use of warning lights on the barricades, when in the opinion of the City Engineer or ~~City Inspector~~ **Public Service Director or his designee**, situations warrant the use of such warning lights.
- (y) All new asphalt pavement restoration which causes water ponding shall be corrected by sawing and removal of the faulty portion. New #404 and #402 asphalt pavement shall be machine re-laid unless otherwise approved by the ~~City Inspector~~ **Public Service Director or his designee**. All joints shall be sealed with sealer material. Any damage arising from the corrective work shall be replaced at the expense of the contractor.
- (z) No lateral drains shall be placed through the curb by the property owner unless specifically authorized in writing by the City. During the reconstruction of the curb and gutter work, all such existing drains shall be disconnected. The purpose of this regulation is to limit deterioration of the streets by minimizing water coming to the gutter and to encourage the installation of onsite yard basins connected to the storm sewer.
- (aa) The concrete shall begin to be placed within 30 minutes of arrival at the placement site.

No exceptions to these specifications may be taken unless written permission is received from the ~~City Manager~~ **Public Service Director** or his designee.

All permit holders are assumed to have read and understood the foregoing. Failure to comply with the foregoing will not be an excuse for nonperformance. Contractors must comply with all other applicable regulations of the City of Clayton.

(Ord. 0-08-12-18. Passed 9-20-12.)

#### 904.08 HORIZONTAL CURB SAWING.

- (a) Horizontal Sawing of Concrete. Where concrete ~~aprons~~ **approaches** have settled and if the ~~apron~~ **approach** is in good condition, the adjoining curb may be sawed to the level of the ~~apron~~ **approach** provided that the ~~apron~~ **approach** settlement is not severe enough to prevent a positive slope being maintained from the ~~apron~~ **approach** to the concrete gutter plate.

Curbs and other concrete sections shall be sawed horizontally to produce a uniform slope from the driveway-~~apron~~ **approach** to the face of the curb section near the gutter. No sawing work will be accepted which does not have a positive slope across the curb to the gutter plate.

This work shall be accomplished by using a horizontal carbide tipped saw of sufficient diameter to produce a full cut and mounted in a controlled manner from a ground mounted jig or truck mounted stationary platform.

- (b) Pre-approval of Contractor. Only contractors who have been preapproved by the City of Clayton in writing shall perform this work. The contractor shall demonstrate to the City his proficiency and the accuracy of his equipment.

Prior to being accepted by the City, no public or private horizontal sawing work shall be performed in the public right-of-way by a non-certified contractor.

- (c) Operation Details. The contractor shall saw the curb or other concrete unit adjacent to the ~~apron~~ **approach** flush with the surface of the ~~apron~~ **approach** at a slope towards the gutter at least equal to the slope of the ~~apron~~ **approach**.

The contractor shall bevel cut each end of his horizontal sawing operation to make a smooth transition between the original curb height and the sawed section.

All concrete curb sections, flushings, and other matter removed shall be disposed of by the contractor.

Sharp saw edges in the finished concrete work shall be dressed with a hand-held concrete sander.

The sawed surface shall receive one coat of cure and seal J18 white water base sealer after the surface has dried. If a section of concrete curb below and the sawing level disintegrates or falls out during the operation, the contractor shall clean out the failed area or pocket and the contractor shall replace this area with #404 asphalt.

(Ord. 0-08-12-18. Passed 9-20-12.)

#### 904.09 JACKING OF SLABS.

- (a) Jacking of Concrete Slabs. In some cases where a slab of sidewalk or ~~apron~~ **approach** has settled and is still sound, it may be

possible to return this slab to proper alignment and grade by jacking of a mud slurry under the slab to raise it to serve a proper function. The work shall be accomplished by drilling a small hole or holes in the concrete at specific locations inserting a hose into the hole and pumping a slurry mixture under the slab to align it properly. After the slab is brought to grade, the hose shall be withdrawn and the small hole filled with concrete mortar.

- (b) Pre-approval of Contractor. This work shall be performed only by a contractor who has been accepted by the City of Clayton. Work shall be carefully performed to insure that cracks do not appear in the slab. In the event that the slab cannot be raised and adjusted to align with adjacent concrete sections, the work shall be abandoned and the slab replaced by conventional means. (Ord. 0-08-12-18. Passed 9-20-12.)

