Agenda, Bay Village City Council
Regular Meeting, Council Chambers

June 5, 2017
8:00 p.m.
Committee 7:30 p.m. Conference Room
(Public Welcome)

Dwight A. Clark, President of Council, Presiding
Roll Call/Pledge of Allegiance led by Councilman of Ward 1, David L. Tadych
Reading of Minutes – Special Meeting of Council held May 22, 2017
Cahoon Memorial Park Trustees meeting held May 22, 2017

ANNOUNCEMENTS

Presentation: Proclamation to Martha Krebs, for years of service to Civil Service Commission.

Appointment of Thomas Wynne to the Civil Service Commission to complete the unexpired term of Martha Krebs ending January 24, 2020.

REPORTS
Mayor Koomar
Director of Community Services Selig
Director of Law Ebert
Police Chief Spaetzel
Director of Finance Mahoney
Fire Chief Lyons
Director of Recreation Enovitch
Chief Building Official Jeff Grassi
Interim Director of Public Service and Properties Liskovec
Human Resources Administrator Demaline

AUDIENCE

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE – Mr. Vincent

Motion to confirm the appointment by Mayor Koomar of Thomas Wynne to the Bay Village Civil Service Commission to complete the unexpired term of Martha Krebs ending January 24, 2020.

Resolution authorizing the filing of an Edward Byrne Memorial Justice Grant Application, and declaring an emergency.
FINANCE AND CLAIMS- Mr. Clark

Ordinance amending Chapter 125 of the Codified Ordinances by enacting Section 125.57 relating to the establishment of a Community House Renovation Fund, and declaring an emergency.

Motion to donate abandoned property to the Bay Village Bicycle Cooperative.

PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE – Mrs. Lieske

ORDINANCE amending Section 1351 of the Codified Ordinances of the City of Bay Village regarding determination of grade lines, and declaring an emergency (First Reading).

PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE-Mr. Henderson

RECREATION AND PARK IMPROVEMENTS COMMITTEE – Mr. Mace

SERVICES, UTILITIES & EQUIPMENT COMMITTEE – Mr. Tadych

Motion to authorize the Interim Director of Public Service and Properties to request proposals to install fiber optic lines to the Bay Village Library, 502 Cahoon Road, in anticipation of a cost feasibility study for future operations of the library building.

MISCELLANEOUS

Motion to convene to Executive Session in regard to Personnel: Mayor and Council Compensation; Litigation: Frances Mentch v. Mayor/City Council, Complaint for Declaratory Judgement.

CAHOON MEMORIAL PARK TRUSTEES

Motion to permit lake access through Cahoon Memorial Park for residents Robert Bensman, 27308 Lake Road and Frank Sullivan, 27320 Lake Road for work on their property erosion projects.
June 5, 2017
Agenda
Regular Meeting of Council

Procedure

Section 2.14    - Effective Date
C.O. 111.10    - Council Rules for Legislation

Roll call on suspension of Charter Rules:

   Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

   No ordinance or resolution shall be passed unless a written copy thereof is before the Council …at least 24 hours before any meeting of Council at which action…is contemplated.

Roll call on inclusion of the emergency.

   All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

   It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE:  Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.
City of Bay Village

Council Minutes, Special Meeting                      May 22, 2017
Council Chambers 8:19 p.m.
President of Council Dwight Clark, presiding

Present:           Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Mayor Koomar
Also Present:  Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig, Police Chief Spaetzel, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Human Resources Administrator Demaline, Chief Building Official Grassi.

AUDIENCE

Jeff Gallatin, Dick Majewski, Conda Boyd, Lydia DeGeorge, Bill Selong, Tara Wendell, Claire Banasiak, Alex Dade, Denny Wendell, Cheryl McCarty, Richard Fink, Mary Krauss, Joe Krall.

President of Council Clark called the meeting to order at 8:19 p.m. with roll call by the Clerk of Council and the Pledge of Allegiance led by Councilwoman-at-large Nancy Stainbrook.

ANNOUNCEMENTS

Mayor Koomar announced the schedule for Bay Days, 2017, in Cahoon Memorial Park.

