

AN ORDINANCE REQUIRING OWNERS AND OCCUPANTS OF ABUTTING LOTS AND LAND TO REPAIR AND MAINTAIN SIDEWALKS WITHIN THE VILLAGE OF COMMERCIAL POINT, OHIO.

WHEREAS, Council desires to provide standards for sidewalk repair and maintenance to safeguard life, health, property, safety and public welfare; and

WHEREAS, Council hereby finds and determines that it is in the best interests of the residents of the Village to have standards for sidewalk repair and maintenance; and

WHEREAS, Ohio Revised Code § 723.011 allows a legislative authority, by ordinance, to require owners and occupants of abutting lots and land to keep sidewalks in repair.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT THAT:

SECTION I: OWNER TO REPAIR SIDEWALK

Each owner of any lot or parcel of ground in the Village shall cause the sidewalk and every part thereof in front of, alongside or abutting such lot or parcel to be kept in good order and repair and free from any nuisance. The Village Administrator or designee may direct such owner to perform replacement or repair as needed to ensure the public's health, safety and welfare, if one of the following is present:

- (A) A minimum of one (1) inch vertical separation anywhere in the sidewalk area, including individual blocks.
- (B) Slope along or across a sidewalk block of one (1) inch or more per foot above or below the adjacent sidewalk block's grade.
- (C) Spalled concrete, deteriorated patches, wedges or ramps, exceeding a 1 in 12 slope, loose or partial infill, cracks of one-half (½) inch or more in width, or cracks with protruding vegetation, all of which create an irregular walking surface.

Should the Village Administrator or designee determine that any of the conditions set forth in (A), (B), or (C) are caused by the presence or growth of tree roots from a tree growing within a public street right-of-way, the Village shall perform all necessary repairs or replacement of sidewalk damaged by tree growth at Village expense.

The Village Administrator's or designee's notification to repair and replace sidewalk shall be in writing, include the address of the property, the reason why a repair or replacement is needed, repair methods and payment requirements. Should the owner fail to contact the Village Administrator or designee within thirty (30) days of notification or complete needed repairs within ninety (90) days of the date of notification, the Village Administrator is authorized and directed to cause or contract such repairs or replacement and bill the owner at the rate stated within the written notification provided to the owner which shall include material, labor, equipment and administrative costs. If the owner fails to pay the bill within thirty (30) days of the date on the Village's bill, the rate shall be charged against the real estate upon which the sidewalk is located and shall be a lien upon such real estate.

Without excluding other methods of giving such notice, notice may be given by certified or registered mail, addressed to such owner at the address, if any, shown in the county Treasurer's office for the mailing of tax bills, or for want of such address, to the lot or parcel in question, if there is a building thereon. Notice shall be deemed to be complete upon mailing.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that result in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III: This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Vote on Suspension of Readings:

Motion by: _____ 2nd _____

Roll Call:

___ Mark Geiger	___ Ben Townsend	___ Scott O'Neil
___ David Sadler	___ Brad Laxton	___ Nicole Evans

Vote on Passage of the Ordinance and declaring it an emergency:

Motion by: _____ 2nd _____

Roll Call:

___ Mark Geiger	___ Ben Townsend	___ Scott O'Neil
___ David Sadler	___ Brad Laxton	___ Nicole Evans

Adopted this _____ day of March 2016.

Gary Joiner, Mayor

Wendy Hastings, Fiscal Officer

Approved as to Form:

Michael D. Hess, Law Director

