

TEMPORARY ORDINANCE NO. 39-24

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART NINE – STREETS, UTILITIES, AND PUBLIC SERVICES CODE, TITLE ONE – STREETS AND SIDEWALKS, CHAPTER 903 – SIDEWALKS

WHEREAS, pursuant to the above referenced code, it is currently only unlawful to ride a bicycle upon a sidewalk within any commercial district in the City; and

WHEREAS, in recent years, additional micromobility devices beyond bicycles have been made available for purchase and use by the general public, including electric or “e” versions of many popular micromobility devices; and

WHEREAS, according to the current criminal penalty, riding a bicycle upon a sidewalk within a City commercial district is a jailable offense, punishable by up to sixty (60) days in jail and a five hundred (\$500) fine; and

WHEREAS, consequently, revisions have been made to: 1) expand the types of micromobility devices that are prohibited from operating on sidewalks; 2) limit the zoning district to only the Central Business District; and 3) reduce the criminal penalty; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Part Nine – Streets, Utilities, and Public Services Code, Chapter 903.04 – Riding on Sidewalks of the Codified Ordinances of the City of Lancaster, is hereby repealed and replaced pursuant to Exhibit “A”, as amended, attached hereto and incorporated herein by reference.

SECTION 2. That City Council hereby finds that this Ordinance was deliberated upon and passed in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Anitra Scott, Clerk of Council do hereby certify that on _____, 2024 in the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council



CHAPTER 903 Sidewalks

- 903.01 Sidewalks responsibility of the property owner.
- 903.02 Encumbering streets or sidewalks.
- 903.03 Sidewalks to be cleaned of ice and snow.
- 903.04 Riding on sidewalks in the Central Business District.
- 903.05 Sidewalks construction specifications.
- 903.06 Duty to keep sidewalks in repair.
- 903.07 Notice of violation.
- 903.08 Right to appeal.
- 903.09 Enforcement.
- 903.10 Remedies not exclusive.
- 903.99 Criminal penalty.

CROSS REFERENCES

Construction or repair at owner's expense - see Ohio R. C. 729.01 et seq.
Notice to construct or repair - see Ohio R. C. 729.03 et seq.

903.01 SIDEWALKS RESPONSIBILITY OF THE PROPERTY OWNER.

(a) The owner of any lot or land abutting upon any street shall be responsible for the maintenance, repair, and if necessary replacement of the sidewalk in front of such lot or land; provided, however, that such owner shall not be responsible for the maintenance, repair or replacement of any existing curb ramp or curb ramp structure required for crossing streets and alleys, including the inclined ramp, detectable warnings, landing area and transition section of sidewalk.

(b) The maintenance, repair or replacement of sidewalk in the public right of way shall require a permit in accordance with Chapter 901.
(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.02 ENCUMBERING STREETS OR SIDEWALKS.

(a) No person shall encumber any street or sidewalk, nor shall the owner, occupant or person having care or control of any building or lot of land bordering on any street or sidewalk permit the same to be encumbered, either temporarily or permanently so as to cause an obstruction of the travel path measured thirty-six inches (36") wide by eighty inches (80") high.

(b) Any person or entity wishing to use or occupy any portion of the sidewalk within the public right of way for the placement of amenities, including but not limited to artwork, seating or dining, removable railings, flower boxes, movable planters, benches, temporary signage or other barricades must comply with the requirements of Chapter 901.
(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.03 SIDEWALKS TO BE CLEANED OF ICE AND SNOW.

It shall be the duty of the owner of each and every parcel of real estate in the City abutting upon any sidewalk to keep such sidewalk abutting his or her premises free and clear of snow and ice, and to remove therefrom all snow and ice accumulated thereon within a reasonable time, which will ordinarily not exceed twelve hours after the abatement of any storm from which such snow and ice may have accumulated.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.04 RIDING ON SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT.

(a) No person shall ride a bicycle, skateboard, scooter, unicycle, hoverboard, kick scooter, or any other micromobility device, including any "e" or "electric" version of the forgoing, upon a sidewalk within a ~~Commercial District~~ the Central Business District.

