

1st reading _____
2nd reading _____
3rd reading _____
Voted On _____
Ayes: _____ Nays: _____
PASSED ___ DEFEATED ___

**ORDINANCE NO. 2017-9
(AS AMENDED)**

**AN ORDINANCE
AMENDING SECTION 521.06 OF THE CODIFIED
ORDINANCES TO EXCLUDE RECREATIONAL TRAILS
FROM THE MAINTENANCE OBLIGATIONS OF PROPERTY
OWNERS IN THE VILLAGE, AND REPEALING CERTAIN
ORDINANCES.**

WHEREAS, Section 521.06 of the Codified Ordinances of Orange Village outlines a Village homeowner's duty to keep sidewalks in repair and clean; and

WHEREAS, an amendment to Section 521.06 is necessary to further define "Sidewalk" to exclude the recreational trails from the maintenance requirements imposed by the ordinance; and

WHEREAS, Council desires to revise the various ordinance sections as set forth herein and repeal ordinances in conflict therewith.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, STATE OF OHIO:

SECTION 1. That Section 521.06 of the Codified Ordinances be amended to read as follows:

"521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant having charge of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any other nuisance. For the purposes of this Section, "Sidewalk" does not include the recreational trails which are located on Brainard, Emery, Harvard, Lander and Miles Roads.

(b) Snow and/or Ice Accumulation, Public Nuisance. Snow and/or ice accumulation in excess of three (3) inches on public sidewalks in the U-4, U-4A, U-5, U-6, U-7 and PM-UD Districts that remains on public sidewalks twenty-four (24) hours after the end of any snowfall with an accumulation of three (3) inches or more is hereby declared to be a public nuisance.

(c) Removal of Snow and/or Ice Accumulation. Upon information that a snow and/or ice accumulation public nuisance exists, as defined in subsection (b), the Building Commissioner shall cause written notice to be served upon the owner of record, and any occupant having charge of such lands abutting the sidewalk (including but not limited to any lessee, agent, or tenant), whether the same is improved or unimproved, vacant or occupied, notifying him or her that snow

and/or ice accumulation exists on such sidewalk, in violation of subsection (b) and must be removed within twenty-four (24) hours after the service of the notice.

(d) Notification; Service. If such owner and/or other persons having charge of such lands is known to the Village Building Department and located within thirty (30) miles of the Village, personal service shall be made by any police officer or employee of the Village Building Department to the owner and/or any other person having charge of such lands. If such owner and/or other person having charge of such lands has an address that is not located within thirty (30) miles of the Village, such notice shall be sent to his or her address by certified mail, return receipt requested; if the certified mail is returned, notice shall be mailed by regular mail to the tax mailing address on the title deed to the property. If mail delivery of the notice cannot be accomplished, it shall be sufficient to publish such notice once in a newspaper of general circulation in Cuyahoga County, Ohio. Notice is sufficient if it is delivered in any manner to the owner of the lot or to the person having charge of such land. The person making delivery of such notice shall note the method of delivery in the Building Department's records.

(e) Compliance. The owner, occupant or person having the charge of such lands that abut a sidewalk with snow and/or ice accumulation, as described in this section, within twenty-four (24) hours after receiving written notice that snow and/or ice accumulation exists on such sidewalk, shall remove or cause to be removed such snow and/or ice accumulation.

(f) Noncompliance; Remedy of the Village. If the owner or person having charge of lands described herein fails to comply with such notice, the Building Commissioner shall cause such snow and/or ice accumulation to be removed, and the expenses so incurred shall be paid out of the treasury of the Village, and an invoice for such costs, including an administrative fee of twenty-five dollars (\$25.00) shall be submitted by regular mail to the owner or person having charge of such lands for reimbursement to the Village.

(g) Collection of Costs. In the event the owner or person having charge of such lands does not reimburse the Village for the expenses incurred in furtherance of this section within forty-five (45) days of the mailing of the invoice by the Village, the Treasurer shall certify such expenses to the Auditor of Cuyahoga County, with request that such amount be entered upon the tax duplicate and a lien upon such lands, from and after the date of the entry, and be collected as other taxes and returned to the Village according to law.

(h) Penalty. Whoever violates any provision of this chapter is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues."

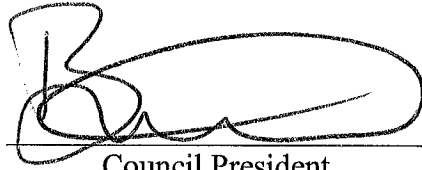
SECTION 2. That existing Section 521.06 and any ordinances or parts thereof in conflict with this Ordinance, are repealed.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation 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 Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 12, 2017




Council President

Submitted to the Mayor for approval on this 12 day of April, 2017

Approved by the Mayor this 12 day of April, 2017

ATTEST:



Clerk of Council



Mayor