

Ordinance No. 610-2023

By Council Member Kazy

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by amending Section 505.14 as amended by Ordinance No. 277-05, passed March 28, 2005, related to the 50/50 hazardous sidewalk repair program.

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of public peace, property, health, or safety, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by amending Section 505.14 as amended by Ordinance No. 277-05 passed March 28, 2005, to read as follows:

Section 505.14 50/50 Hazardous Sidewalk Repair Program

(a) The Director of Public ~~Service~~ Works may create a program for the City to repair sidewalks on residential property in the right-of-way that are designated by the Department of Public ~~Service~~ Works as being in an unsafe or dangerous condition, when the City receives voluntary payment of fifty percent (50%) of the estimated shared costs of repair from the owner of the property on which the sidewalk is located, or from another source. Shared costs shall include, but not be limited to, any cost the City or its contractor incurs, such as the cost of paving or repairing, adjustment of castings, reseeding lawns, or grinding tree roots, except that shared costs shall not include costs incurred in removing a full tree.

(b) The Director shall run the sidewalk repair program in any year that funds are appropriated for the program.

(c) The program shall be available to any property owner whose residential sidewalks are determined by the Director of Public ~~Service~~ Works to be in an unsafe or dangerous condition, on a first-come, first- served basis, to the extent funds are available.

(d) The Director shall not authorize a contractor to perform sidewalk repairs on a property until the owner or other source of funds has paid his or her fifty percent (50%) share based on the Director's written estimate.

(e) After the repair is completed, the Commissioner of ~~Licenses and Assessments and Licenses~~ shall bill the owner of the property or other source of funds for his or her fifty percent (50%) portion of actual costs that exceed the Director's estimate. The Commissioner of ~~Licenses and Assessments and Licenses~~ shall issue a refund to the owner of the property or other source of funds for his or her fifty percent (50%) portion of actual costs that are below the Director's estimate. Any refunds must be paid on or before March 31 of the year following completion of the work.

(f) That the Director of Public ~~Service~~ Works is authorized to promulgate rules for the program. The rules shall take effect upon publication in the *City Record*.

Section 2. That Section 505.14 as amended by Ordinance No. 277-05 passed March 28, 2005, is hereby repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 610-2023

REPORT
after Second Reading

By Council Member Kazy

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READ FIRST TIME on MAY 15, 2023

and referred to DIRECTORS of Public Works, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE

