

CHAPTER 904
Sidewalk Maintenance

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904.01 SIDEWALK MAINTENANCE RESPONSIBILITY.

Public sidewalks serving all classifications of property are the responsibility of and shall be maintained by the abutting property owner, it being deemed necessary by the City of Rocky River to require the repair and maintenance of sidewalks.

904.02 INSPECTION PROCEDURE.

The Building Department of the City of Rocky River shall attempt to inspect all sidewalks every two (2) years from the date of passage of this ordinance.

- (a) The inspection shall include surface condition, i.e. spalled or checked surface cracks or joint separation, a differential elevation in sidewalk sections. A differential elevation of sidewalk sections of one (1) inch or less shall be deemed satisfactory and not require replacement or leveling.
- (b) Property owners or their agents shall be informed, in writing, of the repairs required to bring the sidewalks abutting the property into compliance.
- (c) Said repairs or replacement shall be made within forty-five (45) days from the date of receipt of notice received by the property owner, unless extensions are granted by the Building Department due to inclement weather or other unforeseen circumstance.
- (d) If notice is returned undelivered, a copy thereof shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published once in a newspaper of general circulation within the City of Rocky River. No person shall remove or deface a posted copy of such notice from the property without authorization of the Building Commissioner. Said repairs or replacement shall be made within forty-five (45) days from the date of posting of notice on the property, unless extensions are granted by the Building Department due to inclement weather or other unforeseen circumstance.

904.03 NON-COMPLIANCE WITH INSPECTION NOTICE.

(a) If the property owner or his agent fails to comply with the notice to repair, the City of Rocky River shall cause the sidewalks to be reconstructed or repaired. All expenses and labor costs incurred shall be paid out of City funds, with a statement of charges and a proper description of the premises to be sent to the property owner and then to the County Auditor for entry 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. The assessed cost of repairs shall be as set forth in Ohio Revised Code, Section 729.07, 729.08 and 729.09.

(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 ten percent (10%) but in no event an amount less than twenty-five dollars (\$25.00).
2. If the amount of construction or repair is greater than 500 square feet, the amount due shall be divided into four semi-annual payments, and collected one-half within the immediate tax year, and one-half the next following tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%) per annum, but in no event an amount less than twenty-five dollars (\$25.00)

904.04 PERMIT

The property owner or his agent shall apply to the Building Department for a permit to construct or repair sidewalks identified as needing maintenance. Sidewalk maintenance by the City shall not require a permit.

904.05 SIDEWALKS TO BE CLEANED OF ICE, SNOW OR OTHER DEBRIS

The owner or his agent or property abutting upon any public sidewalk shall keep such sidewalks free and clear of ice and snow to a width of twenty-four inches. The snow and ice accumulation shall be removed within a reasonable time, which will not ordinarily exceed twenty-four hours after the abatement of any storm.

No person removing snow or ice from any driveway or sidewalk within this City shall deposit same on pavement or sidewalk or any public street.

Public sidewalks shall be maintained free from the accumulation of debris such as gravel, mud and other various debris.

(Ord. 26-97. Passed 2-24-97.)

904.99 PENALTY.

Whoever violates any provision of this Chapter shall be guilty of a minor misdemeanor for the first offense. Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor for the second offense or subsequent offenses. (Ordinance No. 54-88. Passed 6-13-89).