

MODIFYING Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” of the Cincinnati Municipal Code by **AMENDING** Sections 721-1-D, “Department,” 721-1-D1, “Director,” 721-23, “Undedicated Streets, Improvements Forbidden,” 721-47, “Undedicated Streets, Construction Under Public Supervision,” 721-49, “Fund for Inspection of Streets and Sewers Privately Constructed,” 721-51, “Undedicated Streets; Review of Engineering Details for Supervised Construction,” 721-53, “Rules and Schedules of Prices,” and 721-55, “Fund for Reviewing Engineering Details for Construction of Undedicated Streets,” to establish permit requirements for the construction, maintenance, repair, and replacement of private streets and drives in the City of Cincinnati.

WHEREAS, private streets and driveways are an option for property owners when developing property to provide access to buildings and structures; and

WHEREAS, over time, due to substandard construction and neglect by property owners, managers, and tenants, private streets and driveways may deteriorate, resulting in substandard or hazardous conditions that adversely affect the ability of the police, fire, and public services departments from accessing buildings adjacent to private streets and driveways; and

WHEREAS, the inability of City departments to use and access properties and buildings adjacent to private streets and driveways creates a risk to the health and safety of citizens of Cincinnati by limiting response times and prohibiting the collection of trash and refuse; and

WHEREAS, the City risks spending public dollars to remedy issues with private streets and driveways which are in disrepair and cause damage to City vehicles; and

WHEREAS, requiring public supervision of the construction and maintenance of private streets will ensure compliance with minimum standards, prevent decay, and ensure that persons who live along private streets are provided access to police, fire, emergency medical, and public services; and

WHEREAS, Council finds that the foregoing standards are in the interests of the public health, safety, morals, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 721-1-D, “Department,” 721-1-D1, “Director,” 721-23, “Undedicated Streets, Improvements Forbidden,” 721-47, “Undedicated Streets, Construction Under Public Supervision,” 721-49, “Fund for Inspection of Streets and Sewers Privately Constructed,” 721-51, “Undedicated Streets; Review of Engineering Details for Supervised

Construction,” 721-53, “Rules and Schedules of Prices,” and 721-55, “Fund for Reviewing Engineering Details for Construction of Undedicated Streets,” of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 721-1-D. - Department.

“Department” shall mean the department of transportation and engineering. ~~public works.~~

Sec. 721-1-D1. - Director.

“Director” shall mean the director of transportation and engineering. ~~public works.~~

Sec. 721-23. - Undedicated Streets, Improvements Forbidden.

No department or division of the city, nor any officer or employee, shall grade, pave, curb, repair, clean or light any street, or lay any water main, sewer or connection for a water main or sewer or other service connection in any street, or authorize such water main, sewer or connection to be laid therein, or authorize or make any other improvement therein, unless:

- (a) Such street is an established street, duly accepted or opened as a public street or way, or having otherwise received the legal status of a public street or way prior to January 1, 1927; or
- (b) Such street corresponds in location and extent with a street shown on a recorded plat approved by the city planning commission; or
- (c) The location and extent of such street has received the approval of the city planning commission, or, in case of disapproval by the city planning commission, has been approved by a two-thirds vote of council in accordance with the charter.

Notwithstanding the foregoing, the city manager or the city manager’s designee may expend funds to repair undedicated streets that are so unsafe, poorly maintained, or otherwise hazardous that they present a serious and substantial threat to city vehicles or the delivery of medical, fire, police, or sanitation services that are necessary in the interests of public health, safety, and general welfare. For purposes of this section, an undedicated street includes ways which are privately owned and set apart for use by motor vehicle traffic.

Sec. 721-47. - Undedicated Streets, Construction Under Public Supervision.

Whenever the an owner of private property ~~any undedicated street, which has been tentatively approved by the city planning commission for acceptance by the city,~~ (i) desires to construct or improve the an undedicated street at the owner’s expense under public inspection and supervision, by paving, setting curbs and gutters, laying sidewalks, sewerage, or otherwise making street improvements ~~improving the street;~~ or (ii) desires to construct a sewer through private property to connect with a public sewer, then the owner shall do so under public

inspection and supervision by constructing or improving the undedicated street to public street standards, or sewer to public sewer standards. †The owner shall (1) deposit the estimated cost and fees of inspection and supervision, and (2) submit the plans and specifications under which the work is to be executed, and (3) shall secure a permit from the city manager-a permit, or a permit from the Director of the Metropolitan Sewer District of Greater Cincinnati if the improvement involves a sewer connection, which permits shall set forth the conditions and modifications of such plans and specifications under which such inspection and supervision will be given. The owner shall maintain an undedicated street to public street standards. The city manager may inspect any undedicated streets and if the city manager finds such streets in disrepair or are a hazard to city vehicles and services, the city manager may issue orders for the owner to repair such streets. If the owner fails to repair the undedicated street, the city manager may, in accordance with Section 721-23, repair any undedicated street and invoice and assess the owner for the repairs.

For purposes of this section, an undedicated street includes ways which are privately owned and set apart for use by motor vehicle traffic.

Sec. 721-49. - Fund for Inspection of Streets and Sewers Privately Constructed.

All moneys received as deposit or payment under the provisions of Section 721-47 shall be paid to the city treasurer and credited to a the general fund. to be known as the “fund for inspection of streets and sewers privately constructed.” The department shall have the right to draw vouchers from time to time against the fund for the cost of inspection and supervision furnished in accordance with said Section 721-47. The department shall also, on demand, prepare vouchers in favor of the depositors for balances due them after the charges of the department for its services have been paid.

Sec. 721-51. - Undedicated Streets; Review of Engineering Details for Supervised Construction.

The owner of an undedicated street who desires to improve the street in accordance with the provisions of Section 721-47, shall submit to the city engineer the plans for the proposed improvement, as prepared by a registered engineer duly licensed by the state of Ohio, and the city engineer shall review the engineering details of the plans, in accordance with the applicable city standards for public streets. provisions of Section 721-34.

721-53. - Rules and Schedules of Prices.

The ~~city engineer~~ director shall, with the approval of the city manager, prepare a complete set of rules, regulations and procedures applicable to the designing and construction of undedicated streets by private persons under city supervision in accordance with Section 721-47. Such rules and regulations shall contain a schedule of prices chargeable for the services of the ~~department division~~, such prices to be based on the nature of the services rendered and ~~on~~ the time required for performance. The services of the ~~division~~ department may include office and field work. With the approval of the city manager, the rules, regulations, and procedure may be changed from time to time, and the schedule of prices revised, whenever such changes and revision are reasonably required in the interests of the city.

Sec. 721-55. - Fund for Reviewing Engineering Details for Construction of Undedicated Streets.

All moneys received as deposit or payment under the provisions of Sections 721-51 and 721-53 shall be paid to the city treasurer and credited to the general fund, ~~a fund to be known as the "fund for reviewing engineering details of undedicated streets."~~ The ~~division of engineering~~ department shall have the right to draw vouchers from time to time against the fund for the cost of reviewing engineering details in accordance with Sections 721-51 and 721-53.

The ~~department~~ division of engineering shall also, on demand, prepare vouchers in favor of depositors for balances due them after the charges of the ~~department~~ division of engineering for its services have been paid.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk