

ORDINANCE NO. 193

SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE OF
SIDEWALKS WITHIN THE VILLAGE OF OTTOVILLE.

BE IT ORDAINED BY THE COUNCIL 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 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 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. 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 2: REPAIRS

The Street Commissioner of the Village of Ottoville 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 that the owner of the abutting property to repair the same, according to the detailed specifications of the Commissioner.

SECTION 3: NEW SIDEWALKS

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 of the same shall be borne by the Village in which case the resolution shall call for proper advertisement for bids for the same 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 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

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Post till 12-24-83

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: December 5, 1983

ATTEST:

APPROVED:

Richard J. Wurst
Clerk

Jerry P. Hohlbein
Mayor