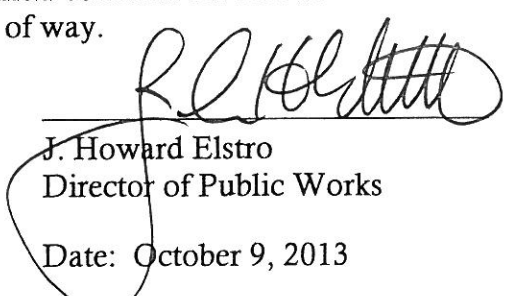


## SIDEWALK REPAIR REBATE PROGRAM POLICY

The policy of the Public Works Department is to execute the Sidewalk Repair Rebate Program per Ordinance 211-12 in the following manner.

1. Sidewalks which have been adversely affected by tree roots growing from trees in the public right of way will be eligible for partial reimbursement of the cost of the sidewalk repair per the referenced Ordinance. Repair cost reimbursement will be paid on a first come, first serve basis from an account annually established for this purpose. The City shall not make reimbursements beyond the available balance of the account.
2. Only the portion of public sidewalk requiring replacement due to root uplift from trees in the public right of way as determined by the City Engineer shall be eligible.
3. Reimbursements shall not exceed 25% of the cost of the square foot repair rate charged to the City by its Contractor under the City's current annual Sidewalk Repair Program. If the rate for the current year has not been established in the applicable calendar year, the previous year's rate shall apply. If the City does not administer its annual Sidewalk Repair Program for two (2) consecutive years, then the rate shall be determined to be reasonable by the City Engineer.
4. Only property owners who request and are approved for participation in the program prior to making repairs are eligible for the reimbursement.
5. A sidewalk construction permit is required for privately contracted sidewalk repair work. Sidewalks replaced without first obtaining a permit and requesting a field assessment are not eligible for the program.
6. Repair work performed under the City's Annual Combined Sidewalk Program is eligible for participation in this program.
7. It shall be the responsibility of the City Engineer, inspectors of the Engineering Division, and other Engineering/Public Works officials to advise residents of this program and its applicability to their concerns for sidewalks due to damage from tree roots growing in the public right of way.



J. Howard Elstro  
Director of Public Works

Date: October 9, 2013

Introduced by Adams Councilman  
 Seconded by Glenn Councilman  
 Form Approved Anthony L. G. Director of Law

PUBLICATION: I hereby certify that Ord. No. \_\_\_\_\_ was published  
 in a summary manner according to law in the Lima News on \_\_\_\_\_

Sally Clemans, Clerk

VOTE	1ST		2ND		3RD	
	Y	N	Y	N	Y	N
NEEPER						
McLEAN	✓					
LOWE	✓					
TEBBEN	✓					
ADAMS	✓					
GLENN	✓					
TOWNSEND	✓					
NIXON	✓					
TOTAL	7	0				

**AN ORDINANCE ENACTING SECTION 1022.11 OF THE CODIFIED ORDINANCES OF LIMA, OHIO, TO IMPLEMENT A NEW CITY SIDEWALK REPAIR PROGRAM.**

**WHEREAS**, this Council desires to enact a Sidewalk Repair Rebate Program - Tree Root Damage, by codifying new section 1022.11 of the Codified Ordinances of the City of Lima, Ohio; and,

**WHEREAS**, it is necessary to immediately enact this Ordinance to implement this program and in order to preserve the public peace, property, health and safety, and to provide for the usual daily operation of the municipal government, and by reason thereof, this Ordinance shall take effect forthwith upon its passage; **Now, therefore,**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIMA, OHIO, WITH AT LEAST A MAJORITY OF THE MEMBERS ELECTED THERETO CONCURRING:**

**Section 1.** That Section 1022.11 of the Codified Ordinances of Lima, Ohio, is hereby enacted as follows:

**1022.11 SIDEWALK REPAIR REBATE PROGRAM – TREE ROOT DAMAGE**

- (A) There is hereby established a sidewalk repair rebate program for sidewalks adversely affected by tree roots growing from trees in the public right of way. The program is designed to reimburse property owners for a portion of the cost to repair sidewalks damaged from the roots of trees growing in the public right of way. The program shall be administered by the Director of Public Works, who shall have the authority to make all decisions regarding the administration of the program.
- (B) The Auditor is authorized to create the appropriate account within the general fund into which council may appropriate an amount to be expended for the calendar year, for payment of repairs under this program as authorized by the Public Works Director.

- (1) Repair cost reimbursement will be paid from this program account on a first come first served basis, and the City shall not make reimbursements beyond the available balance of the account.
  - (2) Council retains the right to re-appropriate or transfer money to or from this program account as it determines appropriate, at any time.
- (C) The Public Works Director is authorized to establish rules and regulations for the implementation of this program, subject to the following parameters:
- (1) Only the portion of public sidewalk requiring repair or replacement due to root uplift from a tree in the public right of way, as determined by the City Engineer, shall be eligible.
  - (2) The reimbursement rate shall not exceed twenty-five percent (25%) of the cost of the square foot repair rate charged to the City by its contractor under the City's current Annual Sidewalk Repair Program. If this rate for a current year has not yet been established in the applicable calendar year, the previous year's rate shall apply. If the City does not administer its Annual Sidewalk Repair Program for two consecutive years, then the rate shall be set as determined to be reasonable by the City Engineer.
  - (3) Only property owners who request and are approved for participation in the program prior to making repairs are eligible. A sidewalk construction permit is required for privately contracted sidewalk repair work. Sidewalks replaced without first obtaining a permit and requesting a field assessment are not eligible for the program.
- (D) Repair work performed under the City's Annual Combined Sidewalk Repair Program is eligible for participation in this program.

**Section 2.** Any property owner originally cited under the 2012 combined sidewalk replacement program authorized in Resolution 15-11 shall be eligible to participate in this program, if the Public Works Director determines they are otherwise eligible because of tree root damage.

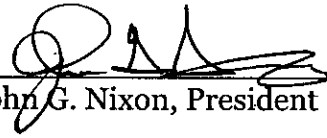
**Section 3.** The Auditor of the City of Lima, Ohio, is authorized to receive such funds and deposit them in appropriate account(s) and to issue his warrant or warrants against the proper appropriation item upon presentation of the proper voucher or vouchers therefor.

**Section 4.** The Clerk of Council is authorized and directed to cause publication of this ordinance to be made in a summary manner as provided by the City Charter, or as otherwise provided by law.

**Section 5.** Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the adoption of this ordinance were taken in an open meeting and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings held in compliance with the law.

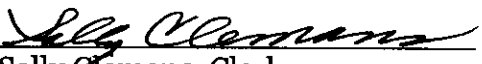
**Section 6.** This ordinance shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the first reading hereof. If it shall not so pass it shall take effect and be in force forthwith upon passage by an affirmative vote of at least two-thirds of the members elected to council at the second reading hereof. If it shall not so pass at second reading then it shall take effect and be in force forthwith upon passage by an affirmative vote of at least a majority of the members elected to council at the third reading hereof. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 8, 2012

  
\_\_\_\_\_  
John G. Nixon, President

Approved: October 8, 2012

  
\_\_\_\_\_  
David J. Berger, Mayor

Attest:   
\_\_\_\_\_  
Sally Clemans, Clerk