

**Village Council Agenda Item
Village of Yellow Springs, Ohio**

Agenda Title:	Discussion on Sidewalk Rules and Regulations Process
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Presenter:	Eric C. Swansen, Village Manager
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Problem/Issue Statement

The sidewalk enforcement procedures need to be revised to reflect the Village's needs.

Financial Impact

There is a financial impact that depends on the compliance of people who have sidewalks that do not meet the standards of the Village. This amount can not be quantified.

Recommendation

Staff has not been asked to provide a recommendation on this item.

Background

At the last Council meeting we did not have time to discuss the sidewalk process revisions. Given the sensitivity of this topic, the imperative to get moving on this and the potential for a never ending list of exceptions being generated, staff would like to provide Council with some options on how to proceed. This follows a discussion with the Village Solicitor on how to address many of the issues raised and that continue to be raised about sidewalks, standards, process, etc.

This follows at least three meetings where this topic has been discussed and one special meeting where this topic was discussed in the past year.

Alternatives Analysis

There are basically three options to consider: Doing nothing, continuing move forward with legislation to address known and future issues, or developing legislation to provide the Village Manager with the ability to create rules and regulations and processes related to sidewalks.

Doing Nothing

The current process and rules on the books is, for the most part unused. There is some documentation that the process and rules were followed into the 1990's, but then the effort faltered. There has been speculation about why this was, but clearly going back to this process would result

in some hardships to people as the timeframes are very exact. The process is simple, timely, but might be a little too forceful considering the lack of use it has. Council can expect to hear residents concerned about interpretation, enforcement, applicability and other issues as staff moves forward with enforcement in the future.

Continuing to legislate now and future issues

This option is the option we seem to be on track with. It includes revising the current process to better fit the community's vision and values, offer more time and options for compliance. This process is more complicated and is a departure from what is currently on the books. Based on the last discussion, there are concerns about the appeals process that need to be addressed. At the last meeting there was also some discussion on the standards being used. Once addressed, legislation would need to be created and considered by Council for adoption. Given the condition of some of the sidewalks and the lack of previous enforcement, it is likely new issues will arise and need to be addressed by Council. Right now, assuming some breakthrough agreement in the standards and appeals process (which is what we were prepared to discuss at the last meeting), the soonest we could expect to have an enforceable section of code would be June. Council can expect to hear residents concerned about interpretation, enforcement, applicability and other issues as staff moves forward with enforcement in the future.

(If this is the option we are moving forward with, the materials from the last meeting are attached for discussion on how to handle appeals. We still need to find a "group" to appeal to.)

Authorizing the Village Manager to set Rules and Regulations related to sidewalks

This option, suggested by the Village Solicitor, is a radical departure from how we have been trying to address this problem. We know there are problems with the existing process. We know we lack clear standards to apply to sidewalk conditions (the terms "free and clear", "nuisance" and "free use", are subjective – we lack what that means in terms of slope, cracks, surface condition, and other objective standards). The Village Solicitor has provided draft legislation for consideration. It should be noted that this approach is very similar to how we address some (but by no means all) of the issues related to the use of the Village's Rights-of-Way. As new issues arise, the Manager can address them as needed.

Recommendation

Staff has not been asked to provide a recommendation on this item.

Approved by: