

CHAPTER 909
Sidewalks, Driveways and Curbs

909.01	Definitions.	909.17	Grades.
909.02	Duty to maintain sidewalks.	909.18	Drainage for walks.
909.03	Compliance required.	909.19	Grade, level and inclination to be uniform.
909.04	Bond and license required.	909.20	Engineering stakes.
909.05	Bond requirements.	909.21	Weather.
909.06	Issuance of license; fee.	909.22	Materials.
909.07	Suspension or revocation of license.	909.23	Supervision.
909.08	Construction permits required; fees.	909.24	Rules.
909.09	Notice to construct or reconstruct; costs.	909.25	Obstructing walks or roadway with trucks or other vehicles.
909.10	Cutting and replacing of curb.	909.26	Use of openings to subspaces in sidewalks, alleys and streets.
909.11	Location of sidewalk.	909.27	Permit fees.
909.12	Specifications.	909.28	Contract and performance bonds.
909.13	Plan approval required before permit.	909.29	Deposit to accompany bid.
909.14	Inspection; notice to department.	909.30	Terms and method of payments.
909.15	Gas and water curb boxes, gas drips, manholes.	909.31	Maintenance.
909.16	Fire hydrants, barricades, trees and lawns.	909.32	Deliveries over sidewalks: permit, liability bond and fees.
		909.33	Commercial driveways.
		909.99	Penalty.

CROSS REFERENCES

Power of Council to construct and repair sidewalks - see Chtr. Art. III, §10.0
Service Director to supervise improvements - see Chtr. Art. VII, §4.0
Sidewalks and gutters - see Ohio R.C. 729.01 et seq.
Excavations - see S.U. & P.S. Ch. 905

909.01 DEFINITIONS.

As used in Title One of Part Nine of the Codified Ordinances:

- (a) "City" means the City of Sylvania, Lucas County, Ohio.
- (b) "Council" means the Council of the City of Sylvania.
- (c) "Mayor" means the Mayor of the City of Sylvania.
- (d) "Director" means the Director of Public Service or his authorized representative.
- (e) "Inspector" means any inspector of the Department of Public Service.
- (f) "Owner" means the owner, owners, leaseholder or agent thereof, holding title to any private property adjoining any street in the City.
- (g) "Contractor" means any person, persons 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.
- (h) "Right of Way" means any public property dedicated for public use as a street, avenue, boulevard, lane, alley or public thoroughfare.
- (i) "Walk" means any main or approach sidewalk, between the curb line and private property line.
- (j) "Driveway" means any driveway approach or runway between the curb line and private property line.
- (k) "Curb opening" means that part of a curb which has been or is out, dropped or replaced.
- (l) "Construction" means the construction of new work where no work has previously been done.
- (m) "Reconstruction" means the relaying, rebuilding or repair of old work in part or as a whole.
- (n) "Person" means any person, persons, partnership or corporation.
- (o) "Street" means any public thoroughfare dedicated for public use.
(Ord. 35-69. Passed 8-4-69.)

909.02 DUTY TO MAINTAIN SIDEWALKS.

It shall be the duty of every owner of any lot or parcel of land situated within the corporate limits of the City to keep and maintain good and sufficient sidewalks along all public streets, avenues, boulevards or lanes adjoining thereto.
(Ord. 35-69. Passed 8-4-69.)

909.03 COMPLIANCE REQUIRED.

All sidewalks, driveway approaches, runways or curb openings, hereinafter constructed, reconstructed or made on any public street, avenue, boulevard or lane 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.
(Ord. 35-69. Passed 8-4-69.)

909.04 BOND AND LICENSE REQUIRED.

(a) No person, except the owner of the property, who is personally doing such work on the public right of way adjoining such property, shall construct or reconstruct any sidewalk or driveway, or cut, drop or remove any curb on a public right of way without first posting a bond and obtaining a license to engage in such work. Provided further, however, that any such owner doing any such work at such property must fully abide by and conform to all the provisions of this chapter except the requirement of posting bond and procuring a license.

