

RECORD OF ORDINANCES

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National Graphics Corp., Cols., O.

Form No. 2806-A

Ordinance No. 1223

Passed June 2, 1987

AN ORDINANCE REGULATING STREETS AND SIDEWALKS AND DECLARING AN
EMERGENCY TO PROVIDE FOR THE SAFETY OF THE VILLAGE RESIDENTS

WHEREAS, the Village of Glandorf, State of Ohio, desires an ordinance regulating the streets and sidewalks for the Village of Glandorf.

NOW THEREFORE, BE IT ORDAINED AND AGREED BY THE COUNCIL OF THE VILLAGE OF GLANDORF, that the streets and sidewalks for said village be maintained as follows:

SECTION I. That the Street Commissioner of the Village is hereby charged with the duty of overseeing all sidewalks within the Village limits, which shall specifically include inspection of existing sidewalks and reporting any necessary repairs to Council, supervision of repairs or construction of new sidewalks and establishing detailed specifications for sidewalks and the location of new sidewalks. In establishing specifications for and location of specific sidewalks, for purposes of repair or new construction, the Commission shall attempt, insofar as possible, to establish uniformity throughout the Village, seeking maximum utility with a minimum of damage to the property and trees, shrubbery, fences, etc. already located thereon. Unless special circumstances justify different specifications in constructing new sidewalks, the specifications shall call for concrete sidewalks of a minimum width of four feet and a minimum depth of four inches, upon sound footing. In locating sidewalks, the Commissioner shall not be limited to Village property or street rights of way, but may specify locations upon private property.

SECTION II. That the Street Commissioner shall report all necessary repairs of specific sidewalks, together with his recommendation thereon, to Council. Council may provide for the repair and restoration thereof or any portion thereof at the expense of the Village, or may direct the owner of the abutting property to repair the same, according to the detailed specifications of the Commissioner.

SECTION III. That the Council may designate by specific resolutions, from time to time, specific areas within the Village where new sidewalks shall be constructed, pursuant to the detailed specifications of the Street Commissioner. The resolution may provide that the cost shall be borne by the Village of Glandorf in which case the resolution shall call for proper advertisement for bids as provided by law or the resolution may provide that the cost thereof be assessed against the owners of the property bounding or abutting such sidewalks.

SECTION IV. If Council elects to assess the cost of the repair or construction sidewalks, it shall adopt a resolution specifying the particular sidewalks to be repaired or constructed. Appropriate written notice of the resolution shall thereupon be served upon the owner or agent of each parcel of land abutting on the sidewalks by the Chief of Police or a deputy, as provided in Ohio Revised Code 729.02 and 729.03. If the owner of a parcel is a nonresident, notice of the resolution shall be given by publication, as provided by Ohio Revised Code 729.03. The notice shall state, if the indicated repairs are not made within thirty days or the indicated construction is not completed within sixty days, or within a reasonable extension thereof expressly

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granted by the Street Commissioner, that the Village shall perform or contract for such repair and construction on behalf of the owner and shall report and assess the cost or materials furnished by the Village, or both. However, cost of sidewalks abutting publicly owned property and the costs of crossover or intersection sidewalks shall be paid by the Village and no part thereof so assessed. Council may provide for the construction of sidewalks on only one side of a street or alley and it may assess the cost thereof, equally or otherwise, upon the owners of the property abutting on both sides of such street or alley. The assessed cost shall constitute a lien on such property from the date the amount thereof is reported to the owner and, if no paid to the Clerk-Treasurer within ten days thereafter, the Clerk-Treasurer shall certify it, to the County Auditor, who shall place it upon the tax duplicate and collect the same as provided by law.

SECTION V. That nothing herein contained shall be construed as preventing Council from providing for the repair and/or construction of sidewalks, and recovering the cost thereof by special assessments, as provided by Ohio R.C. 727.01 et seq.

SECTION VI. No person shall obstruct any street, alley, sidewalk or other public way by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any such fence or building is permitted to remain upon such public way shall be deemed a separate offense.

SECTION VII. No person shall encumber any street or sidewalk or, being the owner, occupant or person having the care of any building or lot or land bordering on any street or sidewalk, shall permit the same to be encumbered with barrels, boxes, cans, articles, vegetation, obstructions, or substances of any kind so as to interfere with the free and unobstructed use thereof.

SECTION VIII. That the protection of sidewalks shall be as follows:

(a) Storage of display on sidewalks prohibited. No person shall store or display or cause to be stored or displayed upon any sidewalk any goods, ware or merchandise or cause or permit any goods, wares or merchandise to be deposited upon any sidewalk or other public property, except for such time as may be necessary for loading or unloading the same.

(b) It shall be the duty of the owner or occupant of any parcel of land in the City abutting on a public street where a sidewalk has been constructed to keep such sidewalk in good repair and free of accumulations of rubbish, mud, ice or snow. He also shall cause such sidewalk to be kept level and safe for pedestrians and others who are entitled to use it. Trees, bushes, and hedges located on private property shall be kept trimmed by the property owner or occupant so that they do not interfere with the use of the sidewalks. Retaining walls, ditches and fences shall be kept in repair and adequately safeguarded to prevent injury to users of the sidewalk.

(c) Any owner, occupant or other person who shall take up, or cause to be taken up, the whole or any part of any paved sidewalk, curb or gutter for the purpose of improvement or otherwise shall cause such sidewalk, curb or gutter to be relaid in a proper manner within fourteen days after such sidewalk, curb or gutter up, except that the Director of Service may, upon written request, by written permit, extend the time for

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such relaying for any period up to but not exceeding twenty-eight days.

(d) In furtherance of the obligation of the owner or occupant of land within the City to repair, repave or pave sidewalks, curbs or gutters, as stated in subsection (c) hereof, such owner or occupant shall cause such sidewalks, curbs or gutters to be placed in good and safe condition through repairing, paving or repaving within twenty-one days after the Director of Service has directed the same to be done.

(e) The Director of Service shall issue repair notices to owners or occupants of real estate whose sidewalks are in violation of the provisions of this section. Such notice to repair, pave or repave sidewalks shall require such work to be accomplished within twenty-one days from the date of such notice.

(f) The Director of Service shall cause the repair, paving or repaving of all sidewalks of those properties found to be in violation of the provisions of subsection (e) hereof and shall present to the owners of such properties for payment such administrative, construction and other charges as may be incurred in making such repairs, paving or repaving.

(g) No person shall cause any portion of a sidewalk to be blocked or removed for any purpose without providing a safe and adequate temporary pathway for pedestrian traffic. Such temporary pathway shall be kept free of debris, mud, ice or snow. Should pedestrian traffic be routed into streets or alleys, such temporary pathway shall be protected by the construction of such barricades, railing, warning lights or other safety devices as may be specified by the Building inspector.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of the municipal departments, for the reason that said urgency is due to the fact that certain streets in the Village of Glandorf, State of Ohio, may create a nuisance and that it is impossible for the village to be primarily liable for maintaining the sidewalks in good repair and free from nuisance. It is therefore the vote of the council of the Village of Glandorf that said primary liability must rest with the adjacent property owners.

APPROVED:


Robert Giesken, Mayor

ATTEST:


Carol Brinkman, Clerk-Treasurer