

City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

March 18, 1988



Mayor
Steven Lankenau

Raymond Retcher
832 Riverview
Napoleon, Ohio 43545

Members of Council
James Hershberger, President
Lawrence Haase
Donald Stevens
Terri A. Williams
John E. Church
Randy J. Bachman

Re: Sidewalk removal at
832 W. Riverview
Lot #190
Adam Stouts 1st Addition

City Manager

Dear Mr. Retcher:

The Engineering Department staff has noted that you have removed the sidewalk in front of your house and seeded the area, apparently with the intent of leaving the sidewalk out on a permanent basis.

Clerk-Treasurer
Rupert W. Schweinhagen

At this time I would like to bring to your attention Section 90.01 of the Napoleon Code of Ordinance Section 90.01 entitled streets and sidewalks. You will note that this section prohibits the removal of a sidewalk without a permit and posting of a deposit.

Law Director
Michael J. Wesche

We understand that you were probably unaware of this Ordinance when you removed your sidewalk, however, you will need to rectify the situation. I suggest that you contact the Engineering Department and obtain the City's guidelines for replacement of a sidewalk.

Assistant Law Director
Jeffrey R. Lankenau

If you have any questions or need assistance, feel free to contact either Malcolm Helberg, Roger Freytag, or myself at the City Building.

Sincerely,

A handwritten signature in cursive script that reads "Eldon Huber".

Eldon Huber
Building Inspector

EH:skw

CHAPTER 90: STREETS AND SIDEWALKS

Section

- 90.01 Excavations
- 90.02 Permit
- 90.03 Deposit
- 90.04 Refilling and restoration
- 90.05 Barriers and lights
- 90.06 Exceptions
- 90.07 Costs for vacation of streets and alleys
- 95.08 Fees retained by city

- 95.99 Penalty

§ 90.01 EXCAVATIONS.

No person shall make any excavation, opening, or otherwise break into any street, sidewalk, alley, or public grounds for the purpose of connecting any water or gas line, sewer or drain, cable or conduit, or for any other purpose, without first having obtained a permit in writing from the city engineer. ('65 Code, § 50.01) Penalty, see § 90.99

§ 90.02 PERMIT.

Each permit shall be confined to a single project and application shall be made giving the exact location of the proposed opening, the kind of paving, area and depth to be excavated, and the purpose. ('65 Code, § 50.02) Penalty, see § 90.99

§ 90.03 DEPOSIT.

The permit shall be issued only after a cash deposit has been posted, sufficient to cover the cost of restoration and conditioned upon prompt and satisfactory refilling and restoration of all surfaces disturbed. ('65 Code, § 50.03) Penalty, see § 90.99

§ 90.04 REFILLING AND RESTORATION.

All work shall be performed under the direction and to the satisfaction of the superintendent of public works and, upon failure to refill the excavation and restore the surface and remove all excess materials within the time specified or within a reasonable time after commencement of the work, the superintendent may proceed without notice to make such fill and restoration, and all or such part of the deposit as shall be required to cover the cost thereof shall be deemed forfeited. ('65 Code, § 50.04) Penalty, see § 90.99

§ 90.05 BARRIERS AND LIGHTS.

Such excavations or openings shall be kept fully barricaded at all times, and during the nighttime shall be illuminated to the

satisfaction of the superintendent. ('65 Code, § 50.05) Penalty, see § 90.99

§ 90.06 EXCEPTIONS.

The provisions of this chapter shall not apply to persons in the employ of the city or engaged by the city in making public improvements in such streets and public grounds. ('65 Code, § 50.06)

§ 90.07 COSTS FOR VACATION OF STREETS AND ALLEYS.

All applications for vacation of streets and alleys filed shall be accompanied by a fee computed as follows:

(A) The full cost of publication of the ordinances for vacation of said street or alley, and all legislation costs.

(B) Petitions for vacating streets, avenues, ways, places, alleys, and the like shall be accompanied by a fee as follows: The owners of benefited property must pay, as part of the expenses involved, the larger of the following 2 amounts per square foot vacated:

(1) The amount of \$.10 per square foot vacated, or

(2) That amount per square foot vacated which is equal to twice the average tax value per square foot of the land only which immediately abuts the vacated portion upon both sides; together with the costs of restoring or moving paving, curbing, sidewalks, grading, and the like. Until these charges are paid, council shall not enact legislation to vacate. ('65 Code, § 50.07)

§ 90.08 FEES RETAINED BY CITY.

Such fees shall be retained by the city pending action of the council thereon, and if the street or alley is vacated, the city shall retain the moneys as fees, and if vacation of the street or alley is not granted, the fees shall be returned to the applicant or depositor of the fees. ('65 Code, § 50.08)

§ 90.99 PENALTY.

Any person making or causing an opening to be made, without having obtained a permit as required herein or failing to sufficiently barricade or illuminate such opening, shall be guilty of a misdemeanor and shall be fined not more than \$50 for each offense.

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