

ORDINANCE NO. 2020.020

An Ordinance to Rescind Ordinance 96.018, Providing for the Responsibility for the Construction, Maintenance and Repair of the Sidewalks, Curbs, Gutters and Driveways, and Specifications and Standards Therefore; and for the Required Cleaning of Such Sidewalks, Curbs, Gutters and Driveways Pursuant to Ohio Revised Code Sec 723.01-1

WHEREAS, as a result of recent findings, Council of the Village of Blanchester deems it in the best interests of the health, safety and welfare of all residents to rescind their prior approval of Ordinance No. 96.018 (Exhibit A);

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

Section 1: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meetings of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 2: That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the residents of the Village of Blanchester, the immediate emergency being the necessity to rescind Ordinance No. 96.018 providing for the responsibility for the construction, maintenance and repair of the sidewalks, curbs, gutters and driveways, and specifications and standards therefore; and for the required cleaning of such sidewalks, curbs, gutters and driveways pursuant to Ohio Revised Code Sec. 723.01-1. This Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Motion made by Don Gephart. Second made by Chad Hollon.

Mr. Bauer-	Yea.
Mr. Brumbaugh-	Yea.
Mr. Gephart-	Yea.
Mr. Hollon-	Yea.
Mr. Hopkins-	Yea.
Mr. Simpson-	Yea.

RESCINDED 12/30/2020
See Ordinance 2020.032

Adopted this 10th day of September, 2020.


John Carman, Mayor

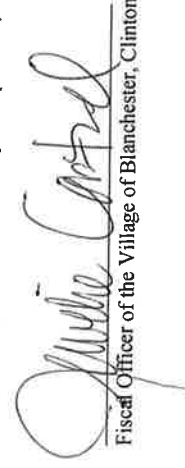
Attest: Jewelie Casteel, Fiscal Officer

Fiscal Officer's Certificate:

The State of Ohio, County of Clinton, ss:

I, Jewelie Casteel, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Ordinance is taken and copied from the original Ordinance now on file with said Village, that the foregoing Ordinance has been compared by me with the said original and that the same is a true and correct copy thereof, and has been posted as required by law. This Ordinance has been duly published by posting in the following places: Blanchester Municipal Building, 318 E. Main St.; First National Bank, 121 E. Main St.; Blanchester Post Office, 115 S. Wright St.; Tom's Express Mart, 7529 Fairground Rd.; and at the Blanchester Public Library, 110 N. Broadway St., each for a period of fifteen (15) days commencing on the 17th day of ~~January~~ 2020. 2021

Witness my signature this 10th day of September, 2020.


Fiscal Officer of the Village of Blanchester, Clinton County, Ohio



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ORDINANCE NO. 96.018

PROVIDING FOR THE RESPONSIBILITY FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF THE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS, AND SPECIFICATIONS AND STANDARDS THEREFOR; AND FOR THE REQUIRED CLEANING OF SUCH SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS PURSUANT TO OHIO REVISED CODE SEC. 723.01-1.

WHEREAS, Council of the Village of Blanchester has heretofore discussed the situation providing for the maintenance and repair and construction of sidewalks, curbs, gutters and driveways and for the standards therefor, and penalties for violation thereof, and

WHEREAS, Council has determined this to be in the best interest of the Village and its inhabitants to provide provision therefor.

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

SECTION 1: RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE AND REPAIR.

- (A) The construction, maintenance and repair of all sidewalks, curbs, gutters and driveways within the Village shall be the responsibility of and shall be done at the expense of the person owning the lot fronting upon any street or alley where such improvements may be required to be made.
- (B) Where, in the interest of the Village, work is required to be done which may involve the reconstruction of otherwise good sidewalk and or curb or gutter, or for other good and sufficient reason, the Village may perform such work and shall not bear the cost thereof. In addition, the Village may perform work in connection with sidewalk and/or curb and gutter for a public utility regulated by the Public Utilities Commission of the State or a person holding a franchise from the Village, providing such public utility or person shall pay the cost thereof, including overhead.

