

VILLAGE OF TONTOGANY, WOOD COUNTY, OHIO

ORDINANCE 930-21

ORDINANCE ADOPTING RIGHT OF WAY AND SIDEWALK REGULATIONS

WHEREAS, the Village of Tontogany is a statutory municipality located in Wood County, Ohio, with powers of local self-government pursuant to Ohio Constitution Article XVIII, section 3, and

WHEREAS, American Legal Publishing Corporation publishes a Code of Ordinances suitable for adoption by municipalities in Ohio, known as the Ohio Basic Code, and

WHEREAS, The Village of Tontogany has adopted, by Ordinance 880-19, the Ohio Basic Code, 2019 edition, for the general purpose of promoting the public health, safety, comfort and welfare of the residents of the Village of Tontogany, to protect and promote public health, safety, convenience, comfort and general welfare of the village and its residents; to prevent overcrowding; to conserve and protect property and facilitate adequate but economical provision of public improvements; to avoid congestion in the public streets and highways; and for any other purpose as set forth in the Ordinance, and

WHEREAS, the Village Council has proposed, at a meeting open to the public, adopting additional provisions of the Ohio Basic Code related to sidewalks.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Tontogany, that:

1. There shall be added to Village of Tontogany Ohio Basic Code the following provision, codified at section 94.46.

94.46 MAINTAINANCE OF PUBLIC RIGHTS OF WAY AND SIDEWALKS

(A) Rights of way located in the Village, including sidewalks and alleys, and the grass, brush, shrubs and trees located upon such rights of way, whether such rights of way are for streets, roads, sewers or utilities, shall be maintained by the owner or resident, residential or business, of the real property abutting such rights of way, in good repair and free from obstructions or other nuisance, and otherwise in accordance with these regulations and Ohio law.

(B) No person or entity shall remove, alter, deface or damage any sidewalk, shrub, tree, or utility pole, or village-owned property located within the Village rights of way, whether such rights of way are for streets, roads, sewers or utilities, except as permitted by this chapter or for purposes of replacing such damaged sidewalk in accordance with this chapter.

(B) In the event of damage to any sidewalk, shrub, tree, utility pole or village-owned property located upon a Village right of way, the owner or resident of the real property abutting such right of way shall restore the right of way to its original state, at such owner's or resident's expense.

(C) Whoever violates this provision shall be guilty of a fourth degree misdemeanor, punishable up to 30 days incarceration and a fine of not more than \$250.

4. All provisions of the Village of Tontogany Ohio Basic Code not repealed, replaced, or amended herein shall remain in force and effect.

5. The Village Clerk is hereby directed to notify the publisher of the Ohio Basic Code of the aforementioned changes.

6. The Village Clerk is hereby directed to publish this Ordinance on the Village website and at the five locations in the Village previously approved by Council.

7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and or any other committees that results in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of Ohio.

Vote On Measure: Ayes 6 Nays 0 Abstain 0

Passed this 15 day of MARCH, 2021.


MAYOR


PRES. OF COUNCIL

ATTEST:


FISCAL OFFICER