

ORDINANCE 007 -2023

AN ORDINANCE ADOPTING TITLE 11 AND CHAPTER 201 OF THE MAUMEE CODIFIED ORDINANCES

WHEREAS, The City of Maumee needs to establish procedures for certain assessment of properties benefited by improvements within the City of Maumee; and;

WHEREAS, the Maumee Charter allows City Council to establish procedures for assessments that differ from the Ohio Revised Code and the current method for these assessments needs to be updated and revised.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maumee, Ohio that:

SECTION 1. That Title 11 and Chapter 201 be and hereby is adopted for certain assessments within the City of Maumee as hereinafter set forth:

SEE "EXHIBIT A" Attached hereto and incorporated herein by reference

SECTION 2. That any provisions of the Codified Ordinances of the City of Maumee in conflict herewith are hereby repealed and replaced with the foregoing. If any section, sub-section, sentence clause or phrase of this Ordinance is held invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. All other Ordinances or Charter provisions prescribing the powers, duties, and authority of the City as it relates to assessments shall remain in full force and effects except where they conflict with the provisions of this Ordinance in which case the provisions of this Ordinance shall govern.

SECTION 3. 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 that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of Ohio.

Motion to waive three readings: Harris
Yeas: 6 Nays: 1
Motion to Pass: Harris
Yeas: 6 Nays: 1
Passed: February 6, 2023

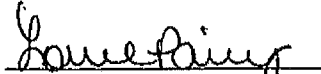
Seconded: Fiscus

Seconded: Fiscus




Mayor.

ATTEST:


Municipal Clerk.

APPROVED AS TO FORM:


Law Director.

“Exhibit A”

TITLE 11 – ASSESSMENTS

CHAPTER 201

SECTION 201.01 LOCAL IMPROVEMENTS.

City Council, as set forth in the Maumee Charter has the power by ordinance to provide for the construction, reconstruction, repair, and maintenance of all things in the nature of local improvements, and to provide for the payment of any part of the cost thereof by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against the property specially benefited to pay for any such local improvement shall not exceed the amount of benefits accruing to such property.

The City of Maumee may assess upon the abutting, adjacent, and contiguous, or other specially benefited, lots or lands in Maumee, any part of the cost connected with the improvement of any street, alley, dock, wharf, pier, public road, place, boulevard, parkway, or park entrance or an easement of the City of Maumee available for the purpose of the improvement to be made in it by grading, draining, curbing, paving, repaving, repairing, treating the surface with substances designed to preserve it, constructing sidewalks, piers, wharves, docks, retaining walls, sewers, sewage disposal works and treatment plants, sewage pumping stations, water treatment plants, water pumping stations, reservoirs, and water storage tanks or standpipes, together with the facilities and appurtenances necessary and proper therefor, drains, storm-water retention basins, watercourses, water mains, or laying of water pipe, or the sprinkling, sweeping, or cleaning thereof, or removing snow therefrom, any part of the cost and expense of planting, maintaining, and removing shade trees thereupon; any part of the cost of a voluntary action, as defined in section 3746.01 of the Ohio Revised Code, undertaken pursuant to Chapter 3746. of the Revised Code by a special improvement district created under Chapter 1710. of the Revised Code, including the cost of acquiring property with respect to which the voluntary action is undertaken; any part of the cost and expense of constructing, maintaining, repairing, cleaning, and enclosing ditches; any part of the cost and expense of operating, maintaining, and replacing heating and cooling facilities for enclosed pedestrian canopies and malls; any part of the cost and expense of acquiring and improving parking facilities and structures for off-street parking of motor vehicles or of acquiring land and improving it by clearing, grading, draining, paving, lighting, erecting, constructing, and equipping it for parking facilities and structures for off-street parking of motor vehicles,

SECTION 201.02 METHODS OF SPECIAL ASSESSMENT.

Special assessments upon the property deemed benefited by a public improvement shall be by any one of the following methods or as otherwise set forth hereinafter:

- (A) By percentage of the tax value of the property assessed.
- (B) In proportion to the benefits which may result from the improvement.
- (C) By the foot frontage of the property bounding or abutting upon the improvement.
- (D) By any other method as allowed by law or ordinance

Nothing herein shall preclude voluntary assessments or other types of assessments or assessment procedures as may otherwise be adopted by Maumee Council.

SECTION 201.03 PRELIMINARY RESOLUTION.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, City Council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessment, the mode of payment and the number of annual installments. Such resolution shall show the lots and lands assessed, and the amount of the assessment as to each, and the number of installments, in which such assessments shall be paid.

SECTION 201.04 PLANS OF PROPOSED IMPROVEMENTS.

At the time of the passage of the resolution of necessity provided for in the foregoing section there shall be on file with the clerk, preliminary plans, specifications if available, estimated costs, and profiles of the proposed improvement; and such preliminary plans, specifications, estimates and profiles shall be open to the inspection of all interested persons.

SECTION 201.05 NOTICES SERVED.