Booths and Rides are open, 12 Noon to 10:30 p.m., on Friday, June 30, Saturday, July 1, Monday, July 3, and Tuesday, July 4. There will be no activities on Sunday, July 2. A gala fireworks display will be held on Tuesday, July 4 at 9:45 p.m., with a rain date for fireworks of July 5, 2017.

Mayor Koomar announced that the City of Bay Village will be part of the Cuyahoga County Greenway Plan. The Greenway Plan is funded through the Livable Communities Initiative of the Northeast Ohio Areawide Coordinating Agency (NOACA). Mayor Koomar will serve as the representative for the City of Bay Village. Mr. Glenn Coyne, Executive Director of the Cuyahoga County Planning Commission will lead the effort. The Mayor commented that Bay’s Connectivity Study with NOACA will fit in well with the effort to identify and improve pedestrian and biking options throughout the county.

Finance Director Mahoney announced a position opening for part time receptionist at the Bay Village City Hall. The job is twelve hours per week, 8:30 a.m. to 12:30 p.m. or 12:30 p.m. to 4:30 p.m. three days per week. More information can be found on the City of Bay Village website or by email to JDemaline@cityofbayvillage.com.

Motion by Mr. Tadych to dispense with the reading and approve the minutes of the meeting of the Regular Meeting of Council held May 15, 2017 as prepared and submitted.
Motion carried 6-0, with one abstention by Mr. Clark.

Motion by Mr. Tadych to dispense with the reading and approve the minutes of the meeting of the Meeting of the Cahoon Memorial Park Trustees held May 15, 2017 as prepared and submitted.

Motion carried 7-0, with one abstention by Mr. Clark.

Mr. Tadych read Resolution No. 17-39, by title only, adopting a Tax Budget for the City of Bay Village for the Fiscal Year beginning January 1, 2018, submitting same to the County Fiscal Officer, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 17-39

Roll Call on Suspension of the Charter Rules:
Yeas- Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays - None

Roll Call on Suspension of the Council Rules:
Yeas – Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas – Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays – None.

Roll Call on Adoption:
Yeas–Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent
Nays–None.

Mr. Clark announced adoption of Resolution No. 17-39, by a vote of 7-0.

Mr. Tadych introduced and read Ordinance No. 17-40, amending by reading, to change the one year period in Section 1 of the ordinance from beginning June 15, 2016, to beginning June 15, 2017, authorizing the Mayor to enter into an agreement with the McGowan Insurance Agency as agents of Argonaut Insurance for Public Officials Liability, Law Enforcement Professional and Firefighters Professional Liability, Property and Equipment, Boiler & Machinery and Crime Coverage, and Umbrella Insurance, and declaring an emergency, and moved for adoption.

Mr. Clark commented that there may be a price increase once the municipal equipment is purchased. Finance Director Mahoney stated that the price increase is for equipment purchased last year.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Ordinance No. 17-40.

Roll Call on Suspension of the Charter Rules:
Yeas- Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
Special Meeting of Council
May 22, 2017

Nays -None
Roll Call on Suspension of the Council Rules:
   Yeas – Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
   Nays – None.
Roll Call on Inclusion of the Emergency Clause:
   Yeas – Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
   Nays – None.
Roll Call on Adoption:
   Yeas- Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Clark
   Nays–None.

Mr. Clark announced adoption of Ordinance No. 17-40, by a vote of 7-0.

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Tadych MOVED to convene to Executive Session for Personnel- Mayor and Council compensation; Litigation: Frances Mentch v. Mayor/City Council, Complaint for Declaratory Judgement; Contracts–SAFEbuilt, Inc.

Roll Call Vote:

Yeas – Lieske, Mace, Stainbrook, Tadych, Vincent, Clark, Henderson
Nays – None.

Motion carried 7-0.

In addition to the members of Council, Mayor Koomar, Human Resources Administrator Demaline, and Finance Director Mahoney were present in Executive Session.

Council reconvened in an open meeting at 8:55 p.m.  Present were: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent.

Mr. Clark thanked everyone for their presence this evening. There being no further business to discuss, the meeting adjourned at 9:00 p.m.

__________________________________   ____________________________
Dwight Clark, President of Council    Joan Kemper, Clerk of Council
President of Council Clark called the meeting to order at 8:10 p.m. in the Council Chambers of Bay Village City Hall.

