



MAYFIELD  
VILLAGE

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## MEMORANDUM

To: Mayfield Village Council  
From: Mayfield Village Law Department  
Date: November 25, 2025  
Re: Responsibility for Roadside Ditches

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Dear Council:

Over the last year, I have been asked to review the question of the responsibility for the maintenance and repair of the numerous roadside ditches in the Village. Some of these are within the Village's right of way and others are not. If not maintained or repaired when needed, water flowing incorrectly can impact the roadway and the travelling public and could create liability for the Village. We do not have any regulation on the topic except when a property owner wishes to enclose the roadside ditch. The Mayfield Village Codified Ordinances ("MVCO") address the process for the enclosure of roadside ditches in Chapter 907. We do have codified regulations as to the maintenance and repair responsibilities of public sidewalks, driveway aprons, and tree lawns at MVCO Chapter 903.

To address the responsibility of roadside ditches, to have a consistent approach and mitigate any potential Village liability, and in working with the Service Director, Village Engineer, Director of Administration and the Mayor, we are proposing to revise Chapter 907. We are proposing, for Council's consideration, new provisions addressing the maintenance and repair responsibilities for all roadside ditches in the Village in the same manner as public sidewalks, driveway aprons and tree lawns are required in MVCO Chapter 903. A redline version showing the proposed changes to MVCO Chapter 907 is attached. A copy of MVCO Chapter 903 is also attached for your reference.

CHAPTER 907

Roadside Ditch Maintenance and Ditch Enclosures

907.01 Roadside Ditch Maintenance Responsibility.

907.02 Roadside Ditch Procedure To Repair, Maintain Or For Removal of An Obstruction.

907.03 Roadside Ditch Noncompliance With Inspection Notice.

907.04 Roadside Ditch Permit.

907.05~~4~~ Roadside Ditch Enclosure Application.

907.06~~2~~ Roadside Ditch Enclosure Permit required.

907.07~~3~~ Roadside Ditch Enclosure Permit issuance.

907.08~~4~~ Roadside Ditch Enclosure Bond required.

907.99 Penalty.

907.01 ROADSIDE DITCH MAINTENANCE RESPONSIBILITY.

\_\_\_\_\_ Roadside ditches and enclosed roadside ditches, including any pipe installed under a driveway apron, serving all classifications of property are the responsibility of and shall be maintained by the property owner or abutting property owner, it being deemed necessary by the Municipality to require the repair and maintenance of roadside ditches and enclosed roadside ditches.

907.02 ROADSIDE DITCH PROCEDURE TO REPAIR, MAINTAIN OR FOR REMOVAL OF OBSTRUCTION.

\_\_\_\_\_ If the Village learns of the need for any repair or maintenance of any roadside ditch or the need to remove an obstruction in any roadside ditch, the Service Director shall notify the property owner as follows:

\_(a) Property owners or their agents shall be informed, in writing, of the required repairs, maintenance and/or obstruction to be removed to bring the roadside ditch on the property or on the abutting property into compliance.

\_(b) Such notice shall be served on the property owners or their agents by certified mail, returned receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt. If such notice is returned undelivered, then such notice may be served by ordinary mail which shall be deemed completed when the fact of mailing is entered on record. If the ordinary mail envelope is returned undelivered, then

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such copy shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published once in a newspaper of general circulation within the Municipality.

\_(c) Such repairs shall be made within forty-five (45) days from the date of receipt or posting of notice, unless extensions are granted by the Service Department due to inclement weather or other unforeseen circumstances.

907.03 ROADSIDE DITCH NONCOMPLIANCE WITH NOTICE.

\_(a) If the property owner or his agent fails to comply with the notice to repair the roadside ditch, the Municipality shall cause the roadside ditch to be repaired. All expenses and labor costs incurred shall be paid out of Municipal funds, with a statement of charges and a proper description of the premises to be sent to the property owner and then to the County Auditor. The Finance Department shall give notice to the owner to pay the cost of such repairs. Such service shall be served in the same manner as described in Section 907.02(b). In the event such costs are not paid within thirty (30) days after service of notice, then such amount shall be certified by the Finance Director to the County Auditor for collection the same as other taxes and assessments are collected. The assessed cost of repairs shall be as set forth in Ohio R.C. 720.07, 729.08 and 729.09.

