

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-35 AC CMS

AN ORDINANCE AMENDING SECTION 521.06 OF THE OBERLIN CODIFIED ORDINANCES TO PROVIDE FOR THE REMOVAL OF SNOW AND ICE ON PUBLIC SIDEWALKS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF OBERLIN

WHEREAS, the accumulation of snow and ice on public sidewalks poses a threat to the health and safety of the general public and all other persons utilizing the sidewalks; and

WHEREAS, Section 521.06 of the Oberlin Codified Ordinances requires the owner of real estate that abuts any sidewalk to keep such sidewalk free and clear of snow and ice, and to remove snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve hours after the abatement of any storm during which such snow and ice may have accumulated; and

WHEREAS, although a violation of Section 521.06 of the Oberlin Codified Ordinances constitutes a minor misdemeanor, it is necessary to provide for the enforcement of its provisions in a manner that results in the timely abatement of the hazardous conditions attendant to the accumulation of snow and ice on sidewalks and to recover the cost of such enforcement.

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

SECTION 1: That Section 521.06 of the Oberlin Codified Ordinances be and is hereby amended as is set forth on Exhibit A attached hereto.

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 shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: June 7, 2021

2nd Reading: June 21, 2021


3rd Reading: July 6, 2021

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 07/07/2021



LINDA SLOCUM
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 08/06/2021

521.06 REMOVAL OF ICE, SNOW AND NUISANCES FROM SIDEWALKS; REPAIRS, REMEDY OF CITY AFTER NOTICE.

(a) It shall be the duty of the owner, occupant or any other person, firm, or entity having the charge or management of any lot or parcel of land within the corporate limits of the municipality abutting upon any sidewalk to keep such sidewalk free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within twelve hours after the abatement of any storm during which such snow and ice has accumulated.

(b) No owner, occupant or any other person, firm, or entity having the charge or management of any lot or parcel of land within the corporate limits of the municipality of a parcel of real estate that abuts a sidewalk shall fail to keep the sidewalk, in repair and free of accumulated snow and ice or any nuisance.

(c) If in the opinion of the City Manager or his/her designee the failure of an owner, occupant or any other person, firm or entity having the charge or management of any lot or parcel of land within the corporate limits of the municipality to comply with the provisions of section (b) poses a threat to the health or safety of the general public, then he or she may provide written notice of such non-compliance to the owner. Such notice shall be served in any manner reasonably calculated to reach the owner, including but not limited to personal service or service by regular and U.S. Certified Mail, return receipt requested, upon the owner at the owner's last known address and by regular mail upon such other occupant, person, firm or entity having the charge or management of the lot or parcel, identifying the non-compliance and ordering its abatement. If the address of any owner is unknown, it shall be sufficient to publish the notice once in a newspaper of general circulation within the County. Service shall be deemed complete upon the fifth business day after the date of the mailing of the notice by regular and U.S. Certified mail or by publication or the date of delivery if by personal service

(d) Only one notice per calendar year under subsection (c) above shall be required provided that there has been no change in ownership of such parcel subsequent to the service of notice. If, after notice has been served in accordance with section (c), the City Manager or his designee determines that a subsequent violation of the provisions of this Chapter has occurred, the Municipality may proceed with the remedies set forth in section (e) below without further notice.

(e) If the owner or person, firm or entity having charge of any parcel of land fails to comply with provisions of subsection (b) above after service of the notice set forth in subsection (c) above, the City Manager shall take whatever action is necessary, including, but not limited to expending or furnishing labor and materials necessary to

abate the non-compliance. All expenses and costs of such abatement shall be paid out of City funds appropriated therefor, and the City shall thereafter certify such expenses to the County Auditor. Such amounts shall thereupon be entered upon the tax duplicate and shall be a lien upon such parcel to be collected in the same manner as taxes and assessments and remitted to the City upon collection.

(f) Whoever violates section (b) above shall be guilty of a minor misdemeanor.