RECORD OF RESOLUTIONS

1st Reading: 4-2-14
2nd Reading: 9-2-14
3rd Reading: 9-2-14

Baker Legal Blank, Inc., Form No. 30045

Resolution No. 3571 Passed September 2, 2014

RESOLUTION NAMING RIDGE PARK

WHEREAS, the City of Bowling Green purchased the former Ridge School and, after community deliberation, determined the space should be used as a public park; and

WHEREAS, development of the park is ongoing and it is timely to establish a name for the park for identification, fundraising, and recognition purposes; and

WHEREAS, in naming the new Ridge Park, the City seeks to honor the former school and also provide a point of reference by inclusion of the street name in the name of the park.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, OHIO:

SECTION 1: That the former Ridge Street School property located on Ridge Street in the City of Bowling Green, Ohio, shall hereafter be known as the Ridge Park.

SECTION 2: This resolution shall take effect at the earliest time permitted by law.

Passed: September 2, 2014 [signature]
Date President of Council

Attest: [signature]
Clerk of Council

Approved: September 3, 2014 Richard A. Edwards
Date Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res. No. 3571 passed by the Council of the City of Bowling Green, Ohio. Sept. 2, 2014.
[signature]
Clerk of City Council

RECORD OF RESOLUTIONS

1st Reading: 9-2-14
2nd Reading: 9-2-14
3rd Reading: 9-2-14

Delan Legal Blank, Inc., Form No. 30015

Resolution No. 3572 Passed September 2, 2014

RESOLUTION OF APPRECIATION FOR THE BOWLING GREEN PARKS AND RECREATION FOUNDATION FOR COMPLETING THE SAVE THE WOODS CAMPAIGN

WHEREAS, members of the Bowling Green Parks and Recreation Foundation (the Foundation) worked to acquire the Bordner Meadow which is now the heart of the Wintergarden/St. John's Nature Preserve (the Nature Preserve); and

WHEREAS, the Foundation raised funds to add the Twyman Woods to the Nature Preserve; and

WHEREAS, the Foundation has successfully raised over $480,000 to add another 19.6 acres of woodland, now known as Tucker Woods, to the Nature Preserve; and

WHEREAS, the City Council recognizes that hundreds of citizen volunteers and donors participated in the efforts of the Foundation; and

WHEREAS, the entire community greatly benefits from the tireless and dedicated efforts of the members of the Foundation by sharing in the use of public parkland set aside for this and future generations, and

WHEREAS, the City Council wishes to recognize the Foundation's outstanding support for the Save the Woods Campaign, completed August 1, 2014.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BOWLING GREEN:

SECTION 1: That the Bowling Green Parks and Recreation Foundation and its citizen volunteers be publicly congratulated and thanked for their efforts to improve the quality of life in Bowling Green through our parks.

SECTION 2: That the Clerk of this City Council is hereby directed to transmit a duly attested signed copy of this resolution to the President of the Foundation, Ann Beck.

SECTION 3: This resolution shall take effect at the earliest time permitted by law.

Passed: September 2, 2014 — Date
President of Council

Attest: Clerk of Council

Approved: September 3, 2014 — Date
Richard A. Edwards — Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Res. No. 3572 passed by the Council of the City of Bowling Green, Ohio, Sept. 2, 2014
Clerk of City Council

1st Reading: 8-4-14
RECORD OF ORDINANCES 2nd Reading: 8-18-14
3rd Reading: 9-2-14

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 8348 Passed September 2, 2014

ORDINANCE AUTHORIZING THE MUNICIPAL ADMINISTRATOR AND THE UTILTIES DIRECTOR TO SEEK QUALIFICATIONS AND/OR ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT OR CONTRACTS FOR DESIGN, ENGINEERING, RIGHT-OF-WAY ACQUISITION, CONSTRUCTION, AND OTHER SERVICES RELATING TO IMPROVEMENTS AT THE INTERSECTION OF W. POE ROAD/FAIRVIEW AVENUE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That the Municipal Administrator is hereby authorized to seek qualifications and/or advertise for bids and enter into a contract or contracts for design, engineering, right-of-way acquisition, construction, and other services relating to the improvements at the intersection of W. Poe Road/Fairview Avenue.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: September 2, 2014 [signature]
Date President of Council

Attest: [signature]
Clerk of Council

Approved: September 3, 2014 Richard A. Edwards
Date Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8348 passed by the Council of the City of Bowling Green, Ohio, Sept. 2, 2014
[signature]
Clerk of City Council

1st Reading: 8-4-14
RECORD OF ORDINANCES 2nd Reading: 8-18-14
3rd Reading: 9-2-14

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 8349 Passed September 2 20 14

