

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 18-41

INTRODUCED BY: Petrusky, Langshaw, Hannan

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART FOURTEEN BUILDING AND HOUSING CODE, CHAPTER 1481 STORM WATER MANAGEMENT, SECTION 1481.08 MAINTENANCE OF SYSTEMS, PARAGRAPH'S (a), (d), (e) AND (f), AND ADDING A NEW PARAGRAPH (g), AND DECLARING AN EMERGENCY

WHEREAS: It has been determined to be necessary to amend the Codified Ordinances of the City of North Royalton, Part Fourteen Building and Housing Code, Chapter 1481 Storm Water Management, Section 1481.08 Maintenance of Systems, Paragraph's (a), (d), (e) and (f), and adding a new Paragraph (g) in order to provide for a partial funding of maintenance required for storm water management facilities; and

WHEREAS: Council desires to provide for these amendments.

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

Section 1. Part Fourteen Building and Housing Code, Chapter 1481 Storm Water Management, Section 1481.08 Maintenance of Systems, Paragraph's (a), (d), (e) and (f) and new Paragraph (g) of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

(a) Any portion of the drainage system on private property including on-site and off-site storage facilities, shall be continuously maintained by the owner of the property unless such system or portion thereof is officially accepted **and dedicated** by the City for maintenance. The developer/owner shall cause the maintenance obligation to be inserted in the chain of title to the affected lands as a covenant running with the land in favor of the City. To ensure that the proper maintenance of the storm water management improvements will occur, the property owner shall execute a maintenance agreement containing those terms and provisions set forth in the maintenance agreement in substantially the same form as incorporated herein as Appendix I of this chapter. No maintenance agreement shall be executed by or on behalf of the City without first being reviewed by the City Engineer and Law Director.

(d) All facilities must be inspected every three years by the Engineering Department or a designated ~~substitute~~ **representative** on a rotating basis as determined by the Engineering Department to ensure that the facilities are 100% operational based on their design **and fully maintained**. A written report shall be generated by the Engineering Department and delivered to the Storm Water Committee by the end of each calendar year. The report will include the status of the system and any corrective measures to be taken by the responsible party.

(e) The Engineering Department or a designated ~~substitute~~ **representative** will create a Master Map of Storm Water storage facilities. Each and every storm water storage facility will be given a consecutive numerical nomenclature in **such** that no two basins **shall** have the same number, and a GPS location will be recorded and placed on file at the point of water over flow. The numerical nomenclature will be placed onto the Master Map of Storm Water storage facilities and updated in May and December of each year.

(f) In the event that corrective measures are required, the City Engineer or his/her designated ~~substitute~~ **representative** may issue a notice of violation which shall identify all of the deficiencies and permit thirty days for correction. If after subsequent inspection the corrections are not made, then the City Engineer or his/her designated ~~substitute~~ **representative** ~~may~~ **shall** issue a citation to the owner or person(s) responsible for maintenance of the facility. Said citation may be filed in Mayor's Court. If all of the corrective actions are not performed within the prescribed time period, the City will then make the necessary repairs and assess the costs as a tax assessment to the responsible party/property in accordance with Ohio Law.

(g) ***A property owner, including but not limited to a Home Owners Association, that has been issued a Cuyahoga Soil & Water Conservation District Long-Term Operation and Maintenance Report on behalf of the City Engineer requiring the property owner to take corrective action may be eligible to apply for grant funds to help offset required maintenance related expenses of their storm water management facility. Storm water management facility grant applications shall be completed and submitted as follows:***

(1) ***Applications are available on the City's website under the Engineering Department page.***

(2) ***Completed applications shall be submitted to the City Engineering Department for consideration for the following maintenance activities:***

- a. ***Clogged or damaged infrastructure***
- b. ***Dredging and/or sediment removal***
- c. ***Erosion repairs and stabilization***
- d. ***Invasive vegetation removal***
- e. ***Trash and/or debris removal***
- f. ***Safety issues***

(3) *Applications shall be limited to maintenance expenses outlined in the most currently issued Long –Term Operation and Maintenance Report issued by the Cuyahoga Soil & Water Conservation District.*

(4) *Grant funding shall be limited to a maximum of one quarter (1/4) of the total cost associated with the required maintenance, not to exceed \$7,000 per property owner as defined above.*

(5) *Applications for grant funding will be reviewed on a “first come, first serve” basis, and available as further limited by City Council funding.*

(6) *Property owners shall be eligible to apply for grant funds only once every three (3) years.*

(7) *Storm water management facilities commenced and/or completed since January 1, 2017 shall be eligible to apply for grant funding.*

(8) *Applications may be denied for incompleteness or lack of sufficient funding; failure to qualify for grant funds is solely determined by the City Engineer.*

(9) *Payment of the grant shall be made only after the satisfactory completion of the required maintenance, and upon proof of payment of the entire maintenance cost thereof.*

(10) *The City Engineer’s decision on a grant application can be appealed to the City Law Director. The Law Director’s determination will be in the nature of a moral claim in that it will be final and not subject to appeal.*

Section 2. This Ordinance shall supersede all previously adopted ordinances in direct conflict herewith.

Section 3. Section 1481.08 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of this section shall remain in full force and effect.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption 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.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the Codified Ordinances of the City of North Royalton, Part Fourteen Building and Housing Code, Chapter 1481 Storm Water Management, Section 1481.08 Maintenance of Systems, Paragraph’s (a), (d), (e) and (f) and new Paragraph (g) in order to provide for a partial funding of maintenance required for storm water management facilities.

THEREFORE, provided this Ordinance 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; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: April 3, 2018

DATE APPROVED: April 4, 2018

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading April 3, 2018

YEAS: Antoskiewicz, Petrusky, Langshaw,
Marnecheck, Hannan, Kasaris

NAYS: none

ABSENT: Nickell