

North Canton City Council
Street and Alley Committee

Ordinance No. 56 - 2019

An ordinance amending Chapter 902, Sidewalk Policy, of the Codified Ordinances of the City of North Canton, specifically, amending Sections 902.02, Existing sidewalks, 902.03, New Sidewalks, and 902.04, participation voluntary; requirements to qualify as described below.

WHEREAS, the interest of public safety and the upkeep of the City's housing stock require residents to maintain their pavement, driveways, curbs, gutters, sidewalks, and lawn strips.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That Chapter 902, Sidewalk policy, of the Codified Ordinances of the City of North Canton, be, and is hereby amended, specifically, amending Section 902.02, Existing Sidewalks, by deleting (a) and (b), and amending as described below:

A property owner may petition the City of North Canton to replace the property owner's substandard sidewalks and driveway approaches, **as defined by the Standards Determining Need for Repair established under Section 902.01 of this Title, when in the public right of way** with costs being shared equally by the property owner(s) and the City.

Section 2. That Chapter 902, Sidewalk policy, of the Codified Ordinances of the City of North Canton, be, and is hereby amended, specifically, amending Section 902.03, Petition Process, as described below:

- (a) A property owner must contact the Director of Administration to request a formal petition form during the posted petition period, as determined by the Administration.
- (b) A city representative, as determined by the Administration, will visit the site, speak with the property owner(s), if available, and determine which items of work are needed and eligibility of the proposed repair.
- (c) After selection of project sites by the Administration, selected property owners will be provided a preliminary cost estimate. The estimate may provide for replacement or installation of sidewalk, driveway apron, the curb adjacent to the apron, retaining wall (along the right of way), roof drainpipe, and tree removal. If the property owner chooses to have the City do the work, the owner(s) must sign a cost share agreement and return it to the City. When a sufficient number of signed agreements have been accepted by the City, the city may construct the necessary improvements.
- (d) Costs to the property owners shall be paid as reimbursement to the City which shall be responsible for selecting and retaining the contractor to perform the necessary improvements. Improvements shall be completed according to the timeline determined by the Administration.

- (e) Property owners shall be responsible to remit funds in full to the city no later than thirty days following the receipt of final invoice from the City. Upon failure of the property owner to pay the costs within the allotted time, the Director of Finance shall certify the costs to the county auditor for collection as other taxes are collected.

Section 3. That Chapter 902, Sidewalk policy, of the Codified Ordinances of the City of North Canton, be, and is hereby amended, specifically, amending Section 902.04, Participation Voluntary' Requirements to Qualify, by amending as described below:

- (a) Participation is voluntary and is limited to owner occupied residential properties within the municipal corporation limits of the City of North Canton. The property must be located on an improved street (i.e., must have curbs) and the total area of the improvements must equal a minimum of 50 square feet.
- (b) A residential property owner must sign an agreement to pay for an equal share of the costs, excluding engineering and survey expenses to be paid by the City.
- (c) Any tree on private property that must be removed to accomplish the work will be removed at the owner's expense. These costs will be provided in the estimate with the petition. Sidewalk slabs that are lifted by tree roots but are otherwise undamaged are considered defective and need to be replaced. If it is determined that cutting the roots will kill the tree, the tree will be removed at the time of construction.
- (d) Any utility on private property that must be removed, relocated, repaired, or altered in any way to accomplish the work will be done so at the owner's expense. These costs will be provided in the preliminary estimate to the best of the City's knowledge.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that it shall not affect the validity or enforceability of any other provision of this ordinance.

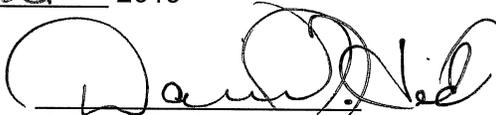
Section 5. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 9 day of September 2019

ATTEST:



Laura Brown, Director of Finance



David Held, Mayor

Signed: 9/9, 2019