

ORDINANCE NO. 2018-14

INTRODUCED BY: Mayor Bodnar and Council as a Whole

**AN EMERGENCY ORDINANCE
AMENDING CODIFIED ORDINANCE SECTIONS 903.01, 903.02, 903.03, AND 903.04
RELATING TO DRIVEWAY APRON AND TREE LAWN MAINTENANCE**

WHEREAS, it has become necessary to revise Codified Ordinance Sections 903.01, 903.02, 903.03, and 903.04 regarding the maintenance of driveway aprons and tree lawns in the Village; and

WHEREAS, Village Council deems it in the best interest of the Village and its residents to amend Codified Ordinance Sections 903.01, 903.02, 903.03, and 903.04 as set forth below.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio that:

SECTION 1. Sections 903.01, 903.02, 903.03, and 903.04 of the Village's Codified Ordinances as enacted be amended to read as fully set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council and that deliberations of this Council and of its committees, resulting in such formal action, took place in meeting open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of Mayfield Village, Ohio. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.



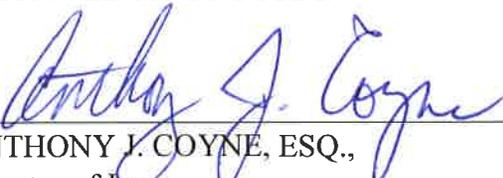
JOSEPH M. SAPONARO
Council President

First Reading: March 19 _____, 2018
Second Reading: April 16 _____, 2018
Third Reading: May 21 _____, 2018
PASSED: May 21 _____, 2018



BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:



ANTHONY J. COYNE, ESQ.,
Director of Law

ATTEST: 

MARY E. BETSA,
Clerk of Council

903.01 SIDEWALK MAINTENANCE RESPONSIBILITY.

Public sidewalks, driveway aprons and Tree Lawns serving all classifications of property are the responsibility of and shall be maintained by the abutting property owner, it being deemed necessary by the Municipality to require the repair and maintenance of sidewalks, driveway aprons and Tree Lawns.

(Ord. 90-20. Passed 7-16-90.)

903.02 INSPECTION PROCEDURE.

The Building Department shall attempt to inspect all sidewalks and driveway aprons every two years from the date of passage of this section.

(a) The inspection shall include surface conditions, that is spalled or checked surface cracks or joint separation and a differential elevation in sidewalk sections. A differential elevation of sidewalk sections of one-half inch or less shall be deemed satisfactory and not require replacement or leveling.

(b) Property owners or their agents shall be informed, in writing, of the repairs required to bring the sidewalks and/or driveway aprons abutting the property into compliance.

(c) Such notice shall be served on the property owners or their agents by certified mail, returned receipt requested. If such notice is returned undelivered, then such notice may be served by ordinary mail which shall be deemed completed when the fact of mailing is entered on record. If the ordinary mail envelope is returned undelivered, then such copy shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published once in a newspaper of general circulation within the Municipality.

(d) Such repairs or replacement shall be made within forty-five days from the date of receipt or posting of notice, unless extensions are granted by the Building Department due to inclement weather or other unforeseen circumstances.

(Ord. 90-20. Passed 7-16-90.)

903.03 NONCOMPLIANCE WITH INSPECTION NOTICE.

(a) If the property owner or his agent fails to comply with the notice to repair, the Municipality shall cause the sidewalks and/or driveway aprons to be reconstructed or repaired. All expenses and labor costs incurred shall be paid out of Municipal funds, with a statement of charges and a proper description of the premises to be sent to the

property owner and then to the County Auditor. The Building Commissioner/Service Director shall give notice to the owner to pay the cost of such reconstruction or repairs. Such service shall be served in the same manner as described in Section 903.02(c). In the event such costs are not paid within thirty days after service of notice, then such amount shall be certified by the Finance Director to the County Auditor for collection the same as other taxes and assessments are collected. The assessed cost of repairs shall be as set forth in Ohio R.C. 720.07, 729.08 and 729.09.

(b) In the event the Municipality enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Director of Finance shall certify to the County Auditor for recording such lien in the following manner:

(1) If the amount of construction or repair is equal to or less than 500 square feet, the amount due shall be divided into two semi-annual payments and collected within the immediate tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%), but in no event an amount less than twenty-five dollars (\$25.00).

(2) If the amount of construction or repair is greater than 500 square feet, the amount due shall be divided into four semi-annual payments, and collected one-half within the immediate tax year, and one-half the following tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%) per annum, but in no event an amount less than twenty-five dollars (\$25.00).

(Ord. 90-20. Passed 7-16-90.)

903.04 PERMIT.

The property owner or his agent shall apply to the Building Department for a permit to construct or repair sidewalks and/or driveway aprons identified as needing maintenance. Sidewalk maintenance by the Municipality shall not require a permit.

(Ord. 90-20. Passed 7-16-90.)