

Ordinance No. 1-81.29Passed September 8, 1981

ORDINANCE NO. 1-81.29 providing minimum standards to determine when sidewalks need repairs and providing for the procedure for making repairs to sidewalks and providing for penalties upon failure to repair and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO.

SECTION 1: The following minimum standards shall be used by the Street Commissioner to determine when a hazard exists concerning sidewalks and to determine the need for repairs when:

- (a) There is a settlement of abutting sidewalk blocks which produces a surface difference of elevation in excess of one inch (1").
- (b) There are cracks within an individual sidewalk block which have separated horizontally or vertically in excess of one-half inch ($\frac{1}{2}$ ").
- (c) There are individual blocks of sidewalk which have cracked to such an extent that no remaining piece is more than four (4) square feet in area.
- (d) There are sidewalk blocks which have settled in soft ground or heaved due to frozen ground or roots to such an extent that the change of grade and cross slope are in excess of two inches (2").
- (e) There are individual blocks which have deteriorated surfaces caused by salting, inferior material, excess abrasive wear, or improper curing when constructed with damage to such an extent that over one-half ($\frac{1}{2}$) the surface area of the block is affected.

SECTION 2: The Street Commissioner shall mail a copy of his report to the owner of the abutting property by certified mail stating his findings therein. The owner shall, within thirty (30) days of receipt of the letter, notify the Street Commissioner in writing whether he will have repairs made himself or have the Village make the repairs. Failure to notify the City within the time allotted will automatically be a waiver of the right of the owner to have his own repairs made.

SECTION 3: The owner who elects to have his own repairs done must have construction commenced within sixty (60) days of receipt of the letter referred to at Section 2 above. A reasonable extension of this time may be granted by the Street Commissioner with the approval of the Street and Alley Committee of Council upon proof in writing that the owner has entered into a contract for repair or construction of the sidewalk. Construction shall be made according to the terms and conditions made by the Street Commissioner in the notice provided for at Section 2 above and shall be completed within fourteen (14) days after their commencement. Failure to either begin construction or complete construction shall be grounds for the Street Commissioner, at his discretion, to have the Village make the necessary repairs or replacement.

SECTION 4: In the event the Village is to make repairs or replacement for any of the reasons described in this Ordinance, the cost of the repairs or replacement shall be billed to the property owner by the Village. The cost shall be paid in its entirety within thirty (30) days of the billing date to the Clerk-Treasurer who shall not be authorized to accept partial payment. Upon failure of the property owner to pay the cost within the allotted time, the Clerk-Treasurer shall certify the costs to the County Auditor for collection as other taxes are collected. Costs shall include any administrative costs and interest.

RECORD OF ORDINANCES

Form No. 2808-A

COLUMBIA PLATE BOOK CO., COL., O.

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SECTION 5: Any property owner who fails to begin or complete construction repair or replacement of sidewalk after notifying the village of his intention to do so himself shall be fined not more than \$100.00. A separate offense shall be deemed committed on the seventh day after the original offense and on each day thereafter on which the violation continues.

DATED: September 8, 1981

Ed J. Macom
Mayor

William J. ...
Clerk-Treasurer

ATTEST: