

CITY OF NORTH OLMSTED

ORDINANCE NO. 75 - 122

BY: Mr. Gygis

AN ORDINANCE REGULATING THE MAINTENANCE AND REPAIR OF STORM WATER RETENTION SYSTEMS LOCATED ON PRIVATE PROPERTY AND THE PROVIDING OF A PENALTY OF FAILURE TO MAINTAIN SAID SYSTEMS, AND DECLARING AN EMERGENCY, AS AMENDED.

WHEREAS, Council and the Administration realize that storm drainage systems located throughout the City by virtue of County ditches as well as storm sewer systems are inadequate to handle normal storm water; and,

WHEREAS, the City of North Olmsted has adopted a policy of requiring storm water retention systems which help in alleviating flooding conditions; and,

WHEREAS, it is the desire of this Council to provide for the maintenance and repair of storm water retention systems so that the land owners in the City of North Olmsted can be protected from adverse flooding conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH OLMSTED, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

SECTION 1: That all storm water retention basins and systems designed as such and located on private property shall be maintained and kept in good working order by the owner or person in charge of said private property whereon the retention basin or system is located.

SECTION 2: The Division of Engineering of the City of North Olmsted shall be charged with the duty of inspecting all storm water retention basins and systems; and the owner or person in control of said private property whereon said basin or systems are located shall, at all reasonable times, permit the inspection of said basin or systems.

SECTION 3: That if, after inspection, the Division of Engineering determines that a storm water retention basin or system is malfunctioning because of the accumulation of debris, lack of maintenance or repair, or for any other reason, then the Division of Engineering shall notify the property owner or person in charge of said property to correct the situation within thirty (30) days; and if, after notification, the property owner or person in charge of said property fails to abate the adverse situation, then in that event the City shall either perform the work or cause work to be performed to have the adverse situation abated and thereafter bill the property owner for the cost of repair or maintenance. Notification of cost shall be given by regular mail at the last known address of the owner of said parcel. Said notification shall advise the property owner that he has five (5) days within which to pay the invoice; if he fails to do so within thirty (30) days after the date of mailing such notice, such amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments are collected.

SECTION 4: That in addition to the remedies specified in Section 3 hereof, any person who violates the provisions of this

ordinance shall be guilty of a minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00) for each offense and, for the purpose of this ordinance, each day that the adverse condition is permitted to exist shall be a separate violation.

SECTION 5: The provisions of this ordinance apply to storm water retention basins or systems designed as such located on private property. Nothing herein shall be construed as requiring any individual to assume responsibility for drainage ditches which are an intricate part of the storm water drainage system of the City of North Olmsted.

SECTION 6: That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety, and welfare, and for the further reason that it is immediately necessary to protect property in the City from adverse flooding conditions, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: June 17, 1975
(As Amended)

ATTEST:

Nora T. Hill
NORA T. HILL, CLERK OF COUNCIL

Francis J. O'Neill
FRANCIS J. O'NEILL, PRESIDENT OF
COUNCIL

APPROVED: 6/17/75
Ralph E. Christman
RALPH E. CHRISTMAN, MAYOR

First Reading: 5-20-75
Second Reading: 6-4-75
Amended
Second Reading as amended: