

**CITY OF CHEVIOT
STATE OF OHIO**

ORDINANCE NO. 19-30

TO AMEND SECTION 92.03 OF THE CHEVIOT CODE OF ORDINANCES TO REVISE THE ADMINISTRATIVE FEE.

WHEREAS, Section 92.03 of the Cheviot Code of Ordinances currently reads as follows:

92.03 NOTICE TO PROPERTY OWNERS.

(A) Whenever the director or his agent shall find that any sidewalk or driveway should be constructed, or that any paved sidewalk, driveway, or sidewalk area between the curb line and sidewalk being grass or other, is not in repair or free from nuisance, he shall notify the owner of the abutting property, in writing, to have the necessary construction, reconstruction, repairs made, or nuisance removed.

(B) Such notice shall be served by the director on the owner or owners or the agent in charge of the property in a manner provided by law for the service of summons in civil actions, or by certified mail addressed to such owner or owners or agent at the last known address or at the address to which tax bills are sent, or by a combination of the foregoing methods. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for the addresses shall be prima facie evidence of the service of notice under this section.

(C) For the purpose of such service, any person charged with the collection of rents or the payment of taxes on the property or having general control of it in any way, shall be considered the agent of the owner.

(D) If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice in a newspaper of general circulation in the Cincinnati area.

(E) The notice provided shall identify the property and give the location of the sidewalk, driveway, or sidewalk area and the period of time allowed the property owner to have the work done by private contract. Such period of time shall not be less than 60 days from date of service of notice or the mailing of certified mail notice.

(F) If a sidewalk, driveway, or driveway area is not constructed, reconstructed, repaired, or freed from nuisance within the period of time permitted by the notice to the owner of the abutting property, or the owner's agent, the director shall cause the work to be done by contract, or by city forces, or both, and the entire cost including: all construction costs and any temporary emergency repair costs; all permit fees; administrative cost of \$25 or 18% of the construction costs, whichever is larger; shall be charged against such property.

(G) Bills issued under this section shall be payable, within 30 days from the date of such bills. Bills not paid within 30 days shall be reported to the city council for assessment against the abutting property.

(H) In case of emergency, the director is authorized to have temporary repairs made, or to barricade, and to position caution/warning lights, or otherwise provide for the public safety. The cost of all such emergency repair and protection shall be charged against the abutting property, and shall be collected as provided in this chapter.

(I) From date of service of notice, all required work shall be completed within a reasonable time of 60 days unless modified by the director. Such modification will only be given to avoid undue hardship on the owner or provide for the safety and convenience of the public.

WHEREAS, this Council desires to amend subsection (F) of Section 92.03 to state that the maximum allowable administrative fee is \$200.00; and

WHEREAS, this Council determines that it is in the best interest of the City to amend subsection (F) of Section 92.03 to state that the maximum allowable administrative fee is \$200.00.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHEVIOT, STATE OF OHIO, CONCURRING, THAT:

Section 1. Section 92.03 of the Cheviot Code of Ordinances is hereby amended as follows:

92.03 NOTICE TO PROPERTY OWNERS.

(A) Whenever the director or his agent shall find that any sidewalk or driveway should be constructed, or that any paved sidewalk, driveway, or sidewalk area between the curb line and sidewalk being grass or other, is not in repair or free from nuisance, he shall notify the owner of the abutting property, in writing, to have the necessary construction, reconstruction, repairs made, or nuisance removed.

(B) Such notice shall be served by the director on the owner or owners or the agent in charge of the property in a manner provided by law for the service of summons in civil actions, or by certified mail addressed to such owner or owners or agent at the last known address or at the address to which tax bills are sent, or by a combination of the foregoing methods. The return of the person serving the notice or a certified copy thereof or a returned receipt for notice forwarded by certified mail accepted by the addressee or anyone purporting to act for the addresses shall be prima facie evidence of the service of notice under this section.

(C) For the purpose of such service, any person charged with the collection of rents or the payment of taxes on the property or having general control of it in any way, shall be considered the agent of the owner.

(D) If it appears by the return of service or the return of the certified mail notice that one or more of the owners cannot be found, such owners shall be served by publication of the notice in a newspaper of general circulation in the Cincinnati area.

(E) The notice provided shall identify the property and give the location of the sidewalk, driveway, or sidewalk area and the period of time allowed the property owner to have the work done by private contract. Such period of time shall not be less than 60 days from date of service of notice or the mailing of certified mail notice.

(F) If a sidewalk, driveway, or driveway area is not constructed, reconstructed, repaired, or freed from nuisance within the period of time permitted by the notice to the owner of the abutting property, or the owner's agent, the director shall cause the work to be done by contract, or by city forces, or both, and the entire cost, including all construction costs and any temporary emergency repair costs, all permit fees, and the administrative cost, shall be charged against such property. The "administrative cost" shall be \$25.00 or 18% of the construction costs, whichever is larger; however said administrative cost shall not exceed \$200.00.

(G) Bills issued under this section shall be payable, within 30 days from the date of such bills. Bills not paid within 30 days shall be reported to the city council for assessment against the abutting property.

(H) In case of emergency, the director is authorized to have temporary repairs made, or to barricade, and to position caution/warning lights, or otherwise provide for the public safety. The cost of all such emergency repair and protection shall be charged against the abutting property, and shall be collected as provided in this chapter.

(I) From date of service of notice, all required work shall be completed within a reasonable time of 60 days unless modified by the director. Such modification will only be given to avoid undue hardship on the owner or provide for the safety and convenience of the public.

Section 2. Existing Section 92.03 of the Cheviot Code of Ordinances is hereby repealed.

Section 3. This Ordinance shall be in effect at the earliest time allowed by law.

Mark G. Waters
President of Council

Date passed

Samuel D. Keller
Mayor

Date approved

Attest:

Approved as to form:

Jenny M. Eilermann
Clerk of Council

Kimberlee Erdman Rohr
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) _____, 2019, and
- 2) _____, 2019.

Jenny M. Eilermann
Clerk of Council