
CHAPTER 1189

MAINTENANCE OF STREETScape DESIGN AND CONSTRUCTION

1189.01 MAINTENANCE OF DESIGN INTEGRITY.

The Tiffin Streetscape Area as constructed in accordance with contracts shall remain in all details as originally constructed. Any repair, reconstruction, excavation or replacement of any sidewalks, curbs, pavements, bollards, trees, cobblestones, planters, plantings, street lights or any other detail shall remain in its original form permanently.

1189.02 STREETScape AREA.

The Streetscape Area shall be defined as follows:

Washington Street from a point approximately 437 feet south of Madison Street to its intersection with Riverside Drive; Market Street from its intersection with Jefferson Street to its intersection with Monroe Street; Madison Street from a point approximately 75 feet west of the centerline of Washington Street to a point approximately 83 feet east of the centerline of Washington Street; Court Street from a point approximately 52 feet east of the centerline of Washington Street to its intersection with Washington Street; Perry Street from a point approximately 79 feet west of the centerline of Washington Street to a point approximately 78 feet east of the centerline of Washington Street. Any additions to the Streetscape Area created by ordinance shall, upon adoption, be included without further Council action.

1189.03 REPLACEMENT OF ORIGINAL DESIGN.

- (a) All persons performing construction work within the public street rights-of-way included in the Tiffin Streetscape Area which will in any way involve the sidewalks, curbs, pavements, bollards, trees, cobblestones, planters, plantings, street lights or any related incidental items which were heretofore constructed under the 1983 City contracts for the Central Business District Streetscape Project, shall be required to replace or repair such items in accordance with the plans and specifications as provided for the Streetscape Project. Such plans and specifications shall be on file at the Office of the City Engineer, and the City Engineer shall be responsible for the interpretation of them.
- (b) Such construction work shall be permitted only upon application for and granting by the City Engineer, of a permit to perform such work, and such permit shall include a firm commitment that all such work contemplates total replacement of the original design.
- (c) The City Engineer shall have the authority for any reason to revoke such permit and order cessation of work upon inspection, which in the judgment of the City Engineer indicates variation from the agreed conditions, including but not limited to grade elevations, replacement material, neatness of workmanship or permanent effect.

1189.04 REPLACEMENT OF PLANTINGS.

If any repair work or accident causes the removal or destruction of any planted tree or shrub, then

the party responsible for destroying the vegetation shall replace the tree or shrub with an approved planting which must be of the same trunk diameter and species as the destroyed vegetation. Such replacement shall occur during the earliest planting season and such planting shall include the obligation for replacement of approved size and type within one year should the tree or shrub die or become diseased. Should the responsible party fail to replace the destroyed vegetation, the City Administrator shall cause it to be replaced and the responsible party shall be subject to the penalty provided in **Section 1189.99**, in addition to the actual expense of the replacement.

1189.05 PETITION TO DEVIATE FROM PLANS AND SPECIFICATIONS.

If any person who proposes to perform construction work involving those items as specified can show good reason to deviate from the plans and specifications as noted above, he shall submit a proposal in writing to the City Planning Commission which will specify in detail the proposed deviation, and the Commission shall at its next regular meeting consider such proposal. The Commission shall have the authority to accept or reject the proposal for such deviation in whole or in part, and shall have forty (40) days from the date the proposal was introduced at a regular meeting in which to make a decision by resolution. A majority vote shall be required to pass a resolution which will allow a deviation from the original streetscape project plans.

1189.06 EMERGENCY CONDITIONS.

In the event that sidewalks or other areas involved in the Streetscape Area must be removed because of a clear and present emergency, authority to proceed may be granted upon oral or written request by the City Administrator. Such permission shall include a firm commitment that all repair and replacement shall be in strict accordance with the plans and specifications, unless a variance eventually is requested through the procedures outlined in **Section 1189.05** above. In this case, approved temporary replacement of sidewalks or other structures may be made in a manner approved by the City Engineer following which, such variances approved or denied by the Planning Commission, shall govern the final work.

1189.99 PENALTY.

Whoever violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provision of this chapter shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or imprisoned not more than thirty (30) days, or both, for each offense. Each day a violation continues shall constitute a separate offense.