

**Rules and Regulations
For the
Non-Compliant Sidewalk Repair Program
Mayor's Office of Capital Projects
216-664-2575**

These Rules and Regulations are issued pursuant to Section 6 of Ordinance Number 725-02, passed June 10, 2002, as amended by Ordinance No. 1262-03, passed July 16, 2003 and amended by Ordinance 1141-2023. These Rules and Regulations shall take effect immediately upon publication in the City Record.

1. The Program shall be available on a first-come, first-serve basis to eligible property owners. To be eligible for the Program, the property must be within the City of Cleveland limits and must be either a residential property, a Church (place of worship), or an eligible commercial properties. The sidewalks, curb, or apron to be repaired must abut the individual's property.
2. The sidewalks, curb, and apron must be determined to be in a non-compliant condition, in the **opinion of the Director, Mayor's Office of Capital Projects.**
3. Property Owners may participate in this Program by paying fifty percent of the estimated costs of the improvements as provided by the Division of Engineering & Construction and by signing an authorization form which authorizes the City to construct the improvements. The property owner or their agent must sign the authorization form. Payment must be received by the City of Cleveland prior to any work being performed. The City may pay more than fifty percent based on contractor quotes.
4. Shared costs shall not include costs incurred in removing a full tree, grinding or pruning tree roots, adjusting or reconstructing castings, adjusting valve boxes, and reseeding lawns.
5. The estimated value of the work submitted to the resident shall be considered the final costs to the resident regardless of the final construction costs.
6. The Director shall not authorize a contractor to perform the repairs, re-installation, or re-establishment on a property until the owner, or another private person or entity on the owner's behalf, has paid his or her fifty percent (50%) share based on the Director's written estimate of the work.
7. The program shall be on a first-come, first-served basis, to the extent funds are available.
8. All work performed under the Program shall be performed by the City's contractor, under the direction and **control of the Mayor's** Office of Capital Projects. The City shall not be liable for any claims arising during performance of the work or after the work has been performed.
9. The resident must not act in a manner that will interfere with the City's contractor and must cooperate fully with any reasonable request by the City or its contractor in connection with performance of the work.
10. If, at any time during the one-year period following the date of completion of the work, the resident finds any defects, omissions or inadequacies for any cause which may be attributed to the City's contractor, the resident must promptly notify **the Mayor's** Office of Capital Projects in writing. Upon such notification, the Director or his designee shall determine if a defect or omission or inadequacy exists, which determination shall be binding on the resident. If there is a defect, omission or inadequacy, the Director shall demand that the City's contractor correct it.

11. Tree removal may be required to provide proper lines and grades on the sidewalk only after authorization by the Division of Urban Forestry. Trees removed as part of this program will be at the sole expense of the City. If a tree is not removed, the cost of root grinding shall be sole expense of the City. The Urban Forestry's **decision whether or not** to authorize tree removal shall be final unless appealed to the Board of Right of Way Appeals.
12. Certain commercial businesses may be eligible for the Non-Complaint Sidewalk Repair Program. The criteria are as follows:
 - a. Must not be a corporate owned franchise, though it may be an individually owned franchise if the owner does not have more than two (2) total franchise locations.
 - b. Churches / House of Worship or locations with an exterior county land use code of 6850 (Religious Uses) are eligible.
 - c. The following business types are excluded:
 - i. Apartments
 - ii. Manufacturing
 - iii. Warehouse
 - iv. Industrial
 - v. Strip shopping plazas
 - vi. Arcades / Malls
 - vii. Greenhouses
 - viii. New Construction
13. These Rules and Regulations may be amended upon publication of amended Rules and Regulations in the City Record.

James DeRosa, Director
Mayor's Office of Capital Projects