(b) Any person who applies for a license hereunder shall, prior to any license being issued, furnish to the City through its duly authorized representatives satisfactory evidence that such person has presently in force a contractor's liability policy protecting the owner of the property, the City and the general public, Worker's Compensation insurance and unemployment insurance, where either or both are applicable.
(Ord. 35-69. Passed 8-4-69.)

909.05 BOND REQUIREMENTS.

(a) Any person desiring to engage in the construction or reconstruction of walks or driveways or to make curb openings, shall file a bond in the sum of five thousand dollars (\$5,000), the surety thereon to be approved by the Director as to sufficiency, and such bond shall be subject to the approval by the Director of Law as to form. Such surety to the City shall be conditioned upon the faithful observance of the provisions of this and other applicable provisions of the Codified Ordinances and the specifications, rules or regulations pertaining to the construction and reconstruction of walks, driveways or curb openings and that the principal shall construct, reconstruct or make all walks, driveways or curb openings in strict compliance with all applicable existing ordinances, specifications, rules and regulations of the City.

(b) Such 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 one year from the first day of January 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. Such bond shall be further conditioned that such surety shall 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, his agent or servant to maintain the right of way where such construction or reconstruction is being done in a condition which is safe 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.
(Ord. 35-69. Passed 8-4-69.)

909.06 ISSUANCE OF LICENSE; FEE.

(a) A person desiring to engage in the construction, reconstruction or making of walks, driveways or curb openings in the City shall apply to the Director for a license to engage in such activity, upon forms furnished therefor. Such information shall set forth:

- (1) Individual - name in full and address, or,
- (2) Partnership - names in full, evidence of legal organization of partnership in accordance with the laws of Ohio, business address, names in full and address of each person in such partnership, or
- (3) Corporation - name of such corporation, state of incorporation, name, title and signature of official or officials authorized to sign application, and such further information as may be required by the Director.

The applicant shall further furnish the Director with information as to his or their ability to do and perform all work as required in the construction or reconstruction of walks, driveways or curb openings.

(Ord. 35-69. Passed 8-4-69.)

(b) When the aforesaid application has been approved and the required bond has been accepted, the Director shall issue a license to the applicant upon the payment of the annual license fee of fifty dollars (\$50.00) for the fiscal year terminating April 30 of each calendar year. All license fees shall be credited to the General Fund of the City.

(Ord. 105-77. Passed 11-21-77.)

909.07 SUSPENSION OR REVOCATION OF LICENSE.

The 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 or parts 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 opening 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 the Director and the findings of the Director in all such appeals shall be final and conclusive.

(Ord. 35-69. Passed 8-4-69.)

909.08 CONSTRUCTION PERMITS REQUIRED; FEES.

(a) Application for Construction Permit. Application for a permit to construct or reconstruct a walk or driveway or make a curb opening shall be on forms furnished by the Department of Public Service and such forms shall set forth the name and address of the applicant; name and address of the property adjoining the right of way where proposed work is to be done; street address and legal description of the lot or land adjoining the right of way; number of square feet of proposed walk or driveway to be constructed or reconstructed, or number of lineal feet of curbing to be cut, dropped or removed; width of present walk, driveway or curb opening; material in present walk, driveway or curb; material to be used in proposed construction or reconstruction of walk (concrete or sandstone) and such other

information as may be required. No walk shall be constructed or reconstructed until a permit has been obtained from the Director either by the owner of the contiguous property or his agent. A licensed contractor must ascertain that a permit has been procured before he constructs or reconstructs any sidewalk, driveway or curb opening. The permit shall be kept on the site of the construction or reconstruction until completion of this work.

(b) Fees to be collected for the issuance of sidewalk and driveway construction permits in conformity with the provisions of this section shall be paid as follows upon obtaining the aforesaid permits:

For sidewalks and driveways involving up to thirty square feet of construction work	\$ 2.00
For sidewalks and driveways involving permits for more than thirty square feet and up to 100 square feet of construction work	5.00
For sidewalks and driveways involving more than 100 square feet of construction work	25.00

Such fees shall be payable at the office of the Director of Public Service.
(Ord. 105-77. Passed 11-21-77.)

