

# CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 02 - 22 -05

## AN ORDINANCE AMENDING CLAYTON CODIFIED ORDINANCE CHAPTER 905 ENTITLED, “DRIVEWAYS”

**WHEREAS**, City staff has reviewed Clayton Codified Ordinance Chapter 905 entitled, “Driveways” and has recommended amendments thereto as delineated on the attached **Exhibit A**; and

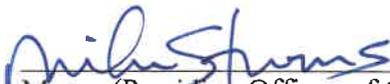
**WHEREAS**, Council desires to amend Clayton Codified Ordinance Chapter 905 entitled, “*Driveways*” as delineated on the attached **Exhibit A** to better protect the health, safety, and welfare of the citizens of Clayton.

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

1. That Clayton Codified Ordinance Chapter 905 entitled, “*Driveways*” is hereby amended as delineated on the attached **Exhibit A**. That any provisions of Chapter 905 not amended shall remain in effect as currently written.
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.
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 February 17, 2022 and March 3, 2022.
4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON MARCH 3, 2022.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Braitville Star

Date of publication

March 9, 2022



CLERK

**CHAPTER 905  
Driveways**

<b>905.01</b>	<b>Purpose.</b>	<b>905.05</b>	<b>General requirements.</b>
<b>905.02</b>	<b>Applicability.</b>	<b>905.06</b>	<b>Specifications.</b>
<b>905.03</b>	<b>Duty to maintain.</b>	<b>905.99</b>	<b>Penalty.</b>
<b>905.04</b>	<b>Inspection of driveways.</b>		

**CROSS REFERENCES**

Pre-sale inspection – see BLDG. Ch. 1337  
Residential driveways – see P&Z Sec. 1121.02 (H)

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**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 to promote and ensure uniform and structurally sound construction, repair, and maintenance.  
(Ord. 0-10-16-23. Passed 10-20-16.)

**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.  
(Ord. 0-10-16-23. Passed 10-20-16.)

**905.03 DUTY TO MAINTAIN.**

Each property owner of any lot or parcel of land situated within the City of Clayton shall maintain their driveways in good and sufficient condition consistent with the specifications and regulations contained herein.  
(Ord. 0-10-16-23. Passed 10-20-16.)

**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 their 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.  
(Ord. 0-10-16-23. Passed 10-20-16.)

## **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 shall be bonded and must pass inspection by the Public Service Director or their designee. If the property owner performs all the work, the bond requirement may be waived. It shall be in violation of this Chapter 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 Portland cement concrete as specified below, asphalt, or paver material unless an alternate material is authorized in the permit by the Public Service Director or their designee; however in accordance with Section 1121.02 (H) of the Planning & Zoning Code, on lots with an area of 3 acres or more, gravel may be used for driveways leading back to detached accessory structures, with the following conditions: (1) Gravel shall only be permitted as a driveway material starting behind the primary structure and leading to the door or access area of the accessory structure; and (2) Vehicles shall not be parked or stored on any part of a driveway that is graveled.

In the interest of public safety and the overall welfare of the City and its residents the Public Service Director or their designee may require additional information concerning the driveway material, location, and design specifications before granting a permit.

All work shall be done in accordance with these Specifications and the City of Clayton's Standard Construction Drawings. The degree of sub-base compaction will be carefully reviewed by the Public Service Director or their designee prior to approval of the work.

The requirements for the completion of the permit are as outlined on the permit application, but at a minimum 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 before the one (1) year warranty period will begin. After all work is complete for any driveway, the contractor shall contact the Public Service Director or their 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.

### Concrete or Asphalt 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) All expansion joints shall be vinyl, and vinyl expansion joint material shall also be used wherever new concrete abuts old concrete and as indicated in the City of Clayton Standard Construction Drawings.

- (d) If curb is to be replaced with the driveway, it shall conform to the gutter grade or as specified on the Driveway permit. Permit holder is responsible for all asphalt work and to restore pavement at cut to the original and/or overlaid condition. In accordance with the current ODOT specification, asphalt shall be saw cut straight 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 asphalt. The gutter plate or approach shall not be covered with any asphalt material unless specifically directed by the Public Service Director or their designee. Replacement curb and gutter at driveways shall be cut for full length removal unless otherwise marked by the Public Service Director or their designee.
- (e) Drives shall not exceed 30 feet in width measured at the back of sidewalk. A variance to add up to ten feet of driveway approach width can be requested in accordance with Section 1141.07 of the Planning & Zoning Code.
- (f) For the restoration of existing asphalt driveways, and in accordance with the current ODOT specification, the contractor shall place a two-inch lift of surface asphalt on an approved tacked asphalt base as approved by the Public Service Director or their 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, and 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 release of the bond or security.
- (h) Limitation: The construction season for rebuilding driveways is from April 15<sup>th</sup> to October 31<sup>st</sup>. The Public Service Director or their designee may, but is not required to, grant permission to perform construction work hereunder for any period before or after the construction season has begun or ended. Extra precaution and/or admixtures to the concrete may be required by the Public Service Director or their designee if the work is permitted. The Public Service Director or their designee is hereby granted the right to extend the construction season in accordance with good engineering practices.  
(Ord. 0-10-16-23. Passed 10-20-16.)