904.99 **PENALTY.**

- (a) Any person who shall violate any provision of this Chapter, or who shall fail to comply with any order of the ~~City Inspector~~ **Public Service Director or his designee** hereunder, shall be punishable by a fine of five hundred dollars (\$500.00). Each day that any violation or failure continues shall be deemed a separate offense.
- (b) Any person aggrieved by a ~~determination or~~ denial of permit made hereunder may appeal said ~~determination~~ **denial** in writing to the ~~Director of Community Services~~ **Board of Zoning Appeals** within ten (10) business days of the date of the ~~determination or~~ denial of permit stating the reasons for opposing the ~~determination or~~ denial of permit. After receipt of an appeal, the ~~Director of Community Services~~ **Board of Zoning Appeals** shall investigate the matter and may conduct a hearing. After conducting an investigation and/or hearing, the ~~Director of Community Services~~ **Board of Zoning Appeals** shall decide whether or not the ~~determination or~~ denial of permit is appropriate. This decision shall be final.
- (c) The imposition of a penalty shall not preclude the Department of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate violations; or to require compliance with the provisions of this Chapter or of other applicable laws, ordinances, rules or regulations or with an order or determination of the ~~City Inspector~~ **Public Service Director or his designee**. Nothing hereunder shall preclude the City from taking any of the following action should it be discovered that work has been or is being performed without a permit:
  - (1) Upon request, the property owner and/or contractor who performed or is performing the work shall provide copies of all cement tickets to the City for review to ensure that the standards in this Chapter have been or are complied with;
  - (2) Requiring the property owner and/or contractor to excavate at the work site in order to determine if the concrete depth is in compliance with the requirements hereunder;
  - (3) Require the property owner and/or contractor to make any required repairs in order to bring the work in compliance with the requirements of this Chapter.



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**CHAPTER 905**

**Driveways**

<b>905.01</b>	<b>Purpose.</b>
<b>905.02</b>	<b>Applicability.</b>
<b>905.03</b>	<b>Duty to Maintain.</b>
<b>905.04</b>	<b>Inspection of Driveways</b>
<b>905.05</b>	<b>General Requirements</b>
<b>905.06</b>	<b>Specifications.</b>
<b>905.99</b>	<b>Penalty.</b>

**CROSS-REFERENCES**

**Pre-Sale Inspection - see Building Code Ch. 1337**

**905.01 PURPOSE.**

**It is the purpose of this chapter to standardize the specifications and inspection criteria for all driveways within the City of Clayton, Ohio in order to promote and ensure uniform and structurally sound construction, repair and maintenance.**

**905.02 APPLICABILITY.**

**Unless otherwise noted or exempted, the regulations of this chapter shall apply to all driveways located within the City of Clayton, Ohio.**

**905.03 DUTY TO MAINTAIN.**

**Each property owner of any lot or parcel of land situated within the City of Clayton shall maintain in good and sufficient condition consistent with the specifications and regulations contained herein, their driveways.**

**905.04 INSPECTION OF DRIVEWAYS.**

**As part of the City's Pre-Sale Inspection Program (CCO 1337) and/or when a Driveway permit is required, the Public Service Director or his designee shall inspect and determine if any construction, repair, and/or replacement is deemed necessary and/or to bring said driveway into compliance with the specifications of this section.**

**905.05 GENERAL REQUIREMENTS.**

**All work is by permit only. All permits shall be accompanied by a cash bond or security of no less than \$25,000 and payment of the current specified fee except as otherwise noted herein. The bond or security shall cover all work performed hereunder. All driveways constructed of concrete material shall be bonded and must pass inspection by the Public Service Director or his designee. All driveways constructed of asphalt material or paver material shall not require a bond or an inspection by the Public Service Director or his designee. If the property owner performs all of the work, the bond requirement will be waived. No person, contractor, firm or corporation shall construct, lay, or perform any repair or replacement work without first securing a permit. It shall be unlawful for any person, contractor, firm or corporation, directly or indirectly, to construct, lay, or perform any repair or replacement work without having obtained the permit required for such work.**