ORDINANCE AMENDING AND ADOPTING CHAPTER 98 OF THE CODIFIED ORDINANCES OF THE CITY OF BOWLING GREEN, OHIO, REGARDING STREETS AND SIDEWALKS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That Chapter 98 of the Codified Ordinances of the City of Bowling Green, Ohio, is hereby amended and adopted to read in accordance with the attachment hereto and made a part thereof.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: September 2, 2014 [signature]
Date President of Council

Attest: [signature]
Clerk of Council

Approved: September 3, 2014 Richard A. Edwards
Date Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8349 passed by the Council of the City of Bowling Green, Ohio, Sept. 2, 20 14
[signature]
Clerk of City Council

CHAPTER 98: STREETS AND SIDEWALKS

98.01 PURPOSE AND AUTHORITY

(A) All streets, sidewalks, driveway approaches, or curb openings hereinafter constructed, reconstructed, or made on any public way within the corporate limits of the city shall be constructed, reconstructed, or made, and shall be used and maintained in accordance with the provisions of this chapter.
(B) The Public Works Director is hereby authorized to adopt, promulgate, amend, and enforce such administrative rules and regulations as may be necessary to execute and enforce the provisions of this chapter.
(C) Sidewalk Commission shall assist the Safety Director and Public Works Director in establishing priority or need of new or replacement sidewalks.

98.02 DEFINITIONS

For the purposes of Chapter 98, the following words and phrases shall have the following means ascribed to them respectively.

ADA: Federal Americans with Disabilities Act, most current adoption of law.

AWNING: Any structure made of cloth, wood, or metal having a metal or wood frame cantilevered from a building.

CANOPY: Any structure made of cloth, wood, or metal having a metal or wood frame attached to a building, and carried by a frame supported by the ground or sidewalk.

CONSTRUCTION: The construction of new work where no work has previously been done.

CONTRACTOR: Any person or company licensed by the city to construct or reconstruct walks, driveways, and other work permitted under this chapter, acting directly or through a duly authorized representative.

COUNCIL: The Council of the City of Bowling Green.

CURB OPENING: That part of the curb which has been or is cut, dropped, or replaced.

DIRECTOR: The Public Works Director.

DRIVEWAY: Any driveway approach or runway between the curb line and private property line.

ENGINEER: The City Engineer.

INSPECTOR: Public Works Inspector.

OWNER: The owner, leaseholder, or agent thereof holding title to any private property adjoining any street in the city.

RECONSTRUCTION: The relaying, rebuilding, or repair of old work in part or as a whole.

RIGHT-OF-WAY: Any public property dedicated for public use as a street, avenue, boulevard, lane, alley, or public thoroughfare.

STREET: Any public thoroughfare dedicated for public use.

SIDEWALK: Any main or approach sidewalk, within easement or public right of way, normally between the curb line and private property. May also be referenced as "Public Sidewalk."

98.03 MAINTAINING AND REPAIRING SIDEWALKS: PROPERTY OWNER RESPONSIBILITIES

A. Maintaining and repairing of public sidewalks is the responsibility of the property owner of any lot or land abutting any public way.
B. Should any public sidewalk be found in the need of repair by the City, the Municipal Administrator or his or her designee may order the property owner, by certified mail, to repair such walks. The property owner shall make necessary repairs within a time period determined by the City.
C. If the owner or person having charge of said land fails to comply with such notice, the City may cause the necessary repairs to be made. Thereupon, the expense of repairing such walks shall be billed to the property owner by regular mail. Upon failure to reimburse the city this amount within 30 days thereafter, the Council shall make written notice to the County Auditor with the statement of charges for services, the amount paid for the performance of such labor and related expenses, and the proper description of the premises, along with a request that such amount be entered upon the tax duplicated, to become a lien upon such lands from and after the date of entry, and to be collected as other taxes and returned to the city according to law.
D. When city sidewalk repair funds are available, then the repairs may be paid 50% by the city and 50% by the property owner. Participating property owners are required to deposit 50% of the repair cost with the Finance Department prior to program eligibility.

98.04 MAINTAINING AND REPAIRING SIDEWALKS: CITY RESPONSIBILITIES

The City shall pay the cost of public sidewalk repairs for that portion of the walk damaged by city-owned trees or damaged directly by municipal actions.

