

**CITY OF KIRTLAND**

**ORDINANCE NUMBER 23-O-27**

**AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.05 RELATING TO THE RECOUPMENT OF COSTS FOR WORK PERFORMED BY THE CITY ON DRIVEWAYS AND APRONS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 89-O-29 was passed on August 21, 1989, adopting §1028.05 of the Kirtland Codified Ordinances relating to the maintenance of driveway culverts in the City of Kirtland; and

**WHEREAS**, the Utilities Standing Committee had met, performed a review of the current ordinances, and wishes to update said ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

**SECTION I:** Codified Ordinance Section 1028.05 entitled “Work Performed by the City,” is hereby amended as set forth in Exhibit “A” attached hereto and made a part hereof as though fully set forth herein at length.

**SECTION II:** That the heretofore existing 1028.05 of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

**SECTION III:**

(a) 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to recoup costs bourn by the City for work done on behalf of individual property owners on their driveways and aprons; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk of Council  
Amend 1028.05 – Work Performed by the City

\_\_\_\_\_  
Mayor Kevin F. Potter

**§ 1028.05 WORK PERFORMED BY THE CITY.**

- (a) If the Director of Public Service determines that an emergency situation exists and immediate construction, alteration, repair or replacement of a driveway apron is needed; and/or if such property owner or occupant of abutting lots or lands on any public thoroughfare or street fails or refuses to comply with the notice provided for in § 1028.03, the city may cause the required work to be done by the city, and the amount of costs expended shall be invoiced to the property owner by certified mail.
- (b) If the invoice is not paid within 30 days, there shall be added to such invoice an amount equal to five percent per month on the unpaid balance of the cost to a maximum amount of 25 percent of the cost.
- (c) The Director of Finance shall collect such unpaid invoices in the same manner other municipal taxes are collected as provided by law, including, but not limited to, certification of charges for delinquent accounts to the County Auditor for placement on tax bills. As used in this section, "delinquent accounts" are those which remain due and unpaid for 30 days.
- (d) Funds collected under this chapter shall be administered by the Director of Finance and placed in a special account or accounts for particular purposes.
- (e) The Director of Public Service shall appoint the necessary personnel required to collect all costs.

(Ord. 89-0-29, passed 8-21-1989)