**All new or replacement driveways shall be constructed of either Portland cement concrete material as specified below or asphalt material or paver material unless a material change is authorized in the permit.**

**All work shall be done in accordance with these Specifications and Standard Drawings of the City of Clayton. Work shall be complete in every respect including restoration of adjacent areas, clean-up of site, and removal of mud and debris from surrounding areas and haul routes.**

**All expansion joints shall be vinyl.**

**Driveways:**

**(a) Material shall be 4,000 PSI concrete at 28 days mix using 6 3/8 bags of cement with fiber per cubic yard of concrete mix or ODOT Class C concrete mix with fiber. All concrete material shall have 6.0% + 1% air entrainment and a maximum slump of four inches (4").**

**(b) After the concrete has been finished, it shall immediately be cured meeting the specifications and requirements of the latest edition of the State of Ohio Department of Transportation "Construction and Material Specification Manual".**

**(c) Vinyl expansion joint material shall be used wherever new concrete abuts old concrete and as shown by the Clayton Standard Drawings.**

**(d) If curb is to be replaced with the driveway, it shall conform to the gutter grade or as specified on the City permit. Permit holder is responsible for all asphalt work and to restore pavement at cut to the original and/or overlaid condition. Asphalt shall be saw cut straight a minimum of 12 inches from the front of the gutter and the existing pavement and shall be given a tack coat with a bituminous material before the placement of ODOT Type #404 asphalt. The gutter plate or approach shall not be covered with any asphalt material unless specifically directed by the Public Service Director or his designee. Replacement curb and gutter at driveways shall be cut for full length removal unless otherwise marked by the Public Service Director or his designee.**

**(e) Drives shall not exceed 30 feet width measured at the back of sidewalk. A variance request to add up to ten feet of driveway approach width must have a detailed statement showing cause and be approved by the Board of Zoning Appeals.**

**(f) In areas zoned A, R-1, or R-2, asphalt may be replaced with Portland cement driveways. However, existing Portland cement driveways must be replaced with Portland cement. In the case of restoration of existing asphalt driveways in zoning districts where they are permitted, the contractor shall place a two-inch lift of #404 surface asphalt on an approved tacked asphalt base as approved by the Public Service Director or his designee.**

**(g) Restoration: After the concrete has had time to cure and as soon as the forms have been removed, the excavated area behind the curb should be backfilled, tamped, then seeded or sodded. Any settlement in the backfill behind the curb within one year after placement shall be corrected by the contractor at no expense to the City of Clayton. All pavement restoration work must also be completed. All castings disturbed or damaged by the contractor shall be replaced and reset. This must be done before final acceptance and/or the release of the bond.**

**(h) Limitation: The construction season for rebuilding driveways is from April 15 to October 31. The Public Service Director or his designee may, but is not required to, grant permission to perform construction work hereunder for any time period before or after the construction season has begun or ended. Extra precaution and/or admixtures to the concrete may be advised by the Public Service Director or his designee if the work is permitted. The Public Service Director or his designee is hereby granted the right to extend the construction season in accordance with good engineering practices.**

**The requirements for the completion of the permit are as outlined on the permit application, however in the interest of public safety and the overall good of the City and its residents the Public Service Director or his designee may require additional information before granting a permit.**

#### **905.06 SPECIFICATIONS.**

##### **Specifications for the construction and installation of Driveways:**

**(a) The permit holder shall hold the City free and harmless from any and all loss, damage, expense, including, but not limited to, attorney 's fees, court cost arising from, caused by or incident or related to injuries or damage to property (including but not limited to property of the City) or injury or death to any person or persons.**

**(b) Excavation shall consist of the excavation of all materials necessary in the construction of the listed projects, all to the lines and grades indicated on the plans or as directed by the Public Service Director or his designee. All labor and equipment shall be furnished for the proper execution of said work. Excavation to be wasted shall be disposed of offsite by the contractor as directed by the Public Service Director or his designee.**

**(c) No concrete shall be poured for any concrete driveway until the Public Service Director or his designee has been properly notified, has inspected the premises, and**

approved the proposed work in writing. The degree of sub-base compaction will be carefully reviewed by the Public Service Director or his designee prior to approval of the work. The City requires a 24 hour notice. Concrete may not be poured on Sundays, legal holidays, or before or after regular work hours without specific approval of the Public Service Director or his designee. After all work is complete for any concrete driveway, the contractor shall contact the Public Service Director or his designee to make final inspection within twenty-four (24) hours. Work shall not be accepted by the City, until the finished work has been inspected and all completion or correction items have been finalized to the satisfaction of the City.