Present: Clark, Henderson, Lieske, Mace, Stainbrook, Tadych, Vincent, Mayor Koomar

Also Present: Law Director Ebert, Finance Director Mahoney, Fire Chief Lyons, Community Services Director Selig, Police Chief Spaetzel, Recreation Director Enovitch, Interim Director of Public Service and Properties Liskovic, Human Resources Administrator Demaline, Chief Building Official Grassi.

AUDIENCE

Jeff Gallatin, Dick Majewski, Conda Boyd, Lydia DeGeorge, Bill Selong, Tara Wendell, Claire Banasiak, Alex Dade, Denny Wendell, Cheryl McCarty, Richard Fink, Mary Krauss, Joe Krall.

Food Truck Friday

Mayor Koomar advised that his Administrative Assistant, Sue Kohl, came to him with the idea of Food Truck Friday in the park during the summer months. The Mayor asked Mrs. Kohl to proceed with research and work with the Law Director regarding the necessary food licenses, insurance and contracts. Mrs. Kohl came up with the concept of the vendor donating a percentage of their proceeds to the Dwyer Memorial Center Emergency Fund. The vendors are willing to do that. The Mayor stated that he believes it to be a good idea to try to bring more life to the park on Fridays. There are a lot of Recreation Department workers there, city hall workers, folks from Bay Square, and a lot of parents and children that are in the park for activities. Mayor Koomar stated that he gives Sue Kohl credit for the idea. We will try one truck per Friday and watch it to see how much success we have.

Mr. Tadych asked how many hours the food trucks will be there. Mayor Koomar stated that the trucks will be there from 11 a.m. to 1:30 p.m.

Mr. Henderson asked the customary rate for the sharing of the profits. How much will actually be raised? Mayor Koomar stated that he does not have a good sense of volume at this point until we go through the first Friday or two.

Mrs. Stainbrook stated that she thinks it is a nice idea and she appreciates the work that was done by Sue Kohl for this initiative. The report presented by Mrs. Kohl in the packets indicates how much work went into this project.

Mr. Mace asked if there would be any extraordinary noise connected with the trucks. Mayor Koomar stated that he thought a good central spot to start would be just west of the city hall building, between the city hall and the Bay Way Cabin, away from but yet close enough to the ballfields and pool. A lot of these trucks do use small generators, and it was thought this would be a good central place to start.
Minutes of a Meeting of
Cahoon Memorial Park Trustees
March 27, 2017

The Mayor stated that Mrs. Kohl spent a lot of time looking at reviews for food trucks and came up with a few vendors. She would like to cycle through trucks two or three times, once per month.

Mr. Clark noted that Mrs. Kohl has done quite a bit of diligence on this project and he is very comfortable going forward.

**Motion by Mace** to permit the Food Truck Friday events in Cahoon Memorial Park on Fridays in the summer months.

**Motion carried 8-0.**

**Motion** to approve the Touch-a-Truck event to be held at the Bay Village Police Station, 28000 Wolf Road, on Saturday, September 9, 2017 from 11 a.m. to 4 p.m.

**Motion carried 8-0.**

Discussion followed concerning the request for a residential erosion control project and access through Cahoon Memorial Park. Mr. Tadych verified with Law Director Ebert that there would be insurance provided by the residents requesting the access. Mr. Clark stated that this item will be included on the Cahoon Memorial Park agenda on June 5, 2017.

Meeting adjourned at 8:16 p.m.

_________________   _________________________
Dwight A. Clark, President of Council   Joan Kemper, Clerk of Council
AN ORDINANCE
AMENDING CHAPTER 125 OF THE CODIFIED ORDINANCES
BY ENACTING SECTION 125.57 RELATING TO THE
ESTABLISHMENT OF A COMMUNITY HOUSE RENOVATION FUND,
AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Chapter 125 of the Codified Ordinances of the City of Bay Village is hereby amended by enacting new Section 125.57 which shall read as follows:

“125.57 COMMUNITY HOUSE RENOVATION FUND”.
There is hereby established under Ohio R.C. 5705.12, and subject to the approval of the Bureau of Inspection and Supervision of Public Offices of the State of Ohio, Community House Renovation Fund (298). Such Fund shall be used to account for Community House renovation monies.”

