

*CITY OF STRUTHERS, OHIO  
Ordinance*

*NO. 25-029*

*AN ORDINANCE CREATING § 915.05 OF THE CODIFIED  
ORDINANCES OF THE CITY OF STRUTHERS PROVIDING  
THAT SIDEWALKS ADJACENT TO PUBLIC STREETS ARE  
PRESUMED TO EXIST WITHIN THE PUBLIC EASEMENT  
REGARDLESS OF WHETHER THE SIDEWALK IS WITHIN OR  
OUTSIDE OF THE DESIGNATED PUBLIC EASEMENT AND  
AUTHORIZING THE CITY TO REPAIR OR REPLACE  
SIDEWALKS THAT EXIST OUTSIDE OF THE PUBLIC  
EASEMENT, AND DECLARING AN EMERGENCY.*

**WHEREAS**, the City is committed to ensuring pedestrian safety and to the accessibility and the long-term maintenance of sidewalks within the City;

**WHEREAS**, §§ 729.01 to 729.05 of the Ohio Revised Code authorize the City to construct and repair sidewalks within the City;

**WHEREAS**, there are certain sidewalks within the City that may be located outside of the designated public right-of-way; and

**WHEREAS**, Council is satisfied that there is good cause to specify that sidewalks within the City are presumed to exist within the public easement regardless of whether the sidewalk is within or outside of the designated public right-of-way.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the City of Struthers, Ohio,  $\frac{3}{4}$ 's of all members elected thereto concurring:

**SECTION 1:** § 915.05 of the Codified Ordinances of the City of Struthers is hereby created to read as follows:

**915.05 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 City is authorized to repair or replace these sidewalks without acquiring temporary or permanent right-of-way.



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


**SECTION 2:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including § 121.22 of the Ohio Revised Code.

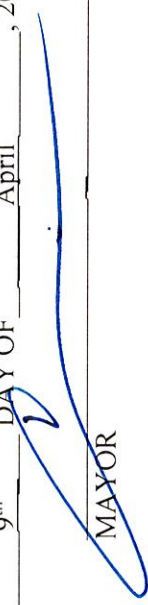
**SECTION 3:** This Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City and to the accessibility and maintenance of sidewalks within the City. Accordingly, this Ordinance shall be in full force and effect from and immediately upon its passage and approval by the Mayor.

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PASSED IN COUNCIL THIS 9<sup>th</sup> DAY OF April, 2025.  
 CLERK OF COUNCIL  
 PRESIDENT OF COUNCIL

FILED WITH THE MAYOR THIS 9<sup>th</sup> DAY OF April, 2025.  
 CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 9<sup>th</sup> DAY OF April, 2025.  
 MAYOR

POSTED ON STRUTHERS CITY WEBSITE & STRUTHERS SOCIAL MEDIA

DATE: April 11, 2025  
 CLERK OF COUNCIL