(d) Vinyl expansion joints shall be placed parallel (or perpendicular) to all:

(1) Retaining and building walls.

(2) Catch basins, gas and water boxes, manholes, and poles.

(3) Near trees and other plantings as may be determined by the Public Service Director or his designee.

(4) Every 100 running feet or as determined by the Public Service Director or his designee.

(5) When a curb, sidewalk, or step forms a continuous point of contact.

(6) Whenever a gutter forms a continuous point of contact with a separately poured curb or separately poured concrete street.

(7) Pavement contraction joints shall be sawed every 17 running feet or as directed by the Public Service Director or his designee. The joint shall be sawed on a six or one skew as shown on the plans.

(8) There will be a sawed joint every 200 square feet of pavement unless waived in writing by the Public Service Director or his designee (nominal 17x12).

(9) Whenever new concrete is placed adjacent to existing concrete.

(10) At building sides of driveway.

(e) After the removal of forms, all structures, except those specifically excluded by the Public Service Director or his designee, shall be backfilled with approved soil (free from stones larger than 1" diameter), and compacted, and either sodded or seeded as may be determined at the beginning of the contract or the issuance of a permit. Compacted top soil shall be placed in the top four inches of fill. In no case shall concrete, wood, metal, stones, other debris, or scraps be allowed in the backfill area or general excavation area.

(f) All fill shall be on a slope no greater than three-to-one unless written permission to the contrary is received from the Public Service Director or his designee.

(g) Steel forms shall be used throughout the work unless wooden forms are accepted by the Public Service Director or his designee. Radius forms shall be used on curbed work.

**(h) All forms shall be oiled and kept in good condition. All forms shall be removed before backfilling.**

**(i) All work shall be warranted for one year after completion and acceptance. For these purposes, one year shall start when total delineated contracting areas are completed and a letter of acceptance sent to said contractor by the City of Clayton contracting officer. The contractor shall also be responsible for any settlement of disturbed areas within one year.**

**(j) Unless specifically excluded herein, the contractor and his representative shall adhere to all laws of the City of Clayton and the State of Ohio.**

**(k) The contractor and his entire work force shall follow such sanitary provisions of the City through its laws and regulations at all times.**

**(l) When in the opinion of the Public Service Director or his designee, the subgrade upon which concrete is to be placed is not structurally adequate to support 3,000 pounds per square foot without yielding and will not provide a proper base, the Public Service Director or his designee may require:**

**(1) Compacted #304.02 aggregate base material (6" minimum additional thickness), or #2 stone base material, or an approved substitute.**

**(2) Wire mesh, steel bars, or any combination of these reinforcement, and base materials.**

**(3) Any fill concrete used for bridging shall be reinforced when determined in the best interests of sound construction.**

**(4) Size of bars and mesh shall be approved by the Public Service Director or his designee taking into consideration load, subsoil, and other conditions that may affect structural strength.**

**Any or all of the above measures shall be undertaken by the contractor at no expense to the City of Clayton, but shall be a cost of the project born by the contractor.**

**(m) All concrete shall be completely covered with a white pigmented curing compound after finishing but before setting. Curing compound and application device shall be approved by the Public Service Director or his designee prior to commencement of work. Minimum application rate shall be one gallon per 200 square feet of surface. Wind protection spray shall be provided. After September 15, no curing compound shall be used on concrete flat work unless directed by the Public Service Director or his designee. All work poured after this date will be sprayed with an anti-spall mixture approximately one week after the concrete is placed. This mixture shall be cure and seal 118 white water base. The contractor shall protect all freshly poured concrete against marking or defacing. The contractor shall promptly replace any defective, defaced, or marred concrete at no expense to the City or property owner.**

**(n) All structural concrete exposed to weathering shall also be completely covered by spraying with an anti-spall mixture before backfilling. The mixture shall be applied seven days after the forms are stripped.**

