

ORDINANCE NUMBER 2018 - 11

**AN ORDINANCE TO AMEND CHAPTER 1020 OF BROOKSIDE CODIFIED
ORDINANCE, SIDEWALKS, CURBS AND GUTTERS**

BE IT ORDAINED BY COUNCIL OF THE VILLAGE OF BROOKSIDE, OHIO:

Brookside Codified Village Ordinance 1020.01, which reads as follows:

1020.01 CONSTRUCTION AND MAINTENANCE.

(a) On and after the effective date of this section (Ordinance 581, passed July 13, 1971, the abutting owners of lots and lands within the Village shall construct and repair all necessary sidewalks, curbs and gutters, or parts thereof, and shall keep the same in repair and free from snow or any nuisance.

(b) If any such owner neglects or refuses to construct and repair a sidewalk, curb or gutter, or part thereof, or to keep the same in repair and free from snow or any nuisance, when required to do so in accordance with subsection (a) hereof, and within the time prescribed by Ohio R.C. 729.02, Council shall proceed to construct such sidewalk, curb or gutter, or part thereof, to make such repair or to remove such snow or other nuisance, and shall pay the cost thereof from the Village Treasury.

(c) The cost of such construction, repair or removal shall be reported to the owner, shall constitute a lien on the property abutting such sidewalk from the date it is so reported to the owner, and shall be paid by him or her to the Clerk-Treasurer. If it is not paid within ten days from the time it was reported to such owner, the Clerk-Treasurer shall certify it, with a penalty of five percent thereon, to the County Auditor, who shall place it on the tax duplicate and collect such costs and penalties in the same manner as other taxes are collected.

(d) This section shall apply to all persons owning real estate in the Village, whether or not such persons are in possession or enjoyment of the same. (Ord. 581. Passed 7-13-71).

SHALL BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

1020.01 CONSTRUCTION AND MAINTENANCE.

(a) On and after the effective date of this section (Ordinance 581, passed July 13, 1971, the abutting owners of lots and lands within the Village shall construct and repair all necessary sidewalks, curbs and gutters, or parts thereof, and shall keep the same in repair and free from snow or any nuisance.

(b) If any such owner neglects or refuses to construct and repair a sidewalk, curb or gutter, or part thereof, or to keep the same in repair and free from snow or any nuisance, when required to do so in accordance with subsection (a) hereof, and within the time prescribed by Ohio R.C. 729.02, Council shall proceed to construct such sidewalk, curb or gutter, or part thereof, to make such repair

or to remove such snow or other nuisance, and shall pay the cost thereof from the Village Treasury.

(c) The cost of such construction, repair or removal shall be reported to the owner, shall constitute a lien on the property abutting such sidewalk from the date it is so reported to the owner, and shall be paid by him or her to the Fiscal Officer. If it is not paid within ten days from the time it was reported to such owner, the Fiscal Officer shall certify it, with a penalty of five percent thereon, to the County Auditor, who shall place it on the tax duplicate and collect such costs and penalties in the same manner as other taxes are collected.

(d) This section shall apply to all persons owning real estate in the Village, whether or not such persons are in possession or enjoyment of the same. (Ord. 581. Passed 7-13-71).

Brookside Codified Village Ordinance 1020.02, which reads as follows:

1020.02 CUTTING, REMOVAL OR DESTRUCTION OF CURBS.

(a) No person shall cut, remove or otherwise destroy any curb within the Village for purposes of ingress and egress to and from the premises abutting any public street or alley, or for any other purpose, without first applying for and obtaining a permit therefor as provided in this section.

(b) This section shall apply only to commercial or business establishments, including, but not limited to, professional and business offices.

(c) When any person desires to cut, remove or otherwise destroy any curb, an application therefor shall first be filed with the Clerk-Treasurer. Such application shall be in writing, shall contain the name and address of the person who will cut, remove or otherwise destroy the curb, the name and address of the owner of the real estate where such work is to be done and the length and exact location of the curb to be so cut, removed or destroyed, and shall be accompanied by a fee of three dollars (\$3.00) per foot or fraction thereof for each foot or fraction thereof of curb proposed to be cut, removed or otherwise destroyed.

(d) Such application shall be presented by the Clerk-Treasurer to Council at its next regular or special meeting following the filing of such application with the Clerk-Treasurer. Council may grant a permit therefor or deny the same. If a permit is not granted, the fee provided for in subsection (c) hereof shall be refunded to the applicant. (Ord. 545. Passed 10-12-67).

SHALL BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

Brookside Codified Village Ordinance 1020.02, which reads as follows:

1020.02 CUTTING, REMOVAL OR DESTRUCTION OF CURBS.

(a) No person shall cut, remove or otherwise destroy any curb within the Village for purposes of ingress and egress to and from the premises abutting any public street or alley, or for any other purpose, without first applying for and obtaining a permit therefor as provided in this section.

(b) When any person desires to cut, remove or otherwise destroy any curb, an application therefor shall first be filed with the Fiscal Officer. Such application shall be in writing, shall contain the name and address of the person who will cut, remove or otherwise destroy the curb, the name and address of the owner of the real estate where such work is to be done and the length and exact location of the curb to be so cut, removed or destroyed, and shall be accompanied by a fee of twenty dollars (\$20.00) per foot or fraction thereof for each foot or fraction thereof of curb proposed to be cut, removed or otherwise destroyed. All new or replacement driveways subsequently installed must be constructed of either concrete or asphalt. All new or replacement sidewalks or portions thereof affected by this cut must be constructed of concrete.

(c) Such application shall be presented by the Fiscal Officer to Council at its next regular or special meeting following the filing of such application with the Fiscal Officer. Council may grant a permit therefor or deny the same. If a permit is not granted, the fee provided for in subsection (b) hereof shall be refunded to the applicant. (Ord. 545. Passed 10-12-67).

Brookside Codified Village Ordinance 1020.02, which reads as follows:

1020.99 PENALTY.

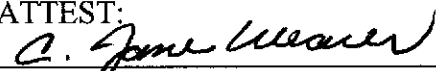
Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Passed at a regular meeting of Council held this 13th day of August, 2018, by a vote of 6 of the members of Council.



Roy Terek, Mayor

ATTEST:



C. Jane Weaver, Fiscal Officer



CERTIFICATE OF PUBLICATION

I, Cynthia Jane Weaver, Fiscal Officer of the Village of Brookside, Belmont County, Ohio do hereby certify that there being no paper of general circulation printed in said municipality, the publication of the foregoing Resolution No. 2018-11 was made by posting true copies at five of the most public places in said municipality as designated by council as follows:

Corner of Brookside Avenue and Prospect Street
Corner of National Road and Overbrook Drive
Corner of National Road and Brookside Avenue
Corner of National Road and Patterson Road
Corner of National Road and Rockwell Street

each for a period of 15 days, commencing on the 20th day of August, 2018.



Fiscal Officer