#### **905.06 SPECIFICATIONS**

Specifications for the construction and installation of Driveways:

- (a) The permit holder shall hold the City free and harmless from all loss, damage, or expense; including, but not limited to, attorney's fees, court cost arising from, caused by, incident to, or related to injuries or damage to property (including but not limited to property owned by 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 project(s), all to the lines and grades indicated on the plans or as directed by the Public Service Director or their 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 their designee, and in compliance with all applicable federal, state, county, and local laws.
- (c) No concrete shall be poured for any concrete driveway until the Public Service Director or their designee has been properly notified, has inspected the premises, and approved the proposed work in writing. The City requires a 24-hour notice prior to starting work. Concrete may not be poured on Sundays, government holidays, or before or after regular business hours without specific approval of the Public Service Director or their designee.
- (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 their designee
  - (4) Every 100 running feet or as determined by the Public Service Director or their 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 their designee. The joint shall be sawed on a six or one skew as shown on the plans
  - (8) There shall be a sawed joint every 200 square feet of pavement (nominal 17 x 12) unless waived in writing by the Public Service Director or their designee
  - (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 their designee, shall be backfilled with approved soil (free from stones larger than 1" in 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 topsoil 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 is received from the Public Service Director or their designee to place fill on a greater slope.
- (g) Steel forms shall be used throughout the work unless wooden forms are accepted by the Public Service Director or their 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, restoration and site clean-up has been completed, and a letter of acceptance has been sent to said contractor by the City of Clayton. The contractor shall also be responsible for the correction of any settlement of disturbed areas within one year of project completion.
- (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 their entire work force shall always follow such sanitary provisions of the City through its laws and regulation.
- (l) When in the opinion of the Public Service Director or their 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 their designee may require:
  - (1) Compacted #304 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 to be in the best interests of sound construction and good engineering practices.
  - (4) Size of bars and mesh shall be approved by the Public Service Director or their designee taking into consideration load, subsoil, and other conditions that may affect structural strength.

The cost of any or all the above measures shall be borne by the contractor at no expense to the City of Clayton.

- (m) All concrete shall be completely covered with a white pigmented or clear curing compound after finishing but before setting. Curing compound and application device shall be approved by the Public Service Director or their 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 their 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 Public Service Director may, upon notice, change the methods of inspection. In case of disputes, the Public Service Director 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 their 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 their designee may require the protection of the fresh concrete with polyethylene, canvas, or other acceptable material. Therefore, the contractor shall always have this protective material on the job. The protection shall be maintained as directed by the Public Service Director or their 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 their designee, the temperature of the atmosphere or wind conditions are such that accelerated drying or setting of the concrete would result, the Public Services Director or their designee may require wet burlap bags or other suitable substitutes to be applied to the concrete surface or may suspend the pouring of concrete.
  - (4) All driveway concrete shall be poured between ambient temperatures of 40 Degrees F and 90 Degrees F. The Public Service Director or their 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 their designee shall always 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 admixtures, 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 their 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 their designee. Any safety device not meeting the approval of the Public Service Director or their designee shall be promptly removed from the project. The Public Service Director or their designee may order the use of warning lights on the barricades, when in the opinion of the City Engineer or Public Service Director or their designee, situations warrant the use of such warning lights.
- (v) All new pavement restoration which causes water ponding shall be corrected by sawing and removal of the faulty portion. New asphalt pavement, meeting the current ODOT specification, shall be machine re-laid unless otherwise approved by the Public Service Director or their 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 their 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. 0-10-16-23. Passed 10-20-16.)

**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 their 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 appeals, 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 the determination or denial of permit is appropriate. This decision shall be final.
- (c) The imposition of a penalty shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abet 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 their 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 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 to bring the work into compliance with the requirements of this Chapter.
- (Ord. 0-10-16-23. Passed 10-20-16.)