909.09 NOTICE TO CONSTRUCT OR RECONSTRUCT; COSTS.

(a) Notice to construct or reconstruct walks or driveways or make curb openings shall be as provided by law. Council may, by resolution, order sidewalks or driveways to be repaired or reconstructed and the costs thereof shall be assessed and collected as provided by law.

(b) If the owner neglects to construct or reconstruct a walk or driveway within the time specified in the notice herein required to be given, it shall be the duty of the Director to construct or reconstruct such a walk or driveway or cause the same to be done, and in such case all of the cost and expense of constructing or reconstructing, including engineering, supervision, inspection and surveying such walk or driveway shall, as directed by ordinance of Council, be assessed as provided by law against the owner of the abutting property, lots or lands. (Ord. 35-69. Passed 8-4-69.)

909.10 CUTTING AND REPLACING OF CURB.

All concrete or stone curbs shall be cut by an experienced and competent curb cutter and the dropping or removal of any curb shall be done only by an experienced curb setter. The replacing of a curb shall be done by the City, through the Department of Public Service, by contract or force account as Council may direct, and the cost and expense for such work shall be charged against the private property contiguous to the right of way where such curb was replaced. No curb opening shall be less than fourteen lineal feet in width.
(Ord. 35-69. Passed 8-4-69.)

909.11 LOCATION OF SIDEWALK.

Walks shall be located on the public right of way as determined by the Director.
(Ord. 35-69. Passed 8-4-69.)

909.12 SPECIFICATIONS.

(a) All Portland cement concrete walks shall be not less than four inches in thickness.

The width shall be a minimum of four feet; however, this provision may be increased where expected heavy pedestrian traffic warrants a wider walk; examples would be schools, churches, shopping centers and the like.

(b) Asphalt walks shall be permitted at railroad crossings only.

(c) In the repairing of sidewalks no patching shall be allowed.

(d) Any stone or concrete slab that can be trimmed to no less than two feet zero inches the full width may be used when specifically permitted by the Director, and no closure of any walk shall be less than two feet zero inches, the full width of the slab.

(e) All sidewalks over subspaces shall be reinforced concrete construction or reconstruction only, the plans for which must be approved by the Director.

(f) All driveways shall be constructed with a six-inch thick plain concrete slab or a two-inch thick asphalt concrete surface course of eight-inch stone base, the kind of material and the construction specifications therefor subject to the approval by the Director. The driveway within the limits of the sidewalk shall be six-inch plain concrete only, for a minimum width of one foot beyond the driveway on each side and must be effectively separated from the sidewalk by an expansion joint. The driveway shall be the same width at the curb line as the curb opening and not less than eight feet in width at the street side of the sidewalk.

(g) 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 forthwith take the necessary steps to close such 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 such driveway. After fifteen days from the date of such notice, if the owner has failed to make such replacement or to contact the Department of Public Service, the Director shall proceed with the work of restoring the curb and pavement to their original condition. The 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.

(Ord. 35-69. Passed 8-4-69.)

909.13 PLAN APPROVAL REQUIRED BEFORE PERMIT ISSUANCE.

All property owners shall have sidewalks and/or driveway plans approved by the Director prior to their obtaining a building permit.
(Ord. 35-69. Passed 8-4-69.)

909.14 INSPECTION; NOTICE TO DEPARTMENT.

No walks or driveways shall be constructed or reconstructed until an inspection has been made and line and levels are authorized and given by the Director. No driveway shall be constructed or reconstructed where the same is to be used in conjunction with a filling station, commercial or industrial building, if such driveway is less than sixty-five feet from the intersecting curb line to its nearest side on the stopside of any main thoroughfare. Notice shall be given to the Department of Public Service not less than twenty-four hours prior to starting the work upon any driveway.
(Ord. 35-69. Passed 8-4-69.)

909.15 GAS AND WATER CURB BOXES, GAS DRIPS, MANHOLE COVERS AND SIDEWALK GRATING.

Any person installing, placing or causing to be installed or placed any curb box for gas or water, or gas drips, manhole covers or sidewalk gratings shall so install the same that it 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, and they shall be surrounded with one-quarter inch expansion joint material.
(Ord. 35-69. Passed 8-4-69.)

