

SIDEWALK CONDEMNATION GUIDELINES

BACKGROUND

Sidewalks represent an important part of our transportation system and a considerable investment by the citizens of Cincinnati. Cincinnati Municipal Code (CMC) Sect. 721-1-S defines sidewalk as “...the portion of a street lying between the established or presumable curb line and the adjacent property line; the portion set aside for pedestrian use.” According to CMC Sect. 721-147 abutting property owners are responsible for maintaining the sidewalk and keeping it free from nuisance. When the City finds that the sidewalk is not in good repair or is not free from nuisance, CMC Sect. 721 -149 directs that the abutting property owner be notified to perform the necessary work to correct the condition. CMC Sect. 721-163 makes owners of abutting property responsible for funding construction and maintenance relating to sidewalks. Finally, as stated in CMC Sect. 721-67, the City Engineer is responsible for supervising sidewalk construction, reconstruction, or repair.

This document provides standards for condemning sidewalks. Driveways are considered part of the sidewalk, and the portion of a driveway between the curb line and a concrete walk is referred to as the driveway apron. Condemnation of sidewalks should be principally based upon public safety, usability, and access requirements. Some standards have been interpreted from the Americans with Disability Guidelines. These condemnation criteria fall into three general categories: geometric, condition, and miscellaneous. Sidewalks may be condemned on the basis of one or more of the following conditions. Reasonable judgment must be exercised in applying these standards to field situations.

The only acceptable way to repair a condemned block of concrete sidewalk or driveway is to remove and replace the entire block from joint to joint.

A. GEOMETRIC CRITERIA

Geometric criteria describes a defective sidewalk that presents concern due to adverse cross slope, significant offsets, irregular surface finish, etc. The following geometric criteria will be used to guide condemnation evaluation:

- Blocks, or portions thereof, having an edge that differs vertically by 5/8” or more from the adjacent sidewalk or top of curb surface, which, in the opinion of the City Engineer’s representative, presents a safety hazard to the public. Sidewalk offset at the curb should only be condemned if sidewalk would hold water or if in area where pedestrians would be crossing from the sidewalk over the curb at crosswalks, bus stops, or parking spaces.
- Sidewalk or driveway joints where blocks are separated horizontally from adjacent sidewalk blocks or curb by 3/8” or more. Where a separation under 1” occurs between

adjacent non-condemnable blocks, preformed expansion joint material or an approved DOTE equal can be used to fill this gap.

- Blocks that cause an abrupt change in longitudinal grade of the sidewalk. The change in the longitudinal slope shall be no greater than 2% every 5’.
- Blocks adjacent to condemned blocks, which, if left in place, would require the replaced block to be constructed at an improper grade.
- Blocks having depressions or below curb grade which are likely to impound water; promoting the formation of ice or accumulation of mud.
- Wheelchair ramps with vertical offset of 1/4” or more in height measured at the wheelchair entrance from the gutter to the top of the curb.

B. CONDITION CRITERIA

Condition criteria describes defective sidewalks that present concern due to concrete deterioration, improper finishing, damage, etc. The following condition criteria will be used to guide condemnation evaluation:

- Blocks with a crack in width of 3/8” or more.
- Blocks with multiple smaller cracks.
- Blocks with a surface finish that does not provide a coefficient of friction of 0.5.
- Blocks, which are severely spalled or holed with loose or missing aggregate, which shows signs of rapid deterioration.
- Blocks that are damaged or may be damaged by adjacent sidewalk repairs.
- Sidewalks and driveway block which, in the opinion of the City’s Sidewalk inspector, present a safety hazard to the public.
- Structural slabs, appurtenances, and their supporting elements that, in the opinion of the City’ Structural Engineer, are structurally unsafe. The City may require the property owner to retain a private structural engineer to evaluate such conditions and provide recommendations to the owner and the City regarding necessary actions. After review by the City, the owner shall be responsible to carry out all recommendations.

C. MISCELLANEOUS CRITERIA

The following miscellaneous criteria will be used for condemnation evaluation:

- Sidewalk surfaces or material placed in the right-of-way without a permit or a Revocable Street Privilege.
- Sidewalk construction in the right-of-way without proper inspection.
- Cellar doors, gratings, or coal hole covers not flush with the adjacent sidewalk or curb; not having a flat surface; having projecting hinges; having significant corrosion; or having openings in excess of 3/8"; or, in the opinion of the sidewalk inspector, poses a hazard.
- Abandoned driveways or structures must be removed in accordance with CMC Sect. 721-102 and Sect. 721-102.
- Undermined sidewalk.
- Dirt and debris covering a walk must be removed to accommodate inspection and provide a safe walking surface.
- Asphalt sidewalks or driveways are not permitted on improved streets with curbs. Asphalt sidewalks or driveways may exist on unimproved streets or where approved by the City Engineer.