98.05 NEW SIDEWALKS

A. New sidewalks in a subdivision shall be paid for entirely at the expense of the developer or purchaser of a lot in a new subdivision as provided in the Section 151 of the Codified Ordinances of the City of Bowling Green.
B. Development, redevelopment, or renovation of a parcel not subject to the subdivision regulations shall require new sidewalks to be constructed at the sole expense of the developer or property owner, within the time frame allowed on the applicable zoning certificate, except when in the opinion of the Public Works Director and the Safety Director the construction of a sidewalk will cause undue hardship or burden on the owner of the parcel due to the unusual shape, location, or configuration of the parcel, or due to the health or safety concerns which would cause the public to be better served by having no sidewalk located on the parcel.
C. In a case where the Sidewalk Commission determines that sidewalks are to be built in a subdivision originally developed without sidewalks, the financial responsibility for the sidewalks shall lie with the City, subject to available funding.

98.06 SNOW AND ICE COVERED SIDEWALKS DECLARED A NUISANCE; REMOVAL OF SNOW AND ICE FROM SIDEWALKS

A. Public sidewalks in the city which are not free of snow and ice within 24 hours after the abatement of any storm during which snow and ice may have accumulated are a public nuisance.
B. The property owner of any lot or land abutting any public way shall clear such walks of snow and ice within 24 hours after such snow event ceases.
C. Should any such snow and ice be found within the city, the Municipal Administrator or his or her designee may cause these sidewalks to be cleaned at the expense of the city. Thereupon, the expense of cleaning and all related costs, calculated in accordance with the formula on file with the Public Works Director, shall be billed to the property owner by regular mail. Upon failure to reimburse the city this amount within 30 days thereafter, the Council shall make written return to the County Auditor along with a request that such amount be entered upon the tax duplicate, to become a lien upon such lands from and after the date of entry, and to be collected as other taxes and returned to the city according to law.
D. Any law enforcement officer, the Municipal Administrator or Municipal Administrator's designee shall be authorized to issue citations for any violation of this section.

98.07 BOND AND LICENSE REQUIRED; CONSTRUCTION BY HOMEOWNER EXCEPTED; INSURANCE

A. A property owner may elect to personally perform work on the public sidewalk or driveway adjoining his or her property. Such property owner shall be exempt from the

requirement to obtain a license and post a bond. However, prior to performing work, said property owner must supply proof of homeowners insurance and must comply with all other regulations in this chapter including obtaining required permits, giving notice for **inspection, and all other specified construction requirements.**

B. **License and Bond Requirements. Except** in the case where a property owner is doing the work on the public right of way adjoining his or her property, any person engaging in the construction or reconstruction of walks, driveways, or curb openings must obtain a license from the Public Works Director and supply a bond in accordance with the provisions identified below.

1. License: The Public Works Director shall be responsible for the license issuance. To apply for a license, the following must be furnished to the Public Works Director:
    a. Comprehensive identification of person or company applying for the license. Applicant must identify the following:
        1. Individual. Name in full, and address;
        2. Partnership. Names in full, evidence of legal organization or partnership in accordance with state laws, business address, names in full and address of each person in the partnership; or
        3. Corporation. Names of the corporation, state of incorporation, name, title, and signature of official or officials authorized to sign the applications, and such further information as may be required by the Director.
    b. Proof of a liability policy protecting the owner of the property, the city, and the general public;
    c. Workmen's compensation insurance;
    d. Unemployment insurance;
    e. The applicant shall, on request, furnish the Director with a list of representative projects and references attesting to his or her ability to do and perform all work as required in the construction or reconstruction of walks, driveways, or curb openings.
2. Bond. A bond in the sum of $5,000 shall be filed with the Public Works Director by anyone planning to engage in the construction or reconstruction of walks, driveways or curb openings. The surety to the city shall be conditioned upon the faithful observation of this and other applicable provisions of the codified ordinances of the city and the specifications, rules, or regulations pertaining to the construction and reconstruction of walks, driveways, or curb openings, and that the principal will construct, reconstruct, or make all walks, driveways, or curb openings in strict compliance with all applicable existing ordinances, specifications, rules and regulations. The bond shall further provide for payment to the city, or all persons entitled thereto, of the cost and expense of reconstructing any walk, driveway, or curb opening when required by the Director, should any defects due to construction, material, or workmanship develop in such work at any time within a period of three years from January 1

next following the completion of the work, which defect is, in the judgment of the Director, caused by the contractor's failure to conform to the specifications and regulations relating to the construction or reconstruction of walks, driveways, or curb openings which are established under this chapter and amendments thereto. The bond shall be further conditioned that such surety will indemnify and save harmless the city on account of any and all claims or damages or injuries to persons or property due to failure of the contractor or his or her agents or employees to maintain the right-of-way, where such construction or reconstruction is being done, in a condition which is safe and fit for public travel, and in compliance with the provisions of this chapter and amendments thereto, or any ordinance, rules, or regulations relating to public safety now in effect or which may hereinafter be enacted or promulgated.