**(o) All items placed within the right-of-way may be tested anytime to verify that they conform with good construction practices. In case of dispute as to methods of testing and structural requirements, the State of Ohio Department of Transportation "Construction and Materials Specifications Manual" shall prevail. The City Manager may, upon notice, change the methods of inspection. In case of disputes, the City Manager may require material to be tested by a testing laboratory at the contractor's expense.**

**(p) The following additional practices will be required unless otherwise specified by the Public Service Director or his designee when the following weather conditions occur:**

**(1) Cold Weather:**

**Straw, polyethylene cover, curing blankets, or other acceptable means of protection shall be placed over the fresh concrete whenever there is an indication of freezing. These materials shall be on hand when the temperature is below 40 degrees F. No concrete shall be placed on frozen subgrade and blankets will be placed over subgrade, prior to pouring, whenever the overnight temperature falls to 32 degrees F. However, during cold weather, the contractor may use heated water in the production of concrete for the City of Clayton work. The forms may also be heated; however, no calcium chloride shall be added to the concrete in any case.**

**(2) Rainy Weather:**

**Whenever there is a possibility of rain, the Public Service Director or his designee may require the protection of the fresh concrete with polyethylene, canvas, or other acceptable material. Therefore, the contractor shall have this protective material on the job at all times. The protection shall be maintained as directed by the Public Service Director or his designee. Failure to do so shall be sufficient reason to reject any concrete section. Any rejected concrete shall be corrected at the contractor's expense.**

**(3) Hot Or Windy Weather:**

**When in the opinion of the Public Service Director or his designee, the temperature of the atmosphere or wind conditions are such that accelerated drying or setting of the concrete would result, the Public Service Director or his designee may require wet burlap bags, or other suitable substitutes to be applied to the concrete surface, or the Public Service Director or his designee may suspend the placement of concrete.**

**(4) All driveway concrete shall be poured between ambient temperatures of 90 Degrees F and 40 Degrees F. The Public Service Director or his designee is**

**granted the right to extend these limits and to include any conditions in accordance with good engineering practices.**

**(q) The Public Service Director or his designee shall at all times receive a copy of all concrete batch tickets from the truck drivers or the job foreman. These tickets shall show the volume, time of hatching, type of add mixtures, mix or strength, addition of jobsite water, and specified slump, etc.**

**(r) Any driveway cuts, any cuts in the pavement, barrier curb, curb and gutter portion of the right-of-way shall be complete replacement of the sections involved from existing joint to existing joint, unless otherwise marked by the City.**

**(s) All catch basins, sanitary and storm manholes, valve boxes, and other appurtenances in the construction area or those which are involved in the completion of the work shall be kept free from construction materials, rubbish, and shall be cleaned to the satisfaction of the City at the conclusion of the work.**

**(t) Concrete delivery trucks shall be washed out only where directed by the Public Service Director or his designee. The washing area shall be within the limits of the construction site and shall be self-contained. In no case, shall the concrete trucks be washed out adjacent to a natural area, catch basin, or manhole.**

**(u) Safety devices and techniques shall be used as mandated by OSHA and as directed by the Public Service Director or his designee. Any safety device not meeting the approval of the Public Service Director or his designee shall be promptly removed from the project. The Public Service Director or his designee may order the use of warning lights on the barricades, when in the opinion of the City Engineer or Public Service Director or his designee, situations warrant the use of such warning lights.**

**(v) All new asphalt pavement restoration which causes water ponding shall be corrected by sawing and removal of the faulty portion. New #404 and #402 asphalt pavement shall be machine re-laid unless otherwise approved by the Public Service Director or his designee. All joints shall be sealed with sealer material. Any damage arising from the corrective work shall be replaced at the expense of the contractor.**

**(w) The concrete shall begin to be placed within 30 minutes of arrival at the placement site. No exceptions to these specifications may be taken unless written permission is received from the Public Service Director or his designee.**

**All permit holders are assumed to have read and understood the foregoing. Failure to comply with the foregoing will not be an excuse for nonperformance. Contractors must comply with all other applicable regulations of the City of Clayton.**

**905.99 PENALTY.**

**(a) Any person who shall violate any provision of this Chapter, or who shall fail to comply with any order of the Public Service Director or his designee**

hereunder, shall be punishable by a fine of five hundred dollars (\$500.00). Each day that any violation or failure continues shall be deemed a separate offense.

