ORDINANCE NO. 1704-2026 Date passed: 11-4-2026

AN ORDINANCE ESTABLISHING THE SIDEWALK ENHANCEMENT CONTROL AUTHORITY (SECA) FOR THE VILLAGE OF POLAND.

WHEREAS, the Village of Poland is committed to ensuring pedestrian safety, accessibility, and the long-term maintenance of sidewalk infrastructure; and,

WHEREAS, the Village of Poland had previously enacted Chapter 1020 of the Codified Ordinances of the Village of Poland to address sidewalks within the boundaries of the Village of Poland;

WHEREAS, the establishment of a SECA is consistent with the mandates of Chapter 1020 of the Codified Ordinances of the Village of Poland and the Ohio Revised Code; and,

WHEREAS, this enactment is intended to supplement Chapter 1020 of the Codified Ordinances of the Village of Poland and authority under the Ohio Revised Code and better implement the standards and goals of that Chapter; and,

WHEREAS, it is in the public interest to establish a mechanism that allows for timely sidewalk repairs and enhancements without requiring the acquisition of temporary or permanent right-of-way or easements, in accordance with the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Poland, County of Mahoning, State of Ohio, as follows:

Section 1. That Chapter 1021 be enacted and provide as follows:

1021.01 Title and Purpose

This Ordinance establishes the Sidewalk Enhancement Control Authority (SECA) to oversee and facilitate the maintenance, repair, and replacement of public sidewalks within the corporate limits of the Village of Poland. This Ordinance aims to provide a clear process by which the Village can undertake necessary sidewalk work without the need to obtain additional right-of-way, ensuring the safety and accessibility of public walkways.

1021.02 Authority to Repair or Replace Sidewalks

(a) The SECA, under the direction of the Mayor or designee, is authorized to repair, replace, or construct sidewalks adjacent to any property where sidewalks currently exist or are planned as part of the Village's sidewalk improvement plan.

(b) Pursuant to ORC § 729.01, the Village may mandate the repair or replacement of sidewalks by property owners and, if necessary, undertake such work and assess costs to the property owner.

1021.03 Right-of-Way and Public Easement

(a) Sidewalks adjacent to public streets, whether within or outside the designated public right-of-way, are presumed to exist within the public easement. The Village is authorized to repair or replace these sidewalks without acquiring temporary or permanent right-of-way, as provided in ORC § 729.01 and § 729.02.

(b) If a sidewalk exists outside the public easement, the Village may proceed with repairs or replacement under the presumption of implied public easement, provided the sidewalk serves a public purpose and benefits the community.

1021.04 Notice and Inspection Procedures

(a) The SECA shall conduct regular sidewalk inspections to identify hazards or non-compliance with Village standards.

(b) When repairs or replacements are necessary, the Village shall issue a written notice to the adjacent property owner, specifying the required work and providing no less than thirty (30) days for completion, as outlined in ORC § 729.03.

(c) If the property owner fails to comply within the specified timeframe, the Village may undertake the work and assess the cost against the property, as authorized by ORC § 729.05.

1021.05 Cost and Assessment of Repairs

(a) Routine sidewalk repairs undertaken by the Village shall not incur direct costs to adjacent property owners.

(b) For significant repairs or replacements as determined by the Mayor or designee, the Village may assess all or part of the costs to the adjacent property owner pursuant to ORC

§ 729.06. Such assessments shall be certified to the County Auditor for inclusion in the property tax duplicate.

(c) The Village may utilize grants, municipal funds, or special improvement districts to offset the cost of sidewalk improvements.

1021.06 Emergency Repairs

(a) In cases where sidewalk conditions present an immediate hazard to public safety, the Village may conduct emergency repairs without prior notice to the adjacent property owner, in accordance with ORC § 729.07. The costs of such repairs may be assessed to the property following notice.

1021.07 Prohibition on Sidewalk Obstruction or Removal

(a) No property owner, contractor, or individual may obstruct, remove, or alter sidewalks within the public right-of-way or easement without the express written consent of the SECA and a permit issued by the Village.

(b) Any violation of this section shall result in a fine not exceeding five hundred dollars ($500.00) and may be subject to civil enforcement under the applicable provisions of ORC § 729.10 or applicable provisions of the Codified Ordinances of the Village of Poland.

1021.08 Variance and Special Considerations

(a) A property owner may petition the SECA in writing for a variance related to sidewalk alignment, material, or design. The SECA may recommend variances for approval by Council where special circumstances exist, provided public safety and accessibility are not compromised.

(b) Variance decisions shall be final and may not be appealed, except through legal proceedings in accordance with state law.

1021.09 Effective Date

This ordinance shall take effect thirty (30) days following its passage and publication in accordance with the Ohio Revised Code.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this council and any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

Section 3. That this Ordinance, following three readings, shall take effect at the earliest time allowed by law.

Section 4. That this Ordinance shall be entered upon the permanent record of the Village of Poland.

FIRST READING this 15th day of September, 2026.

SECOND READING this 20th day of October, 2026.

THIRD READING this 4th day of November, 2026.

ADOPTED this 4th day of November, 2026, by the Council of the Village of Poland, Ohio.

Timothy D. Sicafuse, Mayor

Approved as to form:

Joseph R. Macejko, Solicitor

ATTEST:

Robert P. Canter, Jr., Fiscal Officer

CLERK'S CERTIFICATION

I certify that this Ordinance has been published pursuant to R.C. 731.21 on the official website of the Village of Poland (www.polandvillage.org) with the first date of publication being: November 4, 2026.

Robert P. Canter, Village Clerk