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\_(b) In the event the Municipality enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Director of Finance shall certify to the County Auditor for recording such lien in the following manner:

\_(1) If the amount of construction or repair is equal to or less than five hundred (500) square feet, the amount due shall be divided into two (2) semi-annual payments and collected within the immediate tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%), but in no event an amount less than twenty-five dollars (\$25.00).

\_(2) If the amount of construction or repair is greater than five hundred (500) square feet, the amount due shall be divided into four (4) semi-annual payments and collected one-half (1/2) within the immediate tax year, and one-half (1/2) the following tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%) per annum, but in no event an amount less than twenty-five dollars (\$25.00).

907.04 ROADSIDE DITCH PERMIT.

The property owner or his agent shall apply to the Building Department for a permit to repair roadside ditches identified as needing repair or maintenance or the removal of an obstruction.

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907.05+ ROADSIDE DITCH ENCLOSURE APPLICATION.

No person, firm or corporation shall commence any work for the purpose of enclosing a ditch within the Village's right of way or any drainage easement without first making application to the Building Commissioner or his or her designee; which application shall

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designate the location of the property; the ditch area to be enclosed; the name and address of the owner of such property; the name and address of the person or persons that will do such work; and such other information as may be required by the Village.

(Ord. 2022-24. Passed 12-19-22.)

907.0~~6~~<sup>2</sup> ROADSIDE DITCH ENCLOSURE PERMIT REQUIRED.

(a) No person, firm or corporation shall commence any work for the purpose of enclosing a ditch within the Village's right of way or any drainage easement without first securing a permit to do so from the Building Commissioner or his or her designee. The cost of such permit shall be fifty dollars (\$50.00).

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(b) The permit fee shall include the cost of one initial preconstruction inspection and one final inspection. Each additional reinspection is subject to a fee of thirty-five dollars (\$35.00).

(c) Reinspection fees shall be paid for at the time the inspection is scheduled or may be applied against the bond required in Section 907.04 at the discretion of the Building Commissioner. (Ord. 2022-24. Passed 12-19-22.)

907.0~~7~~<sup>3</sup> ROADSIDE DITCH ENCLOSURE PERMIT ISSUANCE.

The permit shall be issued upon the following conditions and failure to comply with any of such conditions shall be cause for revocation of such permit:

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(a) Ditch enclosures shall be done according to the specifications set by the Village Engineer, which may be amended from time to time.

(b) The owners shall pay for the costs of the material and installation for the ditch enclosure.

(c) The owner shall complete the project within thirty (30) days after the commencing of construction.

(Ord. 2022-24. Passed 12-19-22.)

907.0~~8~~<sup>4</sup> ROADSIDE DITCH ENCLOSURE BOND REQUIRED.

No person, firm or corporation shall commence any work for the purpose of enclosing a ditch within the Village's right of way or any drainage easement without first depositing a

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bond in the sum of one hundred dollars (\$100.00). The bond is to be returned after completion and approval of installation.

(Ord. 2022-24. Passed 12-19-22.)

907.99 PENALTY.

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(b) The imposition of one fine for any violation of this chapter shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time.

(c) Unless otherwise specified, each day that such prohibited conditions are allowed to exist shall constitute a separate offense.

(Ord. 2022-24. Passed 12-19-22.)

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## CHAPTER 903

### Sidewalk Maintenance

- 903.01 Sidewalk maintenance responsibility.
- 903.02 Inspection procedure.
- 903.03 Noncompliance with inspection notice.
- 903.04 Permit.**
- 903.05 Sidewalk repair reimbursement.**
- 903.99 Penalty.**

#### **903.01 SIDEWALK MAINTENANCE RESPONSIBILITY.**

Public sidewalks, driveway aprons and Tree Lawns serving all classifications of property are the responsibility of and shall be maintained by the abutting property owner, it being deemed necessary by the Municipality to require the repair and maintenance of sidewalks, driveway aprons and Tree Lawns.

