

# RECORD OF ORDINANCES

2006-04

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_ August 1, 2006

**AN ORDINANCE AMENDING THE ASSESSMENT POLICY OF THE CITY OF BROOKVILLE, OHIO.**

**WHEREAS**, the City Council of the City of Brookville has maintained an assessment policy for the construction or replacement of sidewalk, curbs and gutters; and

**WHEREAS**, City Council now desires to amend said assessment policy to provide a limit on the maximum assessment that a landowner would be assessed for construction or replacement of sidewalk, curb and gutter.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO, THAT:**

**SECTION I:** Chapter 913 of the Code of Ordinances is hereby renamed Assessment Policy for Sidewalk, Curb and Gutter.

**SECTION II:** Section 913.01 of the Code of Ordinances is hereby renamed Assessment Policy for Corner Lots.

**SECTION III:** Section 913.02 entitled Limit on Maximum Assessment for Sidewalk, Curb and Gutter is hereby enacted and shall be adopted as follows:

**Section 913.02 LIMIT ON MAXIMUM ASSESSMENT FOR SIDEWALK, CURB, AND GUTTER**

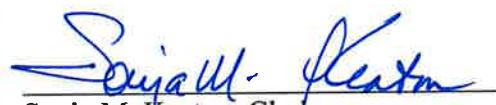
(a) In the event that a resolution of necessity is passed by Council requiring the owner of a lot to construct new sidewalks, curbs or gutters or to replace existing sidewalks, curbs, or gutters, and the resolution of necessity requires the construction or replacement of more than one hundred twenty-five (125) lineal feet of sidewalk, curb and gutter by the owner of a lot, then in that event, the maximum assessment for the property owner shall be the cost of construction of one hundred twenty-five (125) lineal feet of sidewalk, curb, and gutter, and the City of Brookville shall be responsible for the remaining cost of construction of sidewalk, curb, and gutter on the lot that exceeds the cost of construction or replacement of one hundred twenty-five lineal feet of sidewalk, curb and gutter.

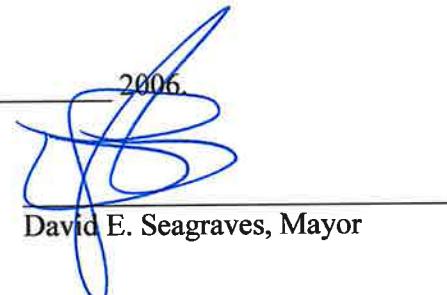
(b) This limit on maximum assessment for sidewalk, curb and gutter is not applicable to new subdivisions subject to provisions of Section 1183.10 of the Planning and Zoning Code, which provides that the developer is responsible for the construction of sidewalks in a new subdivision.

(c) This limit on maximum assessment for sidewalk, curb and gutter shall apply to corner lots, and in the event that the owner of a corner lot is assessed for more than one-hundred twenty-five (125) lineal feet of sidewalk, curb and gutter after application of the assessment policy for corner lots as set forth in 913.01, then in that event, the maximum assessment shall be limited to the cost of one hundred twenty-five (125) lineal feet of sidewalk, curb, and gutter.

**SECTION IV:** This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances, Resolutions, and parts of Resolutions that are in conflict herewith and shall be enforced from and after the earliest period allowed by law.

PASSED this 1st day of August \_\_\_\_\_

  
Sonja M. Keaton, Clerk

  
2006  
David E. Seagraves, Mayor

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

**2006-04**

Ordinance No. \_\_\_\_\_

Passed August 1, 20 06

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2006-04, passed by the Council of the City of Brookville, Ohio, on the 1st day of August 2006.



Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2006-04 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 2nd day of August 2006 to the 2nd day of September 2006, both days inclusive.



Sonja M. Keaton, Clerk