C. License Fee. When the license application has been approved and the required bond has been accepted, the Public Works Director shall issue a license to the applicant upon payment of the annual license fee of $100 for the fiscal year terminating on December 31 of each calendar year. All license fees shall be credited to the general fund of the city.

D. License Suspension or Revocation; Appeal. The Public Works Director may suspend or revoke a license or permit issued hereunder for incompetency or for any failure, refusal, or neglect on the part of the holder thereof, or on the part of any agent or servant of the holder thereof, to strictly comply with any part of this chapter or amendments thereto, or any effective rules, regulations, or specifications relating to the use, construction, reconstruction, or making of walks, driveways, or curb openings, or for failure to pay for charges for materials, labor, subcontractors, or employees for such work for which a mechanic's lien is filed against the owner of the property. The holder of any such permit or license may appeal from such suspension or revocation to Council and the findings of Council in all such appeals shall be final and conclusive.

98. 08 CONSTRUCTION PERMITS REQUIRED; FEES

A. A permit is required for construction or reconstruction work on any public walk, curb opening or driveway. Said permit shall be obtained from the Public Works Director by the owner of the contiguous property or his or her agent. A licensed contractor must ascertain that a permit has been procured before he or she constructs or reconstructs any public walk, curb opening, or driveway.

B. The permit must be kept on the site of the construction or reconstruction until completion of the work and be available to city representatives upon request.

C. Application for a permit to construct or reconstruct a public walk, curb opening, or driveway shall be on forms furnished by the Public Works Director.

D. 1. Fees to be collected for the issuance of curb cuts, sidewalk, and driveway construction permits in conformity with the provisions of this section shall be paid by the applicant upon obtaining the aforesaid permits and based as follows:

All driveway permits	$25
All sidewalk permits	$25
Curb cuts	
Up to 12 lineal feet	$25
More than 12 lineal feet	$2 per lineal foot

2. Fees shall be payable at the office of the Public Works Director. In the case of reconstruction, fees may be waived at the discretion of the Director if it is determined that the condition giving rise to the need for reconstruction was caused by the city.

E. An individual permit shall be required for each separate job.

98.09 INSPECTION AND NOTICE PRIOR TO STARTING WORK.

No walks or driveways shall be constructed or reconstructed until an inspection has been made, and line and grade are authorized and given by the Public Works Director or his or her designee. Notice shall be given to the Public Works Inspector not less than 24 hours nor more than 48 hours prior to starting the work on any driveway or sidewalk.

98.10 SUPERVISION

A. The Public Works Director shall at all times have access to the work and the contractor shall provide proper facilities or cause to be provided the proper facilities for inspection of all work.
B. The owner or contractor shall have a responsible representative in charge of the work on the site at all times, and he or she shall have the necessary qualifications and authority to execute, adhere to, and carry out all the requirements of this chapter and any amendments hereto, and of the specifications for the construction or reconstruction of walks, driveways, or curb openings, on file in the office of the Director.
C. Orders or instructions from the Director or Inspector given to the aforesaid representative shall be as binding as though given to the owner or contractor. Should any person employed on the work refuse or neglect to comply with the direction of the work, or in the opinion of the Director, Engineer, or Inspector be incompetent, disorderly, or unfaithful, such a person shall be immediately removed and not again employed on any part of the work.
D. The Director shall assign Inspectors to the work, or such part thereof as may be necessary; however, the presence of the Inspector will not in any way relieve the owner or contractor from any responsibility in complying with the specifications relating to the construction or reconstruction of walks, driveways, or curb openings. Any work done or performed contrary to this chapter or the applicable rules or specifications shall, upon direction of the Director, be made good or removed as directed.

98.11 LOCATION OF SIDEWALK

Walks shall be located on the public right-of-way or easement as determined by the Public Works Director.

98.12 SPECIFICIATIONS FOR SIDEWALKS, CURB OPENINGS, AND DRIVEWAYS

A. All public walks shall be constructed of thick plain concrete, meeting the construction standards on file in the office of the Public Works Director. The width shall be a minimum of four feet, unless expanded at the discretion of the Public Works Director.
B. In repairing of sidewalks, no patching will be allowed except at the discretion of the Public Works Director.
C. All sidewalks over subspaces shall be of reinforced concrete construction or reconstruction only, the plans for which must be approved by the Public Works Director.
D. All driveways shall be constructed of plain concrete or asphalt meeting the construction standards on file in the office of the Public Works Director. No curb opening shall be less than 12 lineal feet in width nor of a greater width than approved by the Director.
E. When and if any driveway is no longer used for driveway purposes, it shall be considered abandoned and the city reserves and shall have the right to take the necessary steps to close the driveway, replace the curb, and restore the pavement to its original condition. The owner of the property served by such driveway shall be notified by personal service or registered mail of the city's intention to close the driveway. After 15 days from the date of notice, if the owner has failed to make the replacement or to contact the Director, the Director shall proceed with the work of restoring the curb and pavement to their original condition. Cost of such work shall be charged against the abutting property and if not paid shall be certified to the proper taxing authority for collection in such manner as provided by law.

