

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-38 AC CMS

AN ORDINANCE AMENDING CHAPTER 905 OF THE OBERLIN CODIFIED ORDINANCES AS AN EMERGENCY MEASURE

WHEREAS, On March 2, 2020, the Oberlin City Council adopted the Active Transportation Plan Development Outline and formed a committee to develop the plan; and

WHEREAS, on September 21, 2020, pursuant to the recommendation of the committee Council adopted Ordinance No. 20-39 AC CMS imposing a moratorium of the enforcement of Section 905.01 of the Oberlin Codified Ordinances until June 30, 2021, to allow for the development of a sidewalk prioritization plan as a component of the Active Transportation Plan; and

WHEREAS, to facilitate the implementation of the Active Transportation Plan, it is necessary to make certain amendments to Chapter 905 of the Oberlin Codified Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:


SECTION 1: That the amendments to Chapter 905 of the Oberlin Codified Ordinances as are set forth in **Exhibit A** attached hereto be and are hereby enacted.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted 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 3: That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit: to enact amendments to Chapter 905 of the Oberlin Codified Ordinances prior to the June 30, 2021 expiration of the moratorium on the enforcement of Section 905.01 and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest date allowed by law.

PASSED: 1st Reading: June 7, 2021
 2nd Reading: June 21, 2021
 3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 06/22/2021



LINDA SLOCUM
PRESIDENT OF COUNCIL

EFFECTIVE: 06/21/2021

EXHIBIT A

Sidewalks

- 905.01 Property owners to maintain, repair and construct sidewalks.
- 905.02 Duty of City Manager; notice to owner.
- 905.03 Assessment by City.
- 905.04 Assessment payable in lumpsum or installments.
- 905.05 Compliance with City specifications.
- 905.06 Additional remedies of City.

CROSS REFERENCES

- Construction or repair at owner's expense - see Ohio R.C. 729.01 et seq.
- Notice to construct or repair - see Ohio R.C. 729.03 et seq.
- Snow removal, protection, obstructions and littering - see GEN. OFF. Ch. 521
- Sidewalk excavations - see S.U. & P.S. Ch. 903
- Sidewalks in new subdivisions - see P. & Z. 1317.03(f)

905.01 PROPERTY OWNER TO MAINTAIN, REPAIR AND CONSTRUCT SIDEWALKS.

(a) It shall be the responsibility of the property owner to maintain, repair and keep free from nuisance sidewalks abutting their lots or properties that are located within the public right-of-way. No sidewalk or any part thereof located with the public right-of-way shall be removed without the prior approval of the City.

(b) Unless otherwise determined under the provisions of Chapters 1315 and 1338 of the Planning and Zoning Code the property owner shall construct sidewalks in the public right-of-way whenever any principal building is constructed or located on any lot located in a commercially zoned district within the City.

905.02 DUTY OF CITY MANAGER; NOTICE TO OWNER.

(a) The City Manager or designee shall periodically inspect all sidewalks located with the public rights-of-way within the City. If any sidewalk located within the public right-of-way is deemed to require maintenance, repair or replacement, the City Manager shall cause notice thereof to be served upon the property owner by certified mail at the owner's last known address. If the address is unknown, or if the certified mail is returned "unclaimed" or otherwise undeliverable, a copy of the notice shall be posted conspicuously on the property to which it relates and a copy of the notice shall be published once in a newspaper of general circulation within the City.

(b) The notice to be served upon the property owner shall include the following information:

- (1) The location of the sidewalk;
- (2) Defect(s) noted and the extent of repair or replacement necessary;
- (3) A statement that if the property owner does not complete the requested repair or replacement within sixty (60) days of service of the notice, the City will proceed to initiate and complete the work and certify the cost to the Lorain County Auditor for assessment against the

property if it remains unpaid after thirty (30) days of service of invoice for the work performed by the City.

905.03 ASSESSMENT BY CITY.

If the total cost incurred or expended by the City for any sidewalk repair or replacement is not paid within thirty (30) days of service of invoice upon the property owner, the City Treasurer or their designee shall certify such cost to the Lorain County Auditor for placement on the County tax duplicate for collection in the same manner as taxes and other assessments.

905.04 ASSESSMENT PAYABLE IN LUMP SUM OR INSTALLMENTS.

Any assessment placed upon the tax duplicate for the cost of the sidewalk repair or replacement may be paid by the property owner in a lump sum or in five (5) equal annual installments, provided that whenever the unpaid balance of any assessment is one hundred dollars (\$100.00) or less, it shall become fully due and payable upon the issuance of the next succeeding tax duplicate. Simple interest at four percent (4%) per annum shall accrue on the unpaid balance of any installment until paid in full. Upon proof satisfactory to the City Manager that the amount of the required installments will impose a significant economic hardship upon the property owner, the City Manager may authorize a longer repayment period not to exceed ten (10) years.

905.05 COMPLIANCE WITH CITY SPECIFICATIONS.

All sidewalks and any appurtenances required under this Chapter shall be constructed, repaired or replaced in accordance with standards and specifications prescribed by the City Public Works Director.

905.06 ADDITIONAL REMEDIES OF CITY.

In addition to all other remedies at law or provided by these Codified Ordinances, for a violation hereof the City may:

- (a) Charge the violator with a minor misdemeanor;
- (b) Proceed to obtain injunctive relief through a court of appropriate jurisdiction.