

*Village of Crooksville, Ohio*

ORDINANCE NO. 2307

**ORDINANCE  
FOR SIDEWALK CONSTRUCTION, MAINTENANCE AND REPAIR**

**Whereas**, the Village Legislative Authority has reviewed the status of the current law on Sidewalks, and subsequent to such review, has determined that it is necessary to the preservation of the public health, safety, and welfare of the residents of, and the visitors to, the Village of Crooksville, that the Village of Crooksville set forth the duties and requirements of the Village and its inhabitants relative to Village sidewalk construction, maintenance and repair;

**NOW THEREFORE BE IT, AND IT IS HEREBY ORDAINED:**

1. Duties of Abutting Owner:
  - a. All public sidewalks within the Village of Crooksville are the responsibility of, and shall be maintained by, the abutting property owner.
  - b. No owner of any lot or land abutting upon any street shall refuse, fail or neglect to repair or maintain, or to keep free from nuisance and obstruction, the sidewalk abutting the owner's premises, or any trees in the street lawn abutting the owner's premises causing damage to the sidewalk.
  - c. No owner of any lot or land abutting upon any sidewalk shall fail to keep such sidewalk abutting the owner's premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve hours after the abatement of any storm during which such snow and ice may have accumulated.
  - d. No person shall unload any heavy material in any street of the Village by throwing or letting the same fall upon the pavement of any street, sidewalk, or other public way, without first placing some sufficient protection over the pavement.
2. State of Disrepair and Nuisance Defined: A state of disrepair and nuisance shall be considered such condition as would prevent the safe use of the public sidewalk. Such conditions include, but are not limited to, the following:
  - a. A raise or depression between the sections in the sidewalk in excess of one (1) inch.
  - b. Loose, broken portions of concrete in the sidewalk.

- c. Any blocks or areas of sidewalk that have been caused to sink or tilt from the sidewalk's normal position due to undermining or sinking of subsurface.
  - d. Any blocks or areas of sidewalk that have become broken, raised or tilted by roots of trees.
  - e. Any blocks or areas of sidewalk that have multiple cracks or any single crack larger than one fourth (1/4) of an inch wide.
  - f. Any blocks or areas of sidewalk that have depressions that impound water to a depth of one-half (1/2) inch or more.
  - g. Accumulated snow and/or ice that has not been removed within a reasonable time.
3. Notice of Repair: When the Village Administrator finds that any sidewalk within the Village is in a state of disrepair, or is not free from nuisance, he shall notify the owner of the abutting property, in writing, to have the necessary construction, reconstruction, removal or repair made. This notice shall be served on the owner or his agent, personally or by registered mail sent to the last known address of the owner, and by leaving a copy of the notice with the occupant of the premises if occupied, or left in a conspicuous place on the premises if unoccupied. For purposes of such service, any person charged with the collection of rents or payment of taxes on the property or having general control of it in any way shall be considered the agent of the owner.
4. Contents of Notice: The notice provided for in Section 3 above shall include a copy of this Ordinance, and shall identify the property, give the location of the sidewalk, and provide the period within which the property owner must have the necessary construction, reconstruction, removal or repair made. Such period of time shall be reasonable, but for construction, shall not be a period of time less than fifteen (15) days, and for repairs, shall not be a period of time less than five (5) days, and for snow and/or ice removal, shall not be a period of time less than twenty-four (24) hours.
5. Compliance With Notice: Within the time period set forth in the written Notice from the Village Administrator, the property owner of the abutting land or lot shall cause the construction, reconstruction, removal or repair to the obstructed or damaged sidewalk made, by himself or herself, or by the hiring of a private contractor.
6. Noncompliance With Notice:
- a. If the obstructed or damaged sidewalk is not repaired within the time period set forth by the Village Administrator, the Village Administrator shall cause the construction, reconstruction, removal or repair to the obstructed or damaged sidewalk made, and shall thereafter, mail an invoice to the property owner

requesting payment for the reasonable cost and expense of the work. The property owner shall pay the invoice in full within thirty (30) days after receipt thereof.

- b. If the property owner does not pay the invoice in the office of the Village Clerk/Treasurer within the thirty (30) day period, then the Village Administrator shall certify the unpaid invoice/assessment to the County Auditor to be placed on the tax duplicate for the subject property as a lien upon such premises from and after the date of entry, and to be collected as other taxes and returned to the Village.
  - c. Additionally, the Village may pursue the option of filing an action against the noncomplying owner or his or her agent, in any court of competent jurisdiction, for all expenses and costs incurred by the Village for repair, replacement or maintenance of any sidewalk, and for all expenses and costs incurred by the Village in pursuit of collection of payment.
7. Emergencies: In case of emergency, the Village Administrator is authorized to have temporary repairs made, or to barricade and red-light the area, or otherwise provide for the public safety. The reasonable cost of emergency repair and protection shall be charged against the abutting property and shall be collected as provided in Section 6 above.
  8. Penalties: Whoever violates any of the provisions of this Ordinance is guilty of a misdemeanor of the 4<sup>th</sup> Degree, and is subject to a maximum sentence of confinement of thirty (30) days and a maximum fine of two hundred fifty and no/100 dollars (\$250.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
  9. Special Assessments: Nothing in this Ordinance shall be construed as preventing the Legislative Authority from providing for the repair or construction of sidewalks and recovering the costs thereof by special assessments, as provided by Ohio Revised Code Chapter 727.
  10. This ordinance shall take effect at the earliest date permitted by law.

1st Reading: 1-21-03

2nd Reading: 2-3-03

3rd Reading: 3-3-03

Passed: 3-3-02

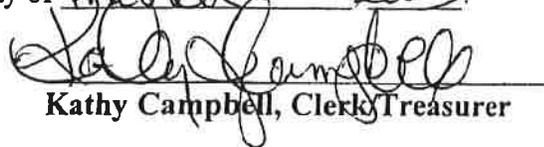
  
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Douglas E. Cannon, Mayor

ATTESTED:

  
Kathy Campbell, Clerk/Treasurer

**Posting Certification**

This ordinance was posted at the five prescribed locations within the Village of Crooksville, Ohio, on the 10th day of March, 2003.

  
Kathy Campbell, Clerk/Treasurer