98.13 CURB RAMPS

All walks hereafter constructed must have curb ramps installed at all intersections, alleys and drives where a curb could present a barrier between the pavement and sidewalk. Where an existing curb creates a barrier, the curb shall be removed and curb ramps constructed at the time of walk construction and/or pavement alteration. All grades and slopes shall meet the current Federal Americans with Disabilities Act (ADA), guidelines in effect at the time of construction.

98.14 DETECTABLE WARNING SURFACE

Detectable warnings shall be constructed on the walking surface of each curb ramp where required by current Federal ADA regulations or where also deemed necessary by the Public Works Director. The-detectable warning surface must meet the Federal Americans with

Disabilities Act (ADA) guidelines in effect at the time of construction and must be the city's acceptable standard.

98.15 GRADES

A. All walks and driveways shall be constructed or reconstructed to conform to the grades on the right-of-way where the grade has been established by the Public Works Director or his or her designee.
B. The surface of all walks shall have a transverse slope of one-fourth inch per foot with the low side nearest to the curb line.
C. In all cases where sidewalks cross driveways or runways, the full width of the sidewalk shall conform to the established grade of the sidewalks adjoining both sides of such driveway or runways, unless permission has been first obtained from the Public Works Director. However, in all cases the minimum width shall conform to current ADA regulations.
D. Whenever a sidewalk is reconstructed to a grade that does not meet the grade of adjacent existing walks, the person constructing the new sidewalk shall construct a ramp to eliminate grade inequality. The materials, workmanship, and character of the ramp shall be as determined by the Public Works Director.
E. All walks in the city shall be uniform and even throughout its length and width with the adjoining and connecting walks. All new lateral walks, from the main sidewalk to the property line hereafter constructed shall have a uniform slope from the main sidewalk to the property line of one-fourth inch per foot, the low end of the new lateral walk being adjacent to the main sidewalk and the lateral walk shall meet the grade of the main sidewalk, the intent of this section being the exclusion of steps or other abrupt changes in grade on the right-of-way.

98.16 ENGINEERING STAKES; REPLACEMENT FEE; STAKING AFTER UTILITY INSTALLATION

A. The Public Works Director, or his or her agent, shall furnish line and grade stakes as may be necessary for the proper control of the work. However, this shall not relieve the owner or contractor of any responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Director or his or her agent. The owner or contractor shall preserve the stakes set for line and grade. Such stakes for line or grade which are disturbed or destroyed through the carelessness of the owner or contractor shall be replaced by the Director, or his or her agent, upon the request of the owner or contractor, or as deemed necessary by the Director, or his or her agent, after the owner or contractor pays a minimum $100.00 re-staking fee or the actual cost of the re-stake as determined by the Public Works Director.
B. The Director may not authorize work for providing line and grade of sidewalks on lots where a house is proposed until after the foundation of the house is finished and all utility construction is complete.

98.17 WEATHER

The owner or contractor shall suspend all work when notified by the Public Works Director that the weather is unsuitable for carrying on the work. If work is allowed during cold or freezing weather the owner or contractor shall take such additional precautions as the Director shall require or as set forth in the specifications. No work shall be done between November 15 and April 15 without special permission from the Director.

98.18 MATERIALS

A. The owner or contractor shall furnish satisfactory evidence as to the kind and quality of materials intended for use in the construction or reconstruction of walks or driveways, either separately or in combination.
B. Such material shall be packaged and marked so as to admit identification.
C. All material used on any work shall be subject to test, for the purpose of ascertaining quality, strength, durability, and the like, and that the same meets the requirements of the specifications for the construction or reconstruction of walks and driveways as established by the Public Works Director.
D. Walks shall be constructed of materials approved by the Director.
E. Whenever the Director deems it necessary, bituminous material shall be placed adjacent to all telephone or power poles, or other structures which are within the limits of a sidewalk. The materials, workmanship, and character of this construction shall be determined by the Director.

98.19 GAS AND WATER CURB BOXES, GAS DRIPS, MANHOLE COVERS, AND SIDEWALK GRATINGS.

Any person installing, placing, or causing to be installed or placed any curb box for gas or water, manhole covers, or sidewalk gratings, shall so install them that they shall be on an exact level with the surface of the walk or driveway. When walks are reconstructed, all the above appurtenances shall be set flush with the new sidewalk or driveway grade.

