

**AN ORDINANCE
ENACTING NEW SECTION 903.01, SIDEWALKS
REQUIRED, OF THE CODIFIED ORDINANCES OF THE
VILLAGE OF CHAGRIN FALLS TO REQUIRE THE
CONSTRUCTION OF SIDEWALKS ON IMPROVED LOTS,
RENUMBERING CERTAIN EXISTING SECTIONS,
AMENDING SUBSECTION (p), SIDEWALKS, OF SECTION
1161.06, REQUIRED CONSTRUCTION IMPROVEMENTS,
AND REPEALING CERTAIN ORDINANCES.**

WHEREAS, this Council finds that the availability of sidewalks enhances pedestrian safety and improves the quality of life of Village residents; and

WHEREAS, this Council desires to require the construction of sidewalks in conjunction with an application for a building permit for a new main building and on both sides of every publicly dedicated road in a new subdivision.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

“903.01 SIDEWALKS REQUIRED.

Every improved lot in the Village shall, in conjunction with an application for a building permit for a new main building, have a sidewalk across the entire frontage of the lot and, on corner lots or through lots, each improved lot shall provide sidewalks across both frontages. Sidewalks shall be located and constructed in accordance with this chapter, any other applicable Codified Ordinances, and any standards established by the Village Engineer. Sidewalks shall be maintained in accordance with Section 903.03 and any other applicable Codified Ordinances.

The Chief Administrative Officer is authorized to grant an exception to the location and construction requirements, upon receipt of a written application for exception by the property owner. The Chief Administrative Officer, in deciding whether to grant an exception, shall consider the recommendation of the Village Engineer, the unique physical characteristics of the property, the presence of sidewalks in the surrounding area, the availability of alternative means of pedestrian access, and any other factors deemed relevant by the Chief Administrative Officer. Any person aggrieved by the decision or action of the Chief Administrative Officer may appeal to the Board of Zoning Appeals within 10 days of such official action. Such an appeal shall be made in conformity with Chapter 1111. Written notice of the appeal shall be filed with the Chief Administrative Officer.

Any street or part of a street with existing single-family residences not having sidewalks, as of the effective date of this section, shall not be required to construct sidewalks until further order of Council.

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Before any certificate of occupancy is issued for any new building, a sidewalk shall be constructed and installed in accordance with this section. If the Chief Administrative Officer, upon recommendation of the Building Inspector, determines that compliance is not possible due to weather conditions, the Chief Administrative Officer is authorized to require the applicant for the certificate of occupancy to submit a cash bond with the Village for the cost of constructing the required sidewalk. Such bond shall be deposited with the Finance Director, and the Building Inspector shall direct the property owner to construct and install the required sidewalk at the earliest time that weather conditions permit. If the property owner constructs the sidewalk in conformance with all requirements, the Village shall return the cash bond. In the event that the property owner fails to comply with the order of the Building Inspector, after thirty days written notice, the Village may use the cash bond to construct the sidewalk. If any balance remains after the Village constructs the sidewalk, it shall be returned to the property owner. If the amount of the bond is insufficient, the Building Inspector shall give thirty days written notice to the property owner to pay the outstanding balance. If the property owner fails to do so, the unpaid sum shall be referred to collection.”

SECTION 2. That existing Sections 903.01, 903.02, and 903.03 are hereby renumbered, respectively, to Sections 903.02, 903.03, and 903.04.

SECTION 3. That existing subsection (p), Sidewalks, of Section 1161.06, Required Construction Improvements, of the Codified Ordinances of the Village of Chagrin Falls be, and the same is hereby amended to read and provide, in its entirety, as follows:

“1161.06 REQUIRED CONSTRUCTION IMPROVEMENTS.

(p) Sidewalks.

(1) Sidewalks shall be constructed on both sides of every publicly dedicated road in a new subdivision. The Planning and Zoning Commission is authorized to grant an exception to the location and construction requirements, upon receipt of a written application for exception by the property owner. The Planning and Zoning Commission, in deciding whether to grant an exception, shall consider the recommendation of the Village Engineer, the unique physical characteristics of the property, the presence of sidewalks in the surrounding area, the availability of alternative means of pedestrian access, and any other factors deemed relevant by the Planning and Zoning Commission. Any person aggrieved by the decision or action of the Planning and Zoning Commission may appeal to the Board of Zoning Appeals within 10 days of such official action. Such an appeal shall be made in conformity with Chapter 1111. Written notice of the appeal shall be served on the Village.

(2) Sidewalks shall be constructed of Portland Cement concrete or sandstone flagging in accordance with Item 608 Walks, Curb Ramps and Steps of the Construction and Material Specifications of the State Department of Transportation and Chapter 903 of the Streets, Utilities and Public Services Code.

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SECTION 4. That existing subsection (p), Sidewalks, of Section 1161.06, Required

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Construction Improvements, of the Codified Ordinances of the Village of Chagrin Falls, and any other ordinance in conflict herewith, be and the same are hereby repealed.

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 7. That this Ordinance shall take effect and be in force after the earliest period allowed by law.

PASSED: April 11, 2011



Council President

Submitted to the Mayor for
his approval on this
12 day of April, 2011


Approved by the Mayor

April 12, 2011



Mayor

I hereby certify that Ordinance No. 2011-13 was duly enacted on the 11 day of April, 2011, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council