

PASSED 4/2/18

ORDINANCE NO. 5 - 2018

**AN ORDINANCE REPEALING AND REPLACING OAK HARBOR CODIFIED
ORDINANCE §94.10 TO PROHIBIT GRASS CLIPPINGS FROM BEING LEFT
ON SIDEWALKS AND GUTTERS**

WHEREAS, the Village of Oak Harbor Codified Ordinance §94.10 currently prohibits encumbering sidewalks in the Village to keep the sidewalks free and unobstructed; and

WHEREAS, the Village Council desires to prevent sidewalks, curbs and gutters in the Village from accumulating grass clippings or other types of yard waste; and

WHEREAS, the Village Council desires to repeal Oak Harbor Codified Ordinance §94.10 and enact a new §94.10 adding the prohibition to place grass clippings and other yard waste on the sidewalks and gutters.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF OAK HARBOR, OTTAWA COUNTY, OHIO:**

Section 1.

The current §94.10 shall be repealed in its entirety.

Section 2.

The language contained in Exhibit A shall be adopted and replace the current §94.10.


Section 3.

This Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of Council, and of its committees, which result in formal action, were taken in full compliance with the applicable legal requirements.

Section 4.

That this Ordinance shall take effect and be in full force and effect after the earliest date allowed by law.

Approved: April 2, 2018


Joseph W. Helle, Mayor

Attest:

Henry R. Jarrett
Henry R. Jarrett, Fiscal Officer

Dated: April 2, 2018

First Reading: March 5, 2018

Second Reading: March 19, 2018

Third Reading: April 2, 2018

Adopted: April 2, 2018

EXHIBIT A

§ 94.10 MATERIALS ON STREETS OR SIDEWALKS.

(A) No person shall encumber any street or sidewalk or, being the owner, occupant or person having care or any building or lot of land bordering on any street or sidewalk, shall permit the same to be encumbered with barrels, boxes, cans or articles or substances of any kind so as to interfere with the free and unobstructed use thereof.

(B) No person shall cause any grass clippings or other yard waste to be blown or placed or to remain on any sidewalk, street or curb and gutter within the Village. Whoever violates this section shall be subject to the penalties set forth in §10.99.

(C) Within the district zoned Central Business, sidewalk cafes, defined as areas on the public sidewalk adjacent to a licensed food service business where food and/or beverages may be consumed at tables and chairs whether the food and/or beverages are purchased at the table or inside the adjacent licensed food service business, shall, pursuant to the permitting requirements of division (C) of this section, and the regulations of division (D) of this section, be permitted.

(D) Permits.

(1) An annual café permit application fee of \$25 is required for each table, and applications for permits must be submitted at least two weeks prior to the first date of intended use. Permits are valid from April 1 through October 31 of the same calendar year as issued. Permit applications shall indicate by dimensioned drawing the sidewalk, streetlights, signs, planters, trees, curbs and any other public appurtenances, and the size and location of the proposed table and chair(s). A photograph showing the condition of the public sidewalk shall be attached to the permit application.

(2) Certificates of insurance must be provided at the time of the permit application, and said certificates shall name the village as an "additional named insured" for the term of the permit and said insurance must include a liability coverage of not less than \$1,000,000 per occurrence and \$1,000,000 for any single injury.

(3) In no case will a table or chair be placed in front of a building/business or property not owned by the permit holder unless a signed agreement of the adjacent property owner (whether public or private) is obtained and is filed with the permit application.

(E)(1) Requirements. All public improvements on the sidewalk shall be maintained in the condition existing at the time of permit issuance. The permit holder shall be responsible to the village for any damage occurring to the sidewalk or other public appurtenances. The village may repair or replace any such damage and may charge the cost of any such repair or replacement to the permit holder.

(2) Lighting. Constant intensity lighting, only, will be allowed. No table will have, or be illuminated by, any flashing, moving, rotating, or intermittent lights. No illumination or

lighting device shall be placed to cause glare or reflection that may create a traffic hazard or nuisance. All outdoor electrical installations must comply with current National Electrical Code.

(3) Movement. No flags, banners, ribbons, or similar decoration shall be permitted unless securely fastened to the table or chair to prevent movement. No umbrella is permitted on either table or chair(s).

(4) Placement. Any table or chair(s) must be placed within 48 inches of the front of the building/business or 48 inches from the front property line. The location of the table and chair(s) must be such that a clear path of at least five feet is provided for passage of pedestrians and said passage is to be maintained when any chair is pulled out from the table. No table or chair can block access to any building (public or private), street, or alley. The table and chair(s) must be directly in front of the building/business or property of the permit holder. In no case will a table or chair block access to a fire hydrant, fire escape, or standpipe connection. At no time is a table, chair, or any other item associated with the cafe to be placed in any portion of the street.

(5) Restrictions.

(a) Any table or chair must be designed for outside use. No interior table or chair may be placed on the sidewalk. The type, style and size of any table and chair must be approved, by permit, prior to its use on the public sidewalk.

(b) No table or chair is to be attached or affixed, either permanently or temporarily, to the sidewalk, light poles, or any other public facility. Any table or chair must, however, be properly weighted as to prevent a wind-blown hazard.

(c) All public sidewalks encompassed by permit shall be maintained by the permit holder. Food scraps, containers, clutter, or refuse of any kind, regardless of the source, will be disposed of on a regular basis during the hours of operation and at the end of the business day. No sweeping or disposal of refuse or food scraps into the street is permitted. Sidewalks shall be washed, as needed, to remove any food or drink residue that may attract animals and/or create a pedestrian hazard.

(6) Permitted days and/or hours. Outdoor use of table and chair(s) will be permitted from April 1 through October 31 of each year. No table or chair shall be placed on the sidewalk earlier than 7:00 a.m. and must be removed no later than 9:00 p.m. each day. No table, chair, or any part of either shall remain outside overnight.