98.20 PROTECTION OF FIRE HYDRANTS, TREES, AND LAWNS

A. Any person constructing, reconstructing, removing, or causing the construction, reconstruction, or removal of walks, driveways, or curb openings, shall at all times maintain free access to fire hydrants, and no material or dirt shall be stacked, piled, or placed within 15 feet of any such fire hydrants. Such person shall protect all trees, lawns, shrubbery, and other improvements from damage. Gutters shall at all times be kept free of dirt or debris.
B. Where it is necessary to place any material, debris, or dirt on public property, such material, debris, or dirt shall be removed on the completion of the work and the surface restored to its previous condition. The Public Works Director shall, if in his or her

opinion it is necessary, require the person doing or causing such work to be done to seed or re-sod such part or parts of any lawn as he or she may deem necessary.

98.21 PROTECTION OF STREETS AND SIDEWALKS

A. No person shall unload any heavy material in the streets or sidewalks of the city by placing or letting the same fall upon the pavement of any street, sidewalk, or other public way without first placing some sufficient protection over the street or sidewalk.
B. In the transportation of goods, materials or equipment across any curb or sidewalk in the city, sufficient temporary planking shall be used to protect such curb or sidewalk from breakage. Such temporary planking shall be removed at the close of each working day and the surface of the curb or sidewalk immediately cleaned and left in a passable condition.
C. Any person who damages a public street or sidewalk will be responsible for the cost of repairs.

98.22 DROPPING OR TRACKING SUBSTANCES ON STREETS AND SIDEWALKS

No vehicles or conveyance shall be driven or moved on any street in such a manner that sand, dirt, rubbish, or any offensive substance is dropped, sifted, or tracked on any street or sidewalk.

98.23 SAFETY AND ACCESS

A. **City Approval.** In addition to notice provisions provided elsewhere in this Chapter, any person performing work that is above, below or adjacent to or impacting the public right of way shall contact the Safety Director to make notice of such work and obtain any necessary permits. This notice shall include a time frame for the work and any safety precautions to protect the public. The Safety Director may request further information and/or deny a request that will negatively impact the safety and accessibility of the public right of way.
B. **Sound Practices.** Those working in the public right of way shall maintain proper barricades, fences, signal lights, or other protection as shall conform to applicable ordinances or safety regulations, and shall maintain access to private entrance walks and safe accommodations for pedestrian traffic and shall, as far as possible, maintain access to private driveways. All work must comply with applicable federal, state, and local regulations in all respects, including compliance with the Occupational Safety and Health Administration.

98.24 ENCUMBERING STREET OR SIDEWALK

A. Unless otherwise permitted below, 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, shall permit the same to be encumbered with obstructions or rubbish of any kind so as to interfere with the free and unobstructed use

thereof. An adequate aisle, in compliance with the American with Disabilities Act (ADA), shall be maintained at all times.

B. The placement of merchandise, tables, chairs, and "A" Frame signs may be permitted on sidewalks in the B-3 and B-5 Districts where adequate space is available and as approved by permit issued by the Safety Director in accordance with the following:
    1. An adequate aisle, in compliance with the American with Disabilities Act (ADA), shall be maintained at all times.
    2. An annual fee of $35 is required for both an "A" Frame sign permit and a Table/Chair permit in front of each establishment.
    3. Minimum liability insurance of $300,000 is required for items placed on the public sidewalk that are owned by a private entity.
    4. For each item approved for placement on the sidewalk, an indemnity agreement in favor of the City of Bowling Green is required.
    5. The City reserves the right to revoke any permit.
    6. Tables, chairs, and "A" frame signs on a public sidewalk, must comply with the permit requirements.

C. Other temporary encumbrances on the public streets or sidewalks may be allowed by permit from the Safety Director's office. Such temporary encumbrances may include, but are not limited to, dumpsters, roll-offs, portable storage units, and construction equipment. In addition to the requirements outlined in the permit, anyone placing a temporary encumbrance in the public right of way must take proactive measures to protect the public safety and well-being from said encumbrance as specified in this chapter and determined by the Safety Director or his/her designee. The permit for temporary encumbrances on public streets or sidewalks shall be issued by the Safety Director is accordance with the following:
    1. Permit fee is set at $50 per encumbrance and is valid for 7 days. Renewal will be $50 per additional 7 day period. The Safety Director has the discretion to waive the fee.
    2. The signing of an indemnity statement agreeing to hold the City of Bowling Green harmless from any damage caused or claimed as a result of the use or location of such encumbrance.