(b) Any person aggrieved by a determination or a denial of permit made hereunder may appeal said determination or denial in writing to the Board of Zoning Appeals within ten (10) business days of the date of the determination or denial of permit stating the reasons for opposing the determination or denial of permit. After receipt of an appeal, the Board of Zoning Appeals shall investigate the matter and may conduct a hearing. After conducting an investigation and/or hearing, the Board of Zoning Appeals shall decide whether or not the determination or denial of permit is appropriate. This decision shall be final.

(c) The imposition of a penalty shall not preclude the Department of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate violations; or to require compliance with the provisions of this Chapter or of other applicable laws, ordinances, rules or regulations or with an order or determination of the Public Service Director or his designee. Nothing hereunder shall preclude the City from taking any of the following action should it be discovered that work has been or is being performed without a permit:

- (1) Upon request, the property owner and/or contractor who performed or is performing the work shall provide copies of all cement tickets to the City for review to ensure that the standards in this Chapter have been or are complied with;
- (2) Requiring the property owner and/or contractor to excavate at the work site in order to determine if the concrete depth is in compliance with the requirements hereunder;
- (3) Require the property owner and/or contractor to make any required repairs in order to bring the work in compliance with the requirements of this Chapter.

(Ord. 0-08-12-18. Passed 9-20-12.)

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Section 2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

Section 3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on October 6, 2016 and October 20, 2016.

Section 4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.



**RESOLUTIONS (SINGLE READING AND IMMEDIATE ENACTMENT)**

**RESOLUTION NO. R – 10 – 16 – 81**

**A RESOLUTION DECLARING THE NECESSITY OF REPAIRING AND/OR REMOVING AND REPLACING CURBS AND GUTTERS WITHIN THE CITY OF CLAYTON, OHIO RELATIVE TO THE PROPERTIES IDENTIFIED ON THE ATTACHED EXHIBIT A**

**WHEREAS**, the City staff has heretofore studied the need to repair and/or remove and replace curbs and gutters within the areas identified on the attached **Exhibit A**; and

**WHEREAS**, a list of properties requiring repair and/or removal and replacement of curbs and gutters is appended hereto as **Exhibit A** and was filed with the Clerk of Council; and

**WHEREAS**, this Council with and upon recommendation of staff has reviewed and hereby approves the general plans, specifications and estimate of cost to repair and/or remove and replace the above referenced curbs and gutters which plans, specifications and estimate of cost were filed with the Clerk of Council; and

**WHEREAS**, such curbs and gutters as are identified on the list of properties appended hereto as **Exhibit A** and filed with the Clerk of Council shall be repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners under R.C. 729.03 in accordance with the plans and specifications filed with the Clerk of Council; and

**WHEREAS**, in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners under R.C. 729.03 and prior to November 18, 2016 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Clayton, Ohio:

1. That this Council hereby declares it necessary for the preservation and promotion of the public health and welfare, for the reasons set forth in the preambles hereof, for the property owners identified on the attached listing to repair and/or remove and replace the curbs and gutters abutting their properties in accordance with the plans and specifications filed with the Clerk of Council.
2. The listing of properties subject to this Resolution of Necessity are appended hereto as **Exhibit A** and are described and set out in the plans, specifications, and estimate of cost, which are on file in the Clayton Government Center, 6996 Taywood Road, Englewood, Ohio, 45322 where they may be examined and which plans, specifications, and estimate of cost, are hereby approved.