909.16 FIRE HYDRANTS, BARRICADES, 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 fifteen feet of any such fire hydrants. Such person shall protect all trees, lawns, shrubbery and other improvements from damage. Trees and shrubbery may be planted no closer than ten feet from a fire hydrant, and in such a way as not to obstruct their view of access from the street. 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 Director shall, if in his opinion it is necessary, require the person doing or causing such work to be done to seed or resod such part or parts of any lawn as he may deem necessary.

(c) Any person performing any such work shall maintain such 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.
(Ord. 35-69. Passed 8-4-69.)

909.17 GRADES.

(a) All grades for walks shall conform to street grades, which shall be established by the Director.

(b) All walks and driveways shall be constructed or reconstructed to conform to the grade on the right of way where the grade has been established.

(c) The surface of all walks shall have a transverse slope of one-fourth to one-half inch per foot with the low side nearest to the curb line.

(d) 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 driveways or runways, unless permission has been first obtained from the Director.

(e) Upon a right of way where the street has not been improved by paving or grading, walks shall be constructed as prescribed by the Director.

(f) No material other than Portland cement concrete shall be used in the construction or reconstruction of such walks on any right of way which has not been improved by grading to an established grade.

(g) 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 any stub toes or grade inequality. The material, workmanship and character of the ramp shall be as determined by the Director.
(Ord. 35-69. Passed 8-4-69.)

909.18 DRAINAGE FOR WALKS.

Drainage for walks shall be provided by grading between walk and curb or ditch, at such places as may be necessary in the opinion of and directed by the Director, and the cost shall be borne by the owner of the property abutting the right of way.
(Ord. 35-69. Passed 8-4-69.)

909.19 GRADE, LEVEL AND INCLINATION TO BE UNIFORM.

All walks hereafter constructed or reconstructed on any right of way in the City shall be so constructed or reconstructed on such plane, inclination and level so that the wearing surface thereof shall be uniform and even throughout the right of way; and all walks in the City shall be maintained in such repair by the owner of property abutting on the right of way that the surface of the walk in front of all abutting property on any right of way shall be uniform and even throughout its length and width with the adjoining and connecting walk. 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 from one-quarter inch to one-half inch per foot, the low end of the aforesaid 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.
(Ord. 35-69. Passed 8-4-69.)

909.20 ENGINEERING STAKES.

The Director 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. The owner or contractor shall preserve the points furnished by the Director, and such stakes for line or grades which are disturbed or destroyed through the carelessness of the owner or contractor, and a charge of twenty-five dollars (\$25.00) per stake payable at the office of the Department of Public Service shall be made against the owner or contractor for such replacement.

(Ord. 105-77. Passed 11-21-77.)

909.21 WEATHER.

The owner or contractor shall suspend all work when notified by the Inspector 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 precaution as the Director shall require or as set forth in specifications.

(Ord. 35-69. Passed 8-4-69.)

909.22 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. Such material shall be packaged and marked as to admit its identification.

(b) All material used on any work shall be subject to test for the purpose of ascertaining quality, strength, durability, etc., and that the same meets the requirements of the specifications for the construction or reconstruction of walks and driveways on file in the office of the Department of Public Service.

(c) Walks shall be constructed of Portland cement concrete only.

(d) 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.

(Ord. 35-69. Passed 8-4-69.)

909.23 SUPERVISION.

(a) The 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 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 Department of Public Service.

(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 Director or Inspector in the interpretation of the specifications and direction of the work, or in the opinion of the Director 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 an Inspector to the work, or such part thereof as may be necessary; however, the presence of the Inspector shall 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.
(Ord. 35-69. Passed 8-4-69.)

909.24 RULES.

The 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.
(Ord. 35-69. Passed 8-4-69.)