98.25 UTILITIES (ABOVE AND BELOW GRADE)

A. No light or utility pole shall be located or placed upon any of the streets, sidewalks or public ways without giving prior written notice to the Public Utilities Director and securing applicable permits and receiving permission therefore. Such permission may be revoked by the Public Utilities Director when public convenience or necessity requires the removal or relocation of such poles.

B. No underground utility shall be located or placed below any street, sidewalk or public way without giving prior written notice to the Public Works Director, and securing applicable permits and receiving written permission therefore. Such permission may be

revoked by the Public Works Director when public convenience or necessity requires the removal or relocation of such utility.

C. No machinery, material, or equipment used in the installation of any utility shall be left unaccompanied in the streets, sidewalks, or public ways. Such materials or machines shall not interfere unreasonably with the public use of the streets or public ways. All items associated with the work shall be immediately cleaned up and removed as soon as the work is complete.

98.26 OPEN-EXCAVATIONS ON PUBLIC AND PRIVATE PROPERTY; BARRICADES AND WARNING LIGHTS REQUIRED.

(A) No person shall abandon or knowingly permit to remain on public or private property any excavation, well, cesspool, or structure which is in the process of construction, reconstruction, repair, or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights so that the condition will not reasonably prove dangerous to life or limb.

(B) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

98.27 VEHICLES BLOCKING STREETS OR SIDEWALKS

No person shall park or place a vehicle or equipment in any existing driveway or roadway so that the walk is obstructed or so that the vehicle or equipment extends into the streets beyond the curb. No permits for curb cuts will be issued when it is determined by the Public Works Director that insufficient space has been provided on private property to park or place a vehicle without obstructing the sidewalk or extending beyond the curb.

98.28 USE OF OPENINGS TO SUBSPACES IN SIDEWALKS AND STREETS

The use of openings to subspaces shall be regulated by the Safety Director so that the best interest and safety of the public are obtained. The Safety Director shall, if necessary in the best interests and safety of the public, limit the use of the above mentioned openings to certain specified hours.

98.29 AWNINGS AND CANOPIES ABOVE PUBLIC SIDEWALKS

A. Awnings now erected or maintained, or which shall hereafter be erected or maintained, and which project over any part of the right-of-way, shall be at an elevation of not less than eight feet above the sidewalk elevation at all points, and may extend beyond the building line to a maximum distance of five feet, but not nearer than two feet to the curb line. They shall be attached to the building without posts, and the sidewalk shall be wholly unobstructed thereby.

B. Canopies are prohibited.

STREET EXCAVATIONS

98.30 WORK ON PUBLIC STREETS, RIGHT OF WAYS, AND GROUNDS: EXCAVATION PERMIT REQUIRED

A. No person shall open up or break into the streets, public ways, or public grounds for the purpose of connecting with the water or gas lines or with the sewers, drains, or ditches, or for any other purpose whatsoever, until such person shall have first obtained an excavation permit from the office of the Public Works Director. Permits shall become void after one year unless extended for up to one year by order of the Public Works Director. A permit can be extended for a period of one year by order of the Director.
B. The person obtaining an excavation permit shall pay the sum of $25-for each permit granted hereunder.
C. The permit must be kept on the site of the construction or reconstruction until completion of the work and be available to city representatives upon request.

98.31 BOND AND LICENSE REQUIRED: STREETS

A bond in the sum of $5,000 shall be filed with the Public Works Director by anyone planning to open or break into the streets, public ways, or public grounds. This bond shall be conditioned to secure and hold the city harmless against any and all damages arising from the opening or excavation so made, and further conditioned that the applicant shall backfill and place in good and safe condition, to the satisfaction of the Public Works Director, all openings and excavations so made and shall replace or repair the pavement. An annual bond may be given under this provision on January 1 of each year, conditioned as above, as to all openings and excavations made in the streets, public ways, and public places by the principal in such bond during the term of one year from the date.

98.32 EXCAVATION SAFEGUARDS

A. Whenever any person shall be permitted to excavate in the streets or public grounds, it shall be the responsibility of such persons to use barricades, in compliance with the current version of the Ohio Manual of Uniform Traffic Control Devices (OMUTCD) or as directed by the City, on any excavation which constitutes a hazard to persons or vehicular traffic. Any person who shall neglect the duty imposed by this section shall, in addition to the fine imposed, be liable for all damages to persons or property growing out of such neglect.

B. No excavation or opening made in the streets or public grounds shall remain open for a longer time than is absolutely necessary to do the work described in the permit granted for such excavating. The person making such excavation or opening shall backfill the same without delay in conformity with current city standards and shall put all such openings and excavations in a condition safe for public travel upon such street or public grounds.