3. That the total cost of repair and/or removal and replacement of all of the curbs and gutters on the appended list is estimated to be 46,135 linear feet not to exceed \$33.40 per linear foot.
4. That Notice of the passage of this Resolution of Necessity and the filing of the plans, specifications and cost estimate pursuant to Ohio Revised Code Section 729.03 shall be served upon the owners of the lots or parcels of land identified on the list appended hereto by certified mail addressed to such owner at his/her last known address or to the address to which tax bills are sent.
5. That in the event said curbs and gutters are not repaired and/or removed and replaced by the respective property owners after service of notice upon said property owners under R.C. 729.03 and prior to November 18, 2016 in accordance with the plans and specifications filed with the Clerk of Council, the municipal corporation will cause such repair and/or removal and replacement to occur and assess the cost thereof against the lots and lands abutting thereon.
6. That this Council hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTION NO. R – 10 - 16 – 82**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID SUBMITTED BY AND ENTER INTO A CONTRACT WITH JOHN R. JURGENSEN COMPANY FOR 2017 MILL AND FILL ASPHALT AND FULL DEPTH REPAIR TO CITY STREETS AT A COST NOT TO EXCEED \$1,389,163.00**

**WHEREAS**, bids have been solicited pursuant to a request for bids and received for the 2017 City street mill and fill asphalt and full depth repair project (the “Project”); and

**WHEREAS**, after reviewing the bids, the City Manager determined that the bid received from John R. Jurgensen Company, was the lowest and best bid submitted by a responsible bidder and therefore recommended accepting said bid.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City Manager is authorized, in accordance with the terms of the request for bids, to accept the bid submitted by and enter into a contract with John R. Jurgensen Company for the above identified Project and for a total cost not to exceed \$1,389,163.00.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTION NO. R – 10 – 16 – 83**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT BID AND ENTER INTO AN AGREEMENT WITH ADC CONCRETE, LLC. FOR 2017 CONCRETE PIECE WORK AND SLIP FORM CURB WORK IN AN AMOUNT NOT TO EXCEED \$1,556,341.00**

**WHEREAS**, the Clayton City Manager solicited bids for concrete work relative to the 2017 concrete piece work and slip form curb work, said solicitation having been made in accordance with the provisions of Charter Section 8.02; and

**WHEREAS**, said bids have been received and reviewed by the City Manager and staff and the bid submitted by ADC Concrete, LLC is recommended for acceptance as being the lowest and best, responsive bid submitted by a responsible bidder as to the 2017 concrete piece work and slip form curb work in an amount not to exceed \$1,556,341.00.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City Manager is authorized to accept bid and to enter into an agreement with ADC Concrete, LLC for 2017 concrete piece work and slip form curb work in an amount not to exceed \$1,556,341.00.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTION NO. R – 10 – 16 – 84**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ADC CONCRETE, LLC FOR THE REPLACEMENT OF 13 CATCH BASINS IN AN AMOUNT NOT TO EXCEED \$30,250.00**

**WHEREAS**, City Staff requested and received quotes for the replacement of 13 catch basins to be replaced as part of the 2017 Curb and Gutter Program; and

**WHEREAS**, said quotes have been received and reviewed by the City Manager and staff and the quote submitted by ADC Concrete, LLC is recommended for acceptance as being the lowest and best, responsive bid submitted by a responsible bidder as to the replacement of 13 catch basins in an amount not to exceed \$30,250.00.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City Manager is authorized to accept bid and to enter into an agreement with ADC Concrete, LLC for the replacement of 13 catch basins and for an amount not in excess of \$30,250.00.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTION NO. R – 10 – 16 – 85**

**A RESOLUTION PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION TO PROVIDE BRIDGE INSPECTION PROGRAM SERVICES WITH RESPECT TO PID NO. 102554 WITHIN THE CITY LIMITS OF THE CITY OF CLAYTON**

**WHEREAS**, The City of Clayton, Ohio (Local Public Agency - “LPA”) has determined the need for the described project:

Bridge Inspection Program Services, including, but not limited to bridge load rating calculations, scour assessments, bridge inspections, and fracture critical plan development.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. Being in the public interest, the City of Clayton, Ohio (Local Public Agency - “LPA”) gives consent to the Director of Transportation to complete the above described project.
2. The City (LPA) shall cooperate with the Director of Transportation in the above described project as follows:
  - (a) The State shall assume and bear 100% of all of the cost for Bridge Inspection Program Services requested by the City and agreed to by the State. Eligible Bridge Inspection Services are described in the Consultant’s Scope of Services Task Order Contract (Exhibit A).

(b) The City (LPA) agrees to pay 100% of the cost of those features which are not included in Exhibit A.

