

CITY OF OBERLIN

ORDINANCE No. 20-39 AC CMS

AN ORDINANCE IMPOSING A MORATORIUM ON THE REQUIREMENT FOR THE INSTALLATION OF SIDEWALKS AS A CONDITION OF OCCUPANCY OF NEWLY CONSTRUCTED DWELLINGS OR PRINCIPAL BUILDINGS PENDING THE IMPLEMENTATION OF A CITY-WIDE SIDEWALK PRIORITIZATION PLAN AS AN EMERGENCY MEASURE

WHEREAS, Section 905.01(b) of the Oberlin Codified Ordinances requires the installation of a sidewalks or the posting of a cash bond as a condition of occupancy of any new dwelling or other principal building; and

WHEREAS, the City administration intends to make recommendations regarding, among other things, the locations within the City where sidewalks are or are not necessary or desirable and to establish the prioritization for sidewalk installations pursuant to said recommendations; and

WHEREAS, the administration has recommended that except for sidewalks that are to be constructed pursuant to section 1315.07(b) and Chapter 1338 of the Oberlin Codified Ordinances, and except where installation is necessary to establish a connection between existing sidewalks, passage of a moratorium on the requirement for the installation of sidewalks as is required under Section 905.01(b) of the Oberlin Codified Ordinances to allow for the review and implementation of administrative recommendations; and

WHEREAS, Council finds that the recommendation to institute the aforementioned moratorium to be reasonable and in furtherance of preserving the health, safety and welfare of the citizens of Oberlin.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, COUNTY OF LORAIN AND STATE OF OHIO:

SECTION 1: That Council hereby imposes a moratorium on the requirement for the installation of sidewalks as is currently required under Section 905.01(b) of the Oberlin Codified Ordinances provided that the owner posts a cash or surety bond or other performance guarantee in a form acceptable to the City Manager in an amount equal to 120% of the City Engineer's estimate of the cost of sidewalk installation in favor of the City of Oberlin.

SECTION 2: The provisions of this ordinance shall be inapplicable to the requirements for the construction of sidewalks pursuant to Section 1315.07 and Chapter 1338 of the Oberlin Codified Ordinances or where installation is necessary to establish a connection between existing sidewalks.

SECTION 3: That this moratorium shall become effective as the effective date of this Ordinance and shall remain in effect until June 30, 2021 unless sooner terminated by action of

Council.

SECTION 4: That it is 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 of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

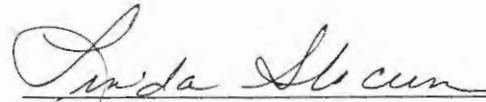
SECTION 5: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: **to delay further construction of sidewalks pending the consideration of administrative recommendations regarding, among other things, the locations within the City where sidewalks are or are not necessary or desirable and the prioritization of sidewalk installations pursuant to said recommendations** and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

PASSED: 1st Reading: September 21, 2020
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 09/22/2020

EFFECTIVE DATE: 09/21/2020