C. In case the person making such excavation shall refuse or neglect to comply with this section, the Public Works Director shall cause the excavation to be filled and the street repaired and shall collect the expense and cost of the repair by civil action in any court having jurisdiction.

98.33 INSPECTIONS AND NOTICE PRIOR TO STARTING WORK

Notice shall be given to the Public Works Director not less than 24 hours nor more than 48 hours prior to starting work within the public ways.

98.54 EXCEPTIONS

The provisions of this chapter shall not apply to persons engaged in making public improvements in the streets, public ways, and public grounds under contract with and directly authorized by the city.

98.60 DESIGNING, MODIFYING AND MAINTAINING PUBLIC STREETS TO FACILITATE BICYCLE USAGE.

The following guidelines are hereby established.

A. When four lane thoroughfares are initially constructed, overlaid with a new course of asphalt, or reconstructed, the outside lanes may be striped wider than the inside lanes if minimum lane width standards will not be compromised and if the following criteria are met:

    1. The segment of street being constructed, overlaid or reconstructed must have a continuous length of at least one-half mile, or connect to an existing wide outside lane.
    2. The city must determine that the street segment does not contain any unique geometric or unusual circumstances that would cause the uneven lane widths to present a hazard to the public safety, health and/or welfare.
    3. If the thoroughfare is a state and/or federal highway or project, the appropriate state and/or federal agency must approve the modified striping plan.

B. The city will make every reasonable effort to either install and maintain traffic signal detectors that are sensitive to the presence of bicycles or provide for other means of actuation of traffic signals for bicyclists.
C. When designing or reviewing plans for new streets or when developing plans for the reconstruction of existing streets, the city and all utility companies will specify that utility covers, storm water inlets containing street grates and other surface irregularities be designed to be safe for the passage of bicycles.
D. When traffic volume, street design and current or projected bicycle usage suggest that a street is especially appropriate for bicycle traffic, the city will consider identifying the street with "Bicycle Route" signs.

E. Wherever it has street maintenance responsibility, the city will make every effort to promptly remove debris from street edges and intersections, and to maintain as smooth as practical transitions between street surfaces and concrete gutter sections, and between street surfaces and any street grates.

98.61 STREET CLEANING ASSESSMENT.

(A) The cost and expense of cleaning the streets, alleys, lanes, squares, and public places in the city shall be paid for by special assessments levied upon non-tax exempt lots and lands within the city.

(B) The special assessment shall be based upon a percentage of the tax valuation of all non-tax exempt lots and lands within the city, to produce the sum determined annually by City Council and shall be payable annually in two equal installments during the period of the assessment The City Finance Director is authorized and directed to certify the same to the County Auditor to be collected as other taxes are collected and paid.

98.99 PENALTY.

(A) Any person who violates any provision of Chapter 98 shall be guilty of a minor misdemeanor.

1st Reading: 9-2-14
2nd Reading: 9-2-14
3rd Reading: 9-2-14

RECORD OF ORDINANCES

EMERGENCY CLAUSE ADOPTED 9/2/14

Dayton Legal Blank, Inc. Form No. 30043

Ordinance No. 8361 Passed September 2, 2014

ORDINANCE DECLARING A REAL AND PRESENT EMERGENCY AND AUTHORIZING THE MUNICIPAL ADMINISTRATOR TO ENTER INTO A CONTRACT OR CONTRACTS WITHOUT COMPETITIVE BIDDING FOR THE PURCHASE OF ROAD SALT FOR THE UPCOMING WINTER SEASON, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BOWLING GREEN, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1: That a real and present emergency is declared, and the Municipal Administrator is hereby authorized to enter into a contract or contracts for the purchase of road salt for the City's usage, without advertising for competitive bids, in order to obtain adequate road salt for the upcoming winter season, as the City's usual source for road salt has recently failed to be able to enter into necessary contracts, requiring that immediate action take place.

SECTION 2: This ordinance shall take effect as an emergency measure. The reason for the emergency is that the prompt effectiveness of this measure is necessary to protect the public health, safety and well-being of our citizens, inasmuch as in the years past the City has participated in the Ohio Department of Transportation purchase agreement for road salt, and the Ohio Department of Transportation recently rejected all possible suppliers, making it necessary for the City to take immediate action in order to have adequate road salt on hand by the time the winter season necessitates it use.

Passed: September 2, 2014 — Date
President of Council

Attest: Clerk of Council

Approved: September 3, 2014 — Date
Richard A. Edwards — Mayor

MICHAEL J. MARSH
CITY ATTORNEY
kds

CERTIFICATION
This is to certify that the foregoing is a true copy of Ord No. 8361 passed by the Council of the City of Bowling Green, Ohio, Sept. 2, 2014

Clerk of City Council