

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 23-50

INTRODUCED BY: Mayor Antoskiewicz, Barath, Nickell, Wos
Co-Sponsor: Marnecheck

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 (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 (g) in order to encourage the maintenance and upkeep of Storm Water Facilities within the city; and

WHEREAS: Council desires to provide for this amendment.

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 (g) of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

(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. In addition, other owners of adjacent real property may join together and apply for grant funds set forth herein to aid in collaborative corrective action to address any "storm water nuisance" as determined by the City Engineer. Storm water management facility and storm water nuisance 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; and

G. Inadequate or improperly graded swales including property grades that have been modified without permits or fail to meet the original grades as approved by the City.

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 or costs incurred to effect remedial work as to storm water nuisances.

4. Grant funding shall be limited *reimbursement of* ~~to~~ a maximum of one-quarter of the total cost associated with the required maintenance or remedial work, not to exceed seven thousand dollars (\$7,000) per project *per applicant per year* 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 years.~~

~~7.~~ 6. Storm water management facilities commenced and/or completed since January 1, 2017 shall be eligible to apply for grant funding.

~~8.~~ 7. 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.~~ 8. Payment of the grant shall be made only after the satisfactory completion of the required maintenance or remedial work, and upon proof of payment of the entire project cost thereof.

~~10.~~ 9. 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 (g) in order to encourage the maintenance and upkeep of Storm Water Facilities within the city.

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/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: April 18, 2023

DATE APPROVED: April 19, 2023

ATTEST: /s/ Dana A. Schroeder
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading April 18, 2023

YEAS: Marnecheck, Nickell, Barath, Krejci,
Dietrich, Webber, Wos

NAYS: none