

## **ORDINANCE NO. 2022-03**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1022 OF THE CODIFIED ORDINANCES TO REQUIRE A DEPOSIT, ESTABLISH A FINE, AMEND THE PENALTY, AND CHANGE THE ISSUER/APPROVER OF PERMITS FOR SIDEWALK, CURB AND GUTTER, AND DRIVE APRON WORK.

WHEREAS, several hours of staff time is spent performing scheduled inspections of work that is not ready for inspections, stopping work when no permit is obtained, and clean up or repairs in the right-of-way; and

WHEREAS, Council desires to require a deposit to offset the cost of the unnecessary staff time; and

WHEREAS, Council deems it necessary to establish a fine for not obtaining the required permit to ensure the work completed is made pursuant to the City's specifications; and

WHEREAS, Council further deems it necessary to change the penalty to mirror the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: Section 1022.01 (b) and (c) of the Chapter 1022 is hereby amended to read as follows:

- “(b) Any person desiring to repair, replace and/or construct sidewalks, curb and gutter, or drive aprons shall make application for a permit therefore on a form to be provided by the City and shall furnish such information as is necessary to complete the application for permit form, and such other information as the Director of Public Works may require.
- (d) This Chapter shall also apply to any curb cut within the public right-of-way for the purpose of constructing a driveway.”

SECTION 2: Section 1022.02 of Chapter 1022 is hereby amended and supplemented to read as follows:

“1022.02. Deposit.

- (a) In addition to the permit fee set forth in this Chapter, all developers, contractors and/or property owner(s) shall be required to pay a \$500.00 deposit at the time a permit is obtained. Each permit shall require a separate deposit.
- (b) The purpose of the deposit is to offset any cost incurred by the City for inspection(s), cleaning of streets, and/or any other items of repair in the rights-of-way that was left in an unacceptable condition by the developer, contractor and/or property owner(s) as follows:

- i) The City has to expend labor and/or materials and/or contract labor and materials to clean and/or repair areas of the right-of-way of any issued permit. This does not include any of the concrete sidewalks, curb and gutter, or drive apron work.
  - ii) The City will provide two inspections for each permit. If additional inspections are required due to improper forms, lack of proper expansion material, job site is not fully prepared for inspection at the time of scheduled inspection, or any other reason caused by the developer, contractor, and/or property(s), a one hundred dollar inspection fee will be deducted from the deposit for each additional inspection.
- (c) The deposit shall be refunded, less any deductions described above, when all required sidewalk, curb and gutter, and/or drive aprons repaired/constructed and receive an approved final inspection by the City.”

SECTION 3: Section 1022.04 of Chapter 1022 is hereby amended to read as follows:

“1022.04. Construction permit and specifications.

- (a) No sidewalk, curb and gutter, or drive apron shall be repaired, replaced or constructed unless a permit has been obtained from the Director of Public Works or designee. In the event any developer, contractor, and/or property owner(s) perform concrete work in the right-of-way without obtaining a permit, there will be a fine of \$500.00 for performing such work without a permit. If this fine is not paid within six months of being invoiced the fine shall be assessed to the property.
- (b) Repairs, replacements and/or construction of sidewalks, curb and gutter, or drive apron shall be made pursuant to specifications prepared by the City Engineer or designee.”

SECTION 4: Section 1022.05 of the Chapter 1022 is hereby amended to read as follows:

“1022.05. Exceptions.

No permit or deposit is required when a cut is made for the purpose of construction by a developer or subdivider of a new street in a new subdivision, or for the purpose of construction of a new public street or road, the plans for which have been approved by the planning commission; nor shall a permit be required for the installation of water mains, sewers or other utility pipe lines, provided that the curb shall be restored after installation of such water mains, sewers or other utility pipe lines.”

SECTION 5: Section 1022.06 of Chapter 1022 is hereby amended to read as follows:

“1022.06. Stop work orders.

The Public Works Director or designee is hereby authorized to order work to cease in any case in which a violation of this chapter is found.”

SECTION 6: Section 1022.99 of Chapter 1022 is hereby amended to read as follows:

“1022.99. Penalty.

“Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than \$150.00 for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”

SECTION 7: This measure shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: March 8, 2022

ATTEST:

  
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Clerk of Council


APPROVED:

  
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Mayor

First Reading: February 22, 2022

**"I, the undersigned Clerk of Council of the city of Monroe, Ohio, hereby certify the foregoing (ordinance or resolution) was published as required by Section 7.16 of the Charter of the City of Monroe.**

This legislation was enacted in an open meeting pursuant to the terms and provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

  
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Clerk of Council  
City of Monroe, Ohio