909.25 OBSTRUCTING WALKS OR ROADWAY WITH TRUCKS OR OTHER VEHICLES.

(a) No person shall so work or place a truck or other vehicle in any existing driveway or runway so that the walk is obstructed, or so that the truck or other vehicle extends into the street beyond the curb. Hereafter, no permits for curb cuts shall be issued when it is decided by the Director that insufficient space has been provided on private property to park or place an automobile, truck, a tractor-trailer combination or similar type vehicle. Curb openings for use by coal trucks serving a premises may be constructed providing there is a twenty foot clearance between the sidewalk and the nearest obstruction for the full width of the driveway, so that the coal truck will clear the sidewalk during the unloading of coal onto the premises.

(b) It is hereby made the duty of the Director of Public Safety and the officers of the police force to see that all provisions of this section as heretofore set forth are carried out in detail. (Ord. 35-69. Passed 8-4-69.)

909.26 USE OF OPENINGS TO SUBSPACES IN SIDEWALKS, ALLEYS AND STREETS.

The use of openings to subspaces shall be regulated by the Director of Public Safety so that the best interests and safety of the public are obtained. The Director of Public Safety shall, if necessary for the best interests and safety of the public, limit the use of the above mentioned openings to certain specified hours. An annual inspection fee of twenty-five dollars (\$25.00) shall be charged per subspace.
(Ord 35-69. Passed 8-4-69.)

909.27 PERMIT FEES.

(a) An individual permit shall be required for each separate job for which a charge shall be made.

(b) Permits for curb openings and closures shall be charged for at the rate of one dollar (\$1.00) per lineal foot, and shall be assessed against such abutting property.
(Ord. 35-69. Passed 8-4-69.)

909.28 CONTRACT AND PERFORMANCE BONDS.

(a) The bidder whose proposal is accepted shall enter into a written contract for the performance of the work within seven days after notice of such acceptance by the City and shall simultaneously with it deliver an executed performance bond in the penal amount of 100 percent of the full bid price.

(b) This bond shall be satisfactory to the Director as to sufficiency and to the Director of Law as to form, and shall have as surety thereon a company, authorized under the laws of the State of Ohio to do business in the State, and who has a local agent in the State.
(Ord. 35-69. Passed 8-4-69.)

909.29 DEPOSIT TO ACCOMPANY BID.

(a) All bids for furnishing the labor or material, or both, for the construction or reconstruction of walks, driveways and curb openings for the City shall be accompanied by a bidder's bond, certified check or cashier's check on a solvent bank, payable to the City, in the amount of five percent of the total amount of the bid.

(b) All bids shall be on and conditioned that if the bid is accepted a contract shall be entered into and signed by the party making such bid and placed in the hands of the Director within ten days after the acceptance of such bid, and upon failure to do so, the bidder's bond, certified check or cashier's check shall be forfeited and become the property of the City.

(c) All bidder's bonds, certified checks or cashier's checks so accompanying bids shall be left with the Director at the time of filing the bid and no bid shall be received by the Director or considered by him unless the same is accompanied by the aforementioned bidder's bond, certified check or cashier's check.

(d) The Director shall return all checks accompanying bids which have been rejected to the person making such bid, whereas the bidder's bond, certified check or cashier's check accompanying the accepted bid shall be retained until a contract is entered into and performance bond furnished in accordance with the terms of the bid, when such check shall be returned by the Director to the person making the accepted bid.

(e) In case such successful bidder fails to execute such contract in the manner and by the time herein prescribed, then the full amount of his deposit shall be forfeited to the City and deposited by the Director with the Treasurer of the City, and credited to the General Fund.
(Ord. 35-69. Passed 8-4-69.)

909.30 BASIS AND METHOD OF PAYMENTS.

(a) The footage of walks and driveways to be paid for shall be the actual number of square feet of walks or driveways of the specified thickness, in place, and the removal or replacement of curb shall be paid for by the actual number of lineal feet, completed and accepted, and shall be paid for at the contract unit price bid.

(b) Such payments shall constitute full compensation for necessary excavation and backfill, the removal and disposal of all excess excavation, furnishing, preparing and placing all material, including expansion joints, reinforcing steel and subgrade material and for all labor, equipment, tools and incidentals necessary to complete these items.