Upon passage of the resolution of necessity, the clerk shall cause written notice to be served by ordinary mail upon the owner of each lot or parcel of land to be assessed or otherwise affected, or upon the persons in whose names the same may be assessed for taxation upon the tax duplicate. Such notice shall be made at least once in a newspaper of general circulation in the city and also posted on the City of Maumee website. The notice shall contain a statement of the character of the proposed improvement, the fact that the resolution has been passed, the rate of such assessment, the number of installments, and shall state a time and place when complaints and claims will be heard before the board of revision of assessments.

SECTION 201.06 BOARD OF REVISION OF ASSESSMENTS.

The City Administrator, the director of law and the director of finance shall constitute the board of revision of assessments. The mayor shall be the president of the board and the director of finance shall be the secretary thereof. It shall meet from time to time as provided by its rules, and shall hear all claims and objections as to the character of all improvements to be paid for in part or in whole by special assessment as provided in the assessment report. A majority of those constituting the board of revision of assessments shall have power to determine all complaints and objections submitted to it; and as to each improvement, the board shall, after such hearing, amend, equalize and adjust the assessment report, and shall report to city council its findings as to the necessity for the improvement, any amendment it directs in the assessments, the estimates of benefits and allowances of damages.

SECTION 201.07 CLAIMS OF DAMAGE.

Any owner of a lot or land bounding and abutting upon a proposed improvement claiming that he will sustain damages by reason of the improvement shall present such claim to the board of revision of assessments within two weeks after the service of notice or the completion of the publication herein before provided. Such claim shall be in writing and shall set forth the amount of damage claimed with a general description of the property with respect to which it is claimed the damage will accrue, and shall be filed with the director of finance. Any owner who fails to do so shall be deemed to have waived such damages and shall be barred from filing a claim or

receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from acts of the city or its agents during installation of the improvement. If, subsequent to the filing of such claim, the owner sells the property, or any part thereof, the right to such damages, if any, shall follow the ownership of the land without other transference of the claim. The board of revision of assessments shall report to City Council all such claims for damages filed with it.

SECTION 201.08 FINAL ASSESSMENTS.

Whenever the board of revision of assessments shall have made its final report to city council as to any improvement, City council, if it determines that the improvement shall proceed, shall pass an ordinance levying the assessment as reported by the board of revision of assessments and directing that the improvement shall proceed. In such ordinance it shall be sufficient to describe the lots and lands abutting upon the improvement, and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between and including the termini of the improvement; and in describing lands which do not abut, it shall be sufficient to describe the lots by the appropriate lot numbers and the lands by metes and bounds. This rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments. At the completion of the project, the final in-place quantities, and the costs to be assessed to property owners shall be submitted to city council for final approval by legislation authorizing collection of the assessments.

SECTION 201.09 PAYMENT OF ASSESSMENTS – LIENS.

Special assessments for any improvement under this chapter shall be payable in annual installments pursuant to one or more payment schedules as authorized by City Council in the resolution of necessity or in the final assessment ordinance. The number of annual installments of any assessment shall not exceed twenty and the number of annual installments of assessments shall not exceed the maximum maturity for which securities could be issued in anticipation of the project. If no period of maximum maturity is so specified, then the period for which assessments shall be levied, shall not be less than one year, but may not exceed the estimated life of the usefulness of the improvement as certified by the fiscal officer of the City of Maumee.

Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance and shall be a lien from the date of the assessment upon the respective lots and parcels of land assessed, enforceable in the manner provided by general law.

SECTION 201.10 DAMAGES ASSESSED

At the time of the passage of the ordinance determining to proceed with the improvements as herein before provided, city council shall determine whether the claims for damages so filed shall be allowed and paid or shall be judicially inquired into as to the proposed improvement. If city council decides that the damages shall be assessed as a result of the project, the director of law shall then make a written application to the court of common pleas, or to the probate court, for the summoning of a jury to determine such damages, and the judge shall direct that a jury be summoned as is provided for the appropriation of property and fix the time and place for inquiry into and assessment of such damages, which inquiry and assessment shall be confined to such claims.

SECTION 201.11 LIMITATION ON DAMAGE SUITS.

No person who claims damages arising from any cause shall commence a suit therefor against the city until he shall have filed a claim for such damages with the city and sixty days shall have elapsed thereafter. This provision shall not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

SECTION 201.12 WORK TO BE DONE.

When city council passes an ordinance directing that an improvement be made to be paid for in whole or in part by special assessment the city administrator shall, through the appropriate department or office, cause the improvement to be made either directly by employment of labor or by entering into a contract therefor as may be determined by city council. Contracts may be entered into for improvements to be assessed at any time before or after the passage of a resolution of necessity by City Council for said improvement.

SECTION 201.13 LANDS UNALLOTTED OR NOT ON DUPLICATE.

When special assessments are to be levied by the percentage of the tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement and there are lots or lands subject to such assessment which are not assessed for taxation, the director of finance shall fix, for the purpose of such assessment, the value of such lots as they stand and of such lands at the depth which he considers a fair average of the depth of lots in the neighborhood, so that the value so fixed will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not subdivided into lots, but are assessed for taxation, the director of finance shall fix the value and depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

SECTION 201.14 INTEREST ON ASSESSMENT BONDS.