(b) Whenever a person is riding a bicycle, ~~or skateboard,~~ scooter, unicycle, hoverboard, kick scooter, or any other micromobility device, including any "e" or "electric version of the forgoing" upon the sidewalk, such person shall yield the right of way to any pedestrian and shall give an audible signal before attempting to overtake and pass any pedestrian.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.05 SIDEWALK CONSTRUCTION SPECIFICATIONS.

All public and private sidewalks, curbing and handicap ramps shall be designed and constructed in conformance with the standards adopted by the City Engineer, and shall furthermore be in conformance with the guidelines set forth in the Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.06 DUTY TO KEEP SIDEWALKS IN REPAIR.

(a) No owner of any lot or land abutting upon any street shall refuse, fail or neglect to repair or keep in repair the sidewalk in front of such land or lot. The following criteria shall be used to determine whether a sidewalk is in a state of repair:

- (1) Adjoining sections or parts thereof whose edges differ vertically by more than one-half inch (1/2");
- (2) Adjoining sections with open joints greater than five-eighths of an inch (5/8") in width;
- (3) Sections that are cracked so that pieces are missing or loose;
- (4) Sections sloping away from the street unless so constructed by design;
- (5) Sections with cross slopes exceeding three-fourths of an inch (3/4") vertical per one foot (1') horizontal;
- (6) Sections that cause an abrupt change in the longitudinal grade of the sidewalk;
- (7) Sections with deteriorating surfaces presenting loose aggregate;
- (8) Sections containing structures such as cellar doors, grates, water boxes, meter pits or hatches, which protrude above the sidewalk more than one-half inch (1/2") so that they present a tripping hazard; and
- (9) Sidewalks constructed without the approval of the City.

(b) All bushes, hedges and trees located on private property shall be kept trimmed by the owner or occupant of that property so as to prevent interference with the normal use of the sidewalks abutting that property.

(c) Structures including but not limited to retaining walls, fences, light fixtures, or planters shall be kept in repair by the owner or occupant of that property, so as to prevent injury and allow for the normal and unobstructed use of the sidewalks abutting the property.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.07 NOTICE OF VIOLATION.

The Service-Safety Director or his authorized designee, upon finding that a person has violated any section of this Chapter, may order compliance by written notice of violation as set forth in Section 1303.12. Any notice issued under this section shall allow the property owner a reasonable period of time, and in any event not less than thirty (30) days, in which to abate the violation.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.08 RIGHT TO APPEAL.

Any person effected by a decision of the Service-Safety Director or his authorized designee with respect to this Chapter shall have the right to appeal to the Structural Board of Appeals as set forth in Section 1303.06. Any appeal must be made, in writing, within thirty (30) days following service of the decision, notice or order upon which the appeal is being made.

(Ord. 9-19. Passed 4-22-19; Ord. 13-19. Passed 9-9-19.)

903.09 ENFORCEMENT.

(a) Upon the failure or refusal of a property owner to remedy or abate any violation within the time period set forth in the notice of violation or, in the case of an appeal, within 30 days of the decision of the Board upholding the decision of the Service-Safety Director or his authorized designee, the Service-Safety Director or his authorized designee may institute appropriate proceedings in law or equity to restrain, correct or abate the violation, and may assess the costs of those proceedings to the property owner, including any administrative processing fees.

(b) Whenever charges for correction or abatement remain unpaid for sixty (60) days after a statement of costs has been mailed to the property owner, Council may by resolution certify the charges to the County Auditor to be placed on the tax duplicate, to be collected in the same manner as other taxes and returned to the City. Such charges for correction or abatement expenses shall be a lien on the property from the date of entry upon the tax duplicate.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.10 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Service-Safety Director or his authorized designee to seek cumulative remedies.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)

903.99 CRIMINAL PENALTY.

(a) Whoever violates section 903.04 is guilty of a minor misdemeanor for a first offense and a fourth degree misdemeanor for any subsequent offense. Whoever violates any other provision of this Chapter is guilty of a misdemeanor of the third degree. Every day the violation continues constitutes a new offense.

(Ord. 4-16. Passed 2-22-16; Ord. 13-19. Passed 9-9-19.)