

ORDINANCE NO. 2023-12 (AMENDED)

Introduced by Joe Dike

AN ORDINANCE CORRECTING SCRIVENER'S ERRORS IN ORDINANCE NO. 2023-12 TO REPLACE ALL REFERENCES TO SECTION 521.14 TO SECTION 521.15, AS FOLLOWS:

AN AMENDED ORDINANCE AMENDING CHAPTER 909 (ASSESSMENTS) OF THE CODIFIED ORDINANCE OF HURON, OHIO TO ESTABLISH NEW SECTIONS 909.02 (CONSTRUCTION AND/OR REPAIR OF SIDEWALKS) AND 909.03 (MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES).

WHEREAS, the Council hereby determined the changes and amendment set forth within this Ordinance, including Exhibit "A", are in the best interest of the City of Huron and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

SECTION 1. That Chapter 909 (Assessments) is hereby amended to add new Sections 909.02 (Construction and/or Repair of Sidewalks) and 909.03 (Maintenance, Removal and/or Replacement of Trees), as attached hereto and made a part hereof as Exhibit "A", shall be, and hereby is, adopted and thereafter shall be in full force and effect.

SECTION 3. That 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and general welfare and it is imperative this Ordinance be effective immediately, **WHEREFORE**, this Ordinance shall be in full force and effect from and immediately after its adoption.

ATTEST:


Clerk of Council

ADOPTED:

23 JAN 2024


Mark Claus, Vice-Mayor

**CHAPTER 909
Assessments**

909.01 Lighting public places.

909.02 Construction and/or repair of sidewalks.

909.03 Maintenance, removal and/or replacement of trees.

CROSS REFERENCES

Assessments - see Ohio R.C. Ch. 727, 729

Sidewalk obstructions – see GEN. OFF. 521.04

Duty to keep sidewalks in repair and clean – see GEN. OFF. 521.06

Duty to maintain trees in tree lawn – see GEN. OFF. 521.15

909.01 LIGHTING PUBLIC PLACES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of lighting public places as set forth herein. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 , 1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of lighting certain public places.

(1) The resolution of Council determining the necessity of the public improvement (the “resolution of necessity”) shall set forth:

- A. The period for which those special assessments may be levied and collected,
- B. The real property upon which the special assessments are to be levied,
- C. The method by which the special assessments are to be levied and
- D. Other matters as required or permitted by law.

(2) For purposes of the proceedings for the levy of the special assessments, including but not limited to the resolution of necessity,

- A. “Lighting” shall include exterior and interior lighting, security and emergency lighting, traffic and other signalization, other types of lighting as specified in the resolution of necessity and acquiring, constructing, installing,

EXHIBIT A

equipping and otherwise improving lighting facilities, creating reserves therefor and financing thereof (including debt service charges related thereto), and

B. "Public places" shall include streets (including alleys, avenues, boulevards, highways and other roadways by whatever designation), bridges, docks, wharfs, piers, parks, recreational and cultural facilities, waterworks system facilities, sewer system facilities, facilities related to the construction and maintenance of streets, parking facilities, portions of other City facilities open to the public and other places as designated in the resolution of necessity, all such places owned by or otherwise controlled by (or subject to an easement in favor of) the City or for which the City has assumed the responsibility for providing lighting.

(Ord. 2005-39. Passed 7-25-05.)

C. "Real property" means the land and any improvements made to the land. Assessments shall be made by the Erie County Auditor, or its designee, in such a way as to include this definition.

(Ord. 2009-7. Passed 2-24-09.)

909.02 CONSTRUCTION AND/OR REPAIR OF SIDEWALKS

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of maintenance, repair and replacement of sidewalks as set forth in Huron Ord. 521.06 and Ohio Revised Code Section 729.01, et. seq. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 ,1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of construction and/or repair of sidewalks in the manner set forth in Huron Ord. 521.06 and Ohio Revised Code Section 729.01, et. seq. (R.C. 727. 01, 729.03, R.C. 729.04)

909.03 MAINTENANCE, REMOVAL AND/OR REPLACEMENT OF TREES.

(a) Council hereby establishes certain policies and procedures applicable to the levy of special assessments for the cost of planting, maintaining, trimming, and removing shade trees as set forth in Huron Ord. 521.15, 907.03, 907.04, and Ohio Revised Code Sections 727.01 and 727.011. This Council finds and determines that these policies and procedures are authorized by and consistent with the Ohio Constitution, the Ohio Revised Code and the Charter of the City, including but not limited to Sections 1.02 ,1.03 and 9.03 thereof.

(b) By resolution or ordinance, Council may levy special assessments to pay costs of planting, maintaining, trimming, and removing shade trees in the manner set forth in Huron Ord. 521.15, 907.03, 907.04, and Ohio Revised Code Sections 727.01 and 727.011

(RC. 715.20, R.C 727.01; RC 727.011; RC 731.21; RC 133.17)