When bonds or notes are issued in anticipation of the collection of assessments, the interest and any cost for the bonds or notes, including attorney fees and additional interest costs thereon shall be treated as part of the cost of the improvement for which assessments may be made.

SECTION 201.15 LIMITATION ON ASSESSMENTS.

Whenever it has determined by ordinance that it is necessary to construct, enlarge, or improve a system of storm or sanitary sewerage for the municipal corporation or any part thereof, including sewage disposal works, treatment plants, and sewage pumping stations, or a water supply system for the City of Maumee or any part thereof including mains, dams, reservoirs, wells, intakes, purification works, and pumping stations, and that any such improvement shall be constructed, enlarged, or improved, may levy upon property to be benefited in Maumee an assessment upon the benefited lots and lands within the corporation or such part thereof, apportioned according to benefits or to the tax valuation or partly by one method and partly by the other, as the legislative authority determines for the purpose of paying the costs of general and detailed plans, specifications, estimates, preparation of the tentative assessment, financing, and legal services incident to the preparation of such plans, and a plan for financing the proposed improvements.

Whenever it has determined by ordinance to construct sidewalks, curbs, or gutters and levy an assessment therefor, city council may require the construction or repair of sidewalks, curbs, or

gutters within the municipal corporation by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs, or gutters within the time prescribed in the resolution, may cause such sidewalks, curbs, or gutters to be constructed or repaired and may assess the total cost thereof against the lots or lands abutting thereon.

The entire cost may be assessed for sprinkling, sweeping, cleaning, removing snow from and treating the surface of municipal streets, alleys, and public ways.

City council shall limit all other assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five years in excess of thirty-three and one-third per cent (33-1/3%) of the actual value thereof after the improvement is made.

SECTION 201.16 CITY'S PORTION OF COST.

The city shall pay such part of the cost and expense of improvements for which special assessments are levied as City council deems just which part shall not be less than one-fiftieth (1/50) of all such cost and expense; and in addition, thereto the city shall pay the cost of intersections. The city shall not be required to pay any portion of the cost for sidewalks, curbs, or gutters. City council may provide for the payment of the city's portion of all such improvements or the costs of construction of any improvement to be assessed by the issuance of bonds or notes therefor, by borrowing money, and/or may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon.

SECTION 201.17 REPLACING EXISTING IMPROVEMENTS.

City Council may provide in whole or in part the cost of replacing any existing local improvement by levying special assessments as hereinbefore provided; but any assessment for replacement in less than twenty years from the date of a prior assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty per cent (50%) of the cost of such replacement.

SECTION 201.18 ESTIMATE OF LIFE OF IMPROVEMENTS.

Every ordinance providing for an improvement to be paid for in whole or in part by special assessments may contain an estimate of the life of the proposed improvement, prepared as may be directed by the City Administrator. If an estimated life is set forth in the assessment ordinance, any assessment thereafter made for replacing such improvement within such estimated period of life shall be limited to a sum not in excess of fifty per cent (50%) of the cost of such replacement. Assessments for replacements at or after the expiration of such estimated period of life shall be subject to no limitation except as provided for assessments for original improvements. If no estimated life is set forth in the assessment ordinance, the life of the improvement shall be set at fifteen years.

SECTION 201.19 REBATES AND SUPPLEMENTARY ASSESSMENTS.

Upon the completion of any improvement the director of finance shall rebate to the then owner of the property which shall have been assessed to pay for such improvement, any surplus or excess remaining unexpended for the purpose for which such assessment was made, and in the event of there being a deficit in the fund provided for the making of any such improvement the director of finance shall report to City council a supplementary assessment within the limitations

hereinbefore provided, which supplementary assessment shall be made by ordinance and certified for collection as is provided in the case of original assessments.

SECTION 201.20 SEWER, WATER AND OTHER CONNECTIONS.

The City Administrator, or the Administrator's designee shall have the authority to compel the making of or relocation of sewer, water, gas, electrical, fiber, communications and other utilities and/connections whenever in view of contemplated street improvements, or as a sanitary regulation, such connections should in their judgment be relocated or constructed. Written notice of such determination shall be given to the owner of each lot or parcel of land to which relocations are required or connections are to be made, which notice shall state the number and character of connections or relocation required. Such notice shall be served by a person, designated by the city manager, or other officer, by ordinary US mail sent to the property address or owner of the property as listed with the Lucas County Auditor. Non-residents of the city, or persons who cannot be found, may be served by one publication of such notice in a newspaper of general circulation in the city. The notice shall state the time within which such connections shall be constructed and or relocated, if they be not constructed or relocated within said time, the work may be done by the city and cost thereof, together with a penalty of five per cent (5%), assessed against the lots and lands for which the connections are made. Said assessments shall be certified and collected in the same manner as other assessments for street improvements.