(Ord. 2018-14. Passed 5-21-18.)

#### **903.02 INSPECTION PROCEDURE.**

The Building Department shall attempt to inspect all sidewalks and driveway aprons every two years from the date of passage of this section.

- (a) The inspection shall include surface conditions, that is spalled or checked surface cracks or joint separation and a differential elevation in sidewalk sections. A differential elevation of sidewalk sections of one-half inch or less shall be deemed satisfactory and not require replacement or leveling.
- (b) Property owners or their agents shall be informed, in writing, of the repairs required to bring the sidewalks and/or driveway aprons abutting the property into compliance.
- (c) Such notice shall be served on the property owners or their agents by certified mail, returned receipt requested, express mail, or any other commercial carrier service utilizing any form of delivery requiring a signed receipt. If such notice is returned undelivered, then such notice may be served by ordinary mail which shall be deemed completed when the fact of mailing is entered on record. If the ordinary mail envelope is returned undelivered, then such copy shall be posted in a conspicuous place on the property to which it relates and a copy of such notice shall be published once in a newspaper of general circulation within the Municipality.
- (d) Such repairs or replacement shall be made within forty-five days from the date of receipt or posting of notice, unless extensions are granted by the Building Department due to inclement weather or other unforeseen circumstances.

(Ord. 2018-14. Passed 5-21-18; Ord. 2023-12. Passed 12-18-23.)

#### **903.03 NONCOMPLIANCE WITH INSPECTION NOTICE.**

(a) If the property owner or his agent fails to comply with the notice to repair, the Municipality shall cause the sidewalks and/or driveway aprons to be reconstructed or repaired. All expenses and labor costs incurred shall be paid out of Municipal funds, with a statement of charges and a proper description of the premises to be sent to the property owner and then to the County Auditor. The Building Commissioner/Service Director shall give notice to the owner to pay the cost of such reconstruction or repairs. Such service shall be served in the same manner as described in Section 903.02(c). In the event such costs are not paid within thirty days after service of notice, then such amount shall be certified by the Finance Director to the County Auditor for collection the same as other taxes and assessments are collected. The assessed cost of repairs shall be as set forth in Ohio R.C. 720.07, 729.08 and 729.09.

(b) In the event the Municipality enters a lien upon the tax duplicate as provided in subsection (a) hereof, the Director of Finance shall certify to the County Auditor for recording such lien in the following manner:

- (1) If the amount of construction or repair is equal to or less than 500 square feet, the amount due shall be divided into two semi-annual payments and collected within the immediate tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%), but in no event an amount less than twenty-five dollars (\$25.00).
- (2) If the amount of construction or repair is greater than 500 square feet, the amount due shall be divided into four semi-annual payments, and collected one-half within the immediate tax year, and one-half the following tax year. The Director of Finance shall add to the amount due interest at the rate of ten percent (10%) per annum, but in no event an amount less than twenty-five dollars (\$25.00).

(Ord. 2018-14. Passed 5-21-18.)

#### **903.04 PERMIT.**

The property owner or his agent shall apply to the Building Department for a permit to construct or repair sidewalks and/or driveway aprons identified as needing maintenance. Sidewalk maintenance by the Municipality shall not require a permit.

(Ord. 2018-14. Passed 5-21-18.)

#### **903.05 SIDEWALK REPAIR REIMBURSEMENT.**

The property owner may apply to the Village for reimbursement of a portion of the cost to repair and/or replace sidewalks in the event that damage is caused by tree roots from trees located on the tree lawn. Reimbursement shall not exceed one hundred twenty-five dollars (\$125.00) per sidewalk block with a maximum reimbursement amount of one thousand dollars (\$1,000.00) per street frontage. The Village Service Director shall review each application for reimbursement and make a determination regarding the eligibility for reimbursement in accordance with this section and notify the property owner in writing.

(Ord. 2020-23. Passed 12-21-20.)

#### **903.99 PENALTY.**

Whoever violates any provision of this chapter shall be fined not more than two hundred fifty dollars (\$250.00) for each and every violation. Each day during or on which a violation continues shall constitute a separate offense.

(Ord. 90-20. Passed 7-16-90.)