

ORDINANCE NO. 94-51 AC CMS

AN ORDINANCE AMENDING CHAPTER 905 OF THE CODIFIED ORDINANCES
OF THE CITY OF OBERLIN, OHIO, PERTAINING TO SIDEWALKS

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That Chapter 905 of the Codified Ordinances of the City of Oberlin, Ohio relating to sidewalks is hereby amended, in toto, to read as follows:

905.01 PROPERTY OWNERS TO REPAIR OR CONSTRUCT SIDEWALKS

It shall be the responsibility of the property owner to construct, maintain, and repair public sidewalks within the City. Once installed, the owner of the lot or land abutting the public sidewalk shall keep the sidewalk in good repair and free from nuisance conditions.

905.02 DUTY OF CITY MANAGER; NOTICE TO OWNER

(a) The City Manager shall periodically inspect all public sidewalks within the City. If an existing public sidewalk is deemed in need of maintenance, repair or replacement, the City Manager shall cause notice to be served upon the owner of the abutting property by certified mail at the owner's last known address. If the address is unknown, or the certified mail notice is returned undelivered, a copy of the notice shall be conspicuously posted on the property to which it relates and a copy of the notice shall be published once in a newspaper of general circulation in the City.

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

- (1) location of the sidewalk
- (2) defect(s) noted and extent of repair or replacement necessary
- (3) estimated cost of repair or replacement
- (4) 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 actual cost of same to the City Treasurer for collection.

905.03 ASSESSMENT BY CITY

If the actual cost to the City of the sidewalk repair or replacement is not paid within thirty (30) days of notice of same to the property owner, the City Treasurer shall certify the cost to the Lorain County Auditor for placement on the County tax duplicate and collection in the same manner as other taxes.

905.04 ASSESSMENT PAYABLE IN LUMP SUM OR INSTALLMENTS

The assessment placed upon the tax duplicate by the City for the cost of the sidewalk repair or replacement shall be paid by the property owner in one lump sum or five (5) equal annual installments; provided, however, that whenever the unpaid balance of an assessment is \$100.00 or less it shall be fully due and payable upon the date of the next annual payment. Assessments paid in installments shall include an interest charge of four per cent (4%) per annum of the original assessment amount. Upon proof satisfactory to the City that payment in five (5) annual installments will create a serious economic hardship to the property owner, the City Treasurer may authorize a longer repayment period.

905.05 COMPLIANCE WITH CITY SPECIFICATIONS

All Public sidewalks shall be constructed, repaired or replaced in accordance with standards and specifications as prescribed by the City Public Works Director.

SECTION 2. That sections 905.01, 905.02, and 905.03 of the codified ordinances, as previously written, are hereby repealed.

SECTION 3. 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 4. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - June 20, 1994
2nd Reading - July 18, 1994
3rd Reading - August 15, 1994

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: August 19, 1994

EFFECTIVE DATE: September 14, 1994