

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 14-91

INTRODUCED BY: Muller, Nickell, Langshaw, Petrusky  
Marnecheck

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART SIX GENERAL OFFENSES CODE, CHAPTER 660 SAFETY, SANITATION AND HEALTH, SECTION 660.11 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES, AND DECLARING AN EMERGENCY

WHEREAS: It is the duty of every property owner or occupant to maintain all existing culverts in good order and repair and of sufficient size and capacity as determined by the City Engineer; and

WHEREAS: It has been determined that it is necessary to amend the Codified Ordinances of the City of North Royalton to enable the city to perform this necessary work and certify the amount owed to the County Auditor for collection in the same manner as other taxes and assessments are collected; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part Six General Offenses Code, Chapter 660 Safety, Sanitation and Health, Section 660.11 Notice to Fill Lots, Remove Putrid Substances; 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 Six General Offenses Code, Chapter 660 Safety, Sanitation and Health, Section 660.11 Notice to Fill Lots, Remove Putrid Substances of the Codified Ordinances of the City of North Royalton is hereby amended as follows:

660.11 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law: To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

*(b) Property owner or occupant shall maintain all existing culverts in good order and repair and of sufficient size and capacity as determined by the City Engineer.*

*(c) The Building Commissioner, upon the advice of the City Engineer, shall serve upon any person who has committed any act prohibited by subsection (a) or (b) hereof a notice that such person has violated the provisions of this section, which notice shall set forth in detail the manner of the violation. Such notice shall be sufficiently served if it is mailed by certified mail to the usual place of residence or the usual place of business of the offender or, if a corporation, to its usual place of business. The offender shall be allowed ten days from the day on which the notice is placed in the mail to take all necessary measures to cease the violation and in all respects to restore circumstances as they existed prior to the violation.*

*(d) Upon failure to comply within the prescribed ten day period, the Building Commissioner shall cause the violation to be immediately corrected, including but not limited to the installation of a new culvert by the direct employment of labor or by the municipal employees and shall thereafter give notice to the owner of such parcel by certified mail at his or her tax mailing address or by posting a notice on the parcel to pay the costs of materials and supplies, which notice shall be accompanied by a statement of the amount of cost incurred. If such statement is not paid within thirty days after the mailing of such notice, then a collection cost of seventy dollars (\$70.00) shall be added thereto, and such amount shall be certified to the County Auditor for collection in the same manner as other taxes and assessments are collected. The remedy provided for herein shall be in addition to the penalty provided for in subsection (e).*

~~(b)~~(e) Whoever violates this section is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. The penalty shall be as provided in Section 698.02.

Section 2. Section 660.11 of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 660 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

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 Ordinance of the City of North Royalton to enable the city to perform this necessary work and certify the amount owed to the County Auditor for collection in the same manner as other taxes and assessments are collected.

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: July 15, 2014

DATE APPROVED: July 16, 2014

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

First reading suspended  
Second reading suspended  
Third reading July 15, 2014

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

NAYS: none

ABSENT: Nickell