(c) Payments shall be made based on the monthly estimate of the Director after final inspection and checking of the work, according to the certificates of the Inspector.

(d) Such certificates shall be based on the amount of work satisfactorily completed the previous calendar month, and shall amount to ninety percent of the value of completed work.

(e) Final payment shall be made immediately after the Director has certified that all work required hereunder is fully constructed or reconstructed in accordance with the contract documents and after the contractor has furnished a satisfactory bond guaranteeing the payment of all bills for labor or material incurred in the performance of the work, or satisfactory evidence that all such bills have been paid.

(f) Final payment shall be the value of the materials furnished and labor performed under the contract, at prices named in the proposal and according to the certificate of the Director. (Ord. 35-69. Passed 8-4-69.)

909.31 MAINTENANCE.

(a) The acceptance of any defective material or faulty structure by the City shall not relieve the contractor of the responsibility of replacing at his own expense defective walks or driveways, constructed by the contractor or his subcontractor. All such replacement work shall be started not later than ten days after being instructed in writing by the Director. Full or partial payment by the City shall not be construed to mean that the work performed is acceptable to the City. Final acceptance by the City of all work performed under this contract shall not extend more than six months beyond final construction operations.

(b) At the discretion of the Director a sum of money equivalent to five percent of the total cost of the work performed may be retained by the City until final acceptance of all work performed, which final acceptance may be six months from last construction operation. This money to be retained by the City shall be held as security for the work of replacement of such defective walk or driveway as is found to be the responsibility of the contractor. (Ord. 35-69. Passed 8-4-69.)

909.32 DELIVERIES OVER SIDEWALKS: PERMIT, LIABILITY BOND AND FEES.

(a) No driver or person in charge of a vehicle shall drive or back a vehicle upon or over a sidewalk so as to crack, break or otherwise damage or deface such curb or sidewalk by unloading, throwing or placing upon the same any stone, iron, steel, building material or other heavy body or substance; providing, however, that this shall not apply to over-curb deliveries of construction materials and equipment, in front of property served, when the owner or general contractor has obtained a permit and posted a liability bond in the amount of one thousand dollars (\$1, 000) with the City guaranteeing that restoration of all damage shall be made prior to the completion of the construction program or other operations.

(b) Application for a permit to make over-curb deliveries of construction materials and equipment or driving over the curb for any other purpose shall be made on forms furnished by the Department of Public Service and such forms shall set forth the name and address of the owner, the name and address of the general contractor, street address and legal description of the property where such material and/or equipment is to be used and such other pertinent information as may be required. Each such permit shall be valid for a period not to exceed six months and is not transferable.

(c) Each applicant shall deposit with the City a liability bond as set forth herein and shall be bound by his liability bond until such time that applicant notifies the Department of Public Service that the covered construction program is completed and inspection has been made of the sidewalk and curb to determine the condition thereof or until such time that an approved driveway and/or curb has been constructed in accordance with established City regulations.

(d) A bond in the amount of one thousand dollars (\$1, 000) shall be deposited with the City for each permit; provided, however, that where the contractor is or will be engaged in building more than one structure during a calendar year, such contractor may deposit with the City bond in the full amount of ten thousand dollars (\$10,000) which shall cover any permit or permits issued during a calendar year. The bond so deposited shall contain a provision or endorsement acknowledging the liability as to any permit issued in reliance on such bond.

(e) Issuance of a permit and posting of liability bond must be done before a building permit can be obtained and work commenced.

(f) Fees to be collected for the issuance of permits in conformity with the provisions of this section shall be:

Residential	\$ 10.00
Commercial	15.00
Industrial	15.00

Such fees shall be payable at the office of the Department of Public Service.
(Ord. 35-69. Passed 8-4-69.)

909.33 COMMERCIAL DRIVEWAYS.

No commercial drive or driveway shall be constructed which is nearer than sixty-five feet from an intersecting street on the stop side along any main thoroughfare, or which opens into a safety zone or street loading or unloading space.
(1964 Code §43.91)

909.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.