SECTION 2: SPECIFICATIONS AND STANDARDS FOR DRIVEWAYS.

- (A) Definitions
 - (1) "Driveway" means any paved area constructed within the public right of way, connecting the paved public roadway with private property, for the purpose of providing access for motor vehicles to private property.

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(B) Construction Modification

- (1) The construction of all driveways shall conform to the standards and specifications established and on file in the Office of the Zoning Commissioner.
- (2) If, at any time, it is found that the driveway provisions set forth herein are impracticable for a particular case, the Zoning Commissioner shall be authorized to modify the strict application of the same, so as to provide for the safety and convenience of the public, and at the same time to avoid undue hardships on the property owner.

SECTION 3: PERMITS FOR SIDEWALK, CURB, GUTTER AND DRIVEWAY.

- (A) No person shall remove, cut, construct or repair any sidewalk, curb, gutter or driveway without first obtaining a permit therefor from the Zoning Commissioner. No charge will be made.

SECTION 4: REQUIRED CONSTRUCTION AND REPAIR.

- (A) The Zoning Commissioner shall, from time to time, cause an inspection to be made of sidewalks, curbs, gutters and driveways through the Village. Should it be determined that initial construction is necessary or that sidewalks, curbs, gutters and/or driveways are so defective that they should be repaired, then such construction and/or repair shall be effected in the manner provided by Ohio Revised Code Section 729.
- (B) If any person shall neglect or refuse to make any such improvements in accordance with the specifications, and within the time limited in such notice, Council may immediately proceed to have the same done, by contract, under the direction of the Zoning Commissioner, and shall assess the same upon such lot fronting on the street or alley where such improvement is made, and shall order the Clerk to certify, under her official seal, to the County Auditor, such unpaid assessment.

SECTION 5: REQUIRED CLEANING OF SIDEWALKS, CURBS AND GUTTERS.

In the event that any owner, occupant or person having charge of property fails to remove snow or ice or otherwise keep clean the sidewalks and/or curb and gutter abutting his premises as required under Section 723.01, Ohio Revised Code, and after having been notified by service of a notice or sending by Registered Mail a notice to the address of the property in question, the Street Supervisor, or his Agent, shall clean such sidewalks and/or curb and gutter and shall bill the costs thereof to the owner, occupant or person in charge. Upon failure of the property owner to pay such bill within thirty (30) days after billing, Council, by Resolution, shall cause the costs to be certified to the County Auditor, who shall place such costs upon the tax duplicate to be collected together with penalties allowed by law as other taxes are collected, and to be credited to the Village.

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SECTION 6: RULES AND REGULATIONS

The Street Supervisor, or his Agent, with the approval of Village Council shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions hereof, and for the proper determination and collection of the fees and charges herein provided.

SECTION 7: PENALTY

Any person violating any of the provisions of this Ordinance shall be fined not more than Fifty (\$50.00) Dollars for each offense.

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health and safety of the inhabitants of Blanchester, and shall take effect at the earliest date provided by law.

Passed this 26 day of September, 1996.


Harry L. Brumbaugh, Mayor

ATTEST:


Bernice Hoggatt, Clerk of
Village Council

CLERK'S CERTIFICATION

I, Bernice Hoggatt, Clerk of Council of the Village of Blanchester, Ohio, do hereby certify that the foregoing Ordinance No. 96.018 was published by posting the complete text of said Ordinance at five of the most public places in said Village as determined by Council, as follows: at The First National Bank of Blanchester, 121 E. Main Street, Blanchester, Ohio; at The National Bank & Trust Company, Blanchester Branch Office, 125 W. Main Street, Blanchester, Ohio; at the office of the Board of Trustees of Public Affairs of the Village of Blanchester, 111 North Broadway, Blanchester, Ohio; at the Blanchester Public Library, 110 North Broadway, Blanchester, Ohio; and at the office of the Mayor and Council of the Village of Blanchester, 101 East Main Street, Blanchester, Ohio, each for the period of fifteen (15) days commencing on the 26 day of September, 1996.


Bernice Hoggatt, Clerk of
Village Council