3. The City (LPA) agrees that all right-of-way required for the described project will be made available in accordance with current State and Federal regulations.

4. The City Manager of said City of Clayton, Ohio is hereby empowered on behalf of the City to enter into contracts with the Director of Transportation necessary to complete the above described project.

5. This Resolution shall take effect and be in force from and after the date of its passage.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTION NO. R – 10 – 16 – 86**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE  
PROPERTY LOCATED AT 6792 SALEM AVENUE WITHIN THE CITY OF  
CLAYTON AND BEARING PARCEL ID NUMBERS M60 03207 0030 AND M60 03207  
0082 TO THE MONTGOMERY COUNTY LAND BANK NIP DEMOLITION  
PROGRAM**

**WHEREAS**, the City of Clayton previously entered into a Memorandum of Understanding to participate in the Montgomery County Land Bank's NIP Program which is a property program in which vacant and tax delinquent properties are submitted to a tax foreclosure process for acquisition by the Land Bank and following acquisition by the Land Bank, residential structures are demolished and the property is graded and seeded and neighboring property owners may then acquire the subject property from the Land Bank in an effort to remove blight from neighborhoods; and

**WHEREAS**, City staff recommends the property located at 6792 Salem Avenue and bearing Parcel ID Numbers M60 03207 0030 and M60 03207 0082 within the City of Clayton, Ohio be submitted to the Montgomery County Land Bank's NIP Demolition Program.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the City Manager is authorized to submit the property located at 6792 Salem Avenue and bearing Parcel ID Numbers M60 03207 0030 and M60 03207 0082 within the City of Clayton, Ohio to the Montgomery County Land Bank's NIP Demolition Program.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTIONS - TABLED**

**RESOLUTION NO. R – 10 – 16 – 87**

**A RESOLUTION CONSENTING TO THE ASSIGNMENT OF CLAYTON'S  
MEADOWBROOK CATERING SERVICE AND EVENT MANAGEMENT  
AGREEMENT WITH HERITAGE EVENT AND CATERING, LLC TO THE  
GRILL BY HERITAGE, LLC**

**Whereas**, the City of Clayton, is party to an exclusive Catering Service and Event Management Agreement (“Agreement”) for Meadowbrook at Clayton with Heritage Event and Catering, LLC and under said Agreement, the City of Clayton may agree to assignment of said Agreement in writing; and

**Whereas**, Heritage Event and Catering, LLC desires to assign the rights and duties of said Agreement to The Grill By Heritage, LLC and the City of Clayton hereby consents to said Assignment.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF  
CLAYTON, STATE OF OHIO:**

1. That Clayton Council authorizes and consents to the assignment of the Catering Service and Event Management Agreement for Meadowbrook at Clayton with Heritage Event and Catering, LLC to The Grill By Heritage, LLC.
2. That the Clayton Council authorizes the City Manager to enter into a written assignment consenting to the assignment of the Agreement to The Grill By Heritage, LLC in substantially the form appended hereto.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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**RESOLUTION NO. R – 10 – 16 – 88**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO FIRST  
AMENDMENT TO CATERING SERVICE AND EVENT MANAGEMENT  
AGREEMENT FOR MEADOWBROOK AT CLAYTON**

**Whereas**, the City of Clayton, is party to an exclusive Catering Service and Event Management Agreement (“Agreement”) for Meadowbrook at Clayton with Heritage Event and Catering, LLC and pursuant to said Agreement, Council authorized assignment of the Agreement to The Grill By Heritage, LLC via enactment of Resolution No. R-10-16-87; and

**Whereas**, City staff has recommended Council approve a First Amendment to the Catering Service and Event Management Agreement in order to allow the parties thereto to provide for payment of utilities since a full service restaurant is now in operation at Meadowbrook at Clayton.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF CLAYTON, STATE OF OHIO:**

1. That the Clayton Council authorizes the City Manager to enter into a First Amendment to Catering Service and Event Management Agreement (“Agreement”) for Meadowbrook at Clayton, in substantially similar form as appended hereto, in order to delineate the respective responsibilities of the parties thereto for payment of utilities at Meadowbrook at Clayton.

ADOPTED BY COUNCIL ON OCTOBER 6, 2016

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