

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE 543.01 REGARDING**  
**CONSTRUCTING, CLEANING AND REPAIRING SIDEWALKS,**  
**AND DECLARING AN EMERGENCY**

WHEREAS, due to the implementation of new Chapter 125 the establishment of a Private Property Maintenance Fund, it is necessary to amend Chapter 543.01 regarding constructing, cleaning, and repairing sidewalks.

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Subsection 543.01 which presently reads as follows:

543.01 CONSTRUCTING, CLEANING AND REPAIRING SIDEWALKS.

(a) It shall be unlawful for the owner of any lot or land abutting upon any street to refuse, fail or neglect to construct, repair, or keep in repair and free from nuisance and obstruction, the sidewalk in front of such lot or land after due notice of a resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction or the abatement of such nuisance. Construction shall conform with the provisions of Chapters 903 and 1343 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City with the General Fund as provided in subsection (b) hereof. (Ord. 84-71. Passed 7-2-84.)

(b) In the event the City 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 semiannual payments and collected within the immediate tax year. The Director of Finance shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1st of the current year, but in no event an amount less than twenty dollars (\$20.00).

(2) If the amount of construction or repair is greater than 500 square feet, the amount due shall be divided into four semiannual payments and collected one-half within the immediate tax year and one-half in the next following tax year. The Director of Finance shall add to the amount due interest at the rate of the Federal Reserve Prime Interest Rate as of June 1st of the current year, but in no event an amount less than twenty dollars (\$20.00).

(Ord. 10-91. Passed 10-4-10.)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.  
(Ord. 84-71. Passed 7-2-84.)

**be and the same is amended to read:**

(a) It shall be unlawful for the owner of any lot or land abutting upon any street to refuse, fail or neglect to construct, repair, or keep in repair and free from nuisance and obstruction, the sidewalk in front of such lot or land after due notice of a resolution of Council ordering the construction or repair of such sidewalk, the removal of such obstruction or the abatement of such nuisance. Construction shall conform with the provisions of Chapters 903 and 1343 of the Codified Ordinances.

If the owner or person having charge of such land fails to comply with such notice, Council shall cause the sidewalks to be constructed or repaired. All expenses and labor costs incurred shall, when approved by Council, be paid out of City funds not otherwise appropriated. Council shall make a written return to the County Auditor of its action, with a statement of the charges for its services, the amount paid for labor and material, the fees of the officers serving such notices, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City with the **Property Maintenance Fund** as provided in subsection (b) hereof.

**and present 543.01(a) is hereby repealed.**

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council; and that all deliberations of this Council, and of any committees, that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to update the Codified Ordinances, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: April 14, 2014

  
PRESIDENT OF COUNCIL

  
CLERK OF COUNCIL

APPROVED: April 15, 2014

  
MAYOR

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