

ORDINANCE NO. 250

AN ORDINANCE REGULATING THE CONSTRUCTION,
REPAIR AND MAINTENANCE OF SIDEWALKS WITHIN
THE VILLAGE OF OTTOVILLE AND REPEALING
ORDINANCE NO. 193

BE IT ORDAINED BY THE COUNSEL OF THE VILLAGE OF OTTOVILLE,
STATE OF OHIO:

SECTION 1: SUPERVISION AND SPECIFICATIONS

The Street Commissioner of the Village of Ottoville, Ohio (hereinafter referred to as Commissioner) 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 the location of new sidewalks. In establishing specifications for and location of specific sidewalks, for purposes of repair or new construction, the Commissioner 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. In locating sidewalks, the Commissioner shall not be limited to Village property or street rights of way, but may specify locations upon private property. Unless special circumstances justify deviation from the following specifications and unless Council specifically authorizes such deviation, all sidewalks constructed in the Village of Ottoville shall meet the following specifications:

1. All regular sidewalks shall be 4 feet wide and at least 4 inches thick.
2. All sidewalks through alleys shall be 6 feet wide and at least 6 inches thick.
3. A six bag cement mix shall be used.
4. A solid stone base shall be laid first.
5. Three 3/8" rerods shall be placed in all sidewalks.
6. A cement sealer shall be used on all sidewalks.
7. Sidewalks through alleys shall be rounded off so there are no bumps.
8. Good fill dirt shall be added along the side of walks where needed.
9. Expansion joints shall be used where needed.

10. All approach's to streets shall be made for wheel chairs when installing new sidewalks or replacing old sidewalks.

SECTION 2: RESPONSIBILITY FOR SELECTING AREAS FOR CONSTRUCTION

The Village of Ottoville Council may designate by specific resolution areas within the Village where depleted sidewalks need replaced or areas where new sidewalks need to be constructed. These areas should be determined by the Streets and Sidewalks Committee and approved by Council.

SECTION 3: RESPONSIBILITY FOR COST

The cost of replacing or constructing new sidewalks shall be paid 70% by the owner and 30% by the Village, but only with prior approval of the Village. In addition, the Village will haul and dispose of the old sidewalk. The cost to be shared by the Village shall ^{not} include landscaping or seeding around the sidewalk. The Village shall bear the full cost of sidewalks on property owned by it to include alleys, crossovers and intersections.

SECTION 4: RESOLUTION FOR PRIVATE CONSTRUCTION; NOTICE; ASSESSMENT OF COST

If Council elects to assess the cost of the repair or construction of 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 the owner of each parcel of land abutting on the sidewalks by the Chief of Police or a deputy, as provided in O.R.C. §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 O.R.C. §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 granted by the Street Commissioner, that the Village will perform or contract for such repair and construction on behalf of the owner and shall report and assess the cost thereof upon such owner. The assessed cost thereof may include the cost of labor or materials furnished by the Village or both. However, the 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 not paid to the Village Clerk within ten days thereafter, the Clerk shall certify it, to the Putnam County Auditor, who shall place it upon the tax duplicate and collect the same as provided by law.

SECTION 5: SPECIAL ASSESSMENTS

Nothing herein contained shall be construed as preventing Council from providing for the repair or construction of sidewalks, or both, and recovering the cost thereof by special assessments, as provided by O.R.C. §727.01 et seq.

SECTION 6: UNLOADING HEAVY MATERIAL

No person shall unload any heavy material, by throwing or letting the same fall upon or driving over any sidewalk without first placing some sufficient protection over the pavement.

SECTION 7: BUILDING OR FENCE ENCROACHMENT

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 8: MATERIALS ON STREET OR SIDEWALK

No person shall encumber any street or sidewalk or, being the owner, occupant or person having the care of any building or lot of 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 9: DUTY TO KEEP IN REPAIR AND FREE OF SNOW

No owner or occupant of abutting lands shall fail to keep the sidewalks in repair and free from snow or any nuisance.

SECTION 10: PENALTY

Whoever violates any provision of this chapter shall be fined not more than fifty dollars (\$50.00). Any such violation shall constitute a separate offense on each successive day continued.

SECTION 11: This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: May 3, 1993

ATTEST:

Virginia M. Kimmet
Clerk

APPROVED:

Patricia Horstman
Mayor