

521.06 - DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a)

No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance, including weeds or grass. It shall be the duty of any person or persons owning real property bordering on any street upon which property there may be plants, trees or shrubs, to prune, or cause to be pruned, such plants, trees or shrubs in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians across the full width of sidewalks or pathways, obstruct visibility of traffic signs, obstruct visibility of or from any driveway, street, or alley intersection, or generally obstruct vehicular traffic. Any portion of a tree extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than eight feet above the sidewalks.

(b)

Each number of any lot or parcel of ground in the city shall cause the sidewalk and every part thereof in front of, alongside or abutting such lot or parcel to be kept in good order and repair and free from any nuisance. The Director of Public Service or designee may direct such owner to perform replacement or repair as needed to ensure the public's health, safety and welfare, if one of the following is present:

(1)

A minimum of one inch vertical separation anywhere in the sidewalk area, including individual blocks.

(2)

Slope along or across a sidewalk block of one inch or more per foot above or below the adjacent sidewalk block's grade.

(3)

Spalled concrete, deteriorated patches, wedges or ramps, exceeding a one in 12 slope, loose or partial infill, cracks or one-half inch or more in width, or cracks with protruding vegetation, all of which create an irregular walking surface.

(c)

All sidewalk repairs, alterations, and replacements shall be in accordance to City of Gahanna code [section 903.01](#). Should the Director of Public Service or designee determine that any of the conditions set forth in G.C.O. [§ 521.06](#) (b) (1), (2), or (3) are caused by the presence or growth of tree roots from a tree growing within a public street right-of-way, the City may remove the tree at the City's expense, however, all necessary repairs or replacement of damaged sidewalk by tree growth will be at the owner expense.

(d)

The Director of Public Service's or designee's notification to repair and replace sidewalks shall be in writing, include the address of the property, and the reason why a repair or replacement is needed.

(e)

For purposes of this section *spalled* means areas of concrete that have broken away from the sidewalk, etc. causing the sidewalk to break into larger fragments. Spalling does not include the superficial concrete surface defect of scaling. Scaling is the local flaking or peeling of the hardened concrete surface due to the exposure of the concrete surface to freezing, thawing, or de-icing agents.

(f)

Whoever violates this section is guilty of a minor misdemeanor and subject to penalties and/or fines in accordance with G.C.O. [§ 501](#).