SECTION 2. The Director of Finance is hereby instructed to forward a certified copy of this ordinance to the Bureau of Inspection and Supervision of Public Offices of the State of Ohio for approval of same.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

________________________
PRESIDENT OF COUNCIL

________________________
CLERK OF COUNCIL

APPROVED:

________________________
MAYOR
6-2-17 LL
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE FILING OF A EDWARD BYRNE MEMORIAL
JUSTICE GRANT APPLICATION,
AND DECLARING AN EMERGENCY.

WHEREAS, the State of Ohio, Office of Criminal Justice Services is offering an Edward Memorial Justice Assistance Grant to supplement the investigative efforts of the Bay Village Police Department; and

WHEREAS, the Police Department has prepared the application for submission with the State of Ohio; and

WHEREAS, the matching cost to the City will be 25%;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio;

SECTION 1. That this Council hereby authorizes the application and acceptance of an Edward Memorial Justice Assistance Grant to assist in the investigative efforts of the Bay Village Police Department.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

___________________________
PRESIDENT OF COUNCIL

___________________________
CLERK OF COUNCIL

APPROVED:

___________________________
MAYOR

6/2/17 LL
AN ORDINANCE
AMENDING SECTION 1351 OF THE CODIFIED ORDINANCES OF THE CITY OF
BAY VILLAGE REGARDING DETERMINATION OF GRADE LINES,
AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Codified Ordinance Section 1351 which presently reads as follows:

CHAPTER 1351
Determination of Grade Lines

1351.01 Natural grade and finished grade defined.
1351.02 Fee for determining grades.
1351.03 Grade lines.
1351.04 Director of Public Service and Properties to establish grades.
1351.05 Grade line permits.
1351.06 Drainage of surface water.
1351.07 Positive drainage to be provided; nuisances abated.
1351.08 Drainage protection to adjoining lots.
1351.99 Penalty.

1351.01 NATURAL GRADE AND FINISHED GRADE DEFINED.
For the purposes of this chapter the following terms, phrases, words and their derivatives shall
have the meaning given in this section:
(a) “Natural grade” is the elevation of the undisturbed natural surface of the ground.
(b) “Finished grade” is the elevation of the finished surface, in its slope in reference to a
horizontal plane of the ground adjoining any structure.
(Ord. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar
($55.00) fee is paid to the Building Director to cover costs in determining, reviewing or fixing
grades.
(Ord. 16-49. Passed 6-27-16.)

1351.03 GRADE LINES.
No building permit shall be issued until grade lines have been determined or reviewed by the
Director of Public Service and Properties and established and indicated on the plans submitted;
provided, however, no grade line permit shall be necessary nor shall a fee be charged therefor
when the work called for in the application for a building permit either (i) consists entirely of
interior work to an existing structure; or (ii) consists of exterior work to an existing structure or
the construction of a building accessory to an existing main use when, in the opinion of the Director of Public Service and Properties, such work does not require the setting of a grade line different from the grade line already established.
(Ord. 16-49. Passed 6-27-16.)

1351.04 DIRECTOR OF PUBLIC SERVICE AND PROPERTIES TO ESTABLISH GRADES.

(a) The Director of Public Service and Properties shall be charged with the duty and final determination of natural grade lines and shall review or establish grade lines for all streets, sidewalks, boulevard, sanitary and storm sewers and structures of every kind and description.

(b) Prior to requesting a footer inspection and Certificate of Occupancy, the builder or owner shall request verification of the bottom of footer elevation and finished ground grade, to be certified by the City’s engineer that the grade complies with the submitted plot plan.

(c) All grade sheet/plot plans shall be based on the natural grade found on the existing lot and shall remain consistent with the grade on adjoining lots. Finished grade at the foundation of new structures shall not be set in excess of 6” higher than the highest elevation existing at the lot lines on adjoining lots. If existing grades of adjoining lots are at different elevations, grade for subject lot will be set at the average height of the adjoining lots. Any changes to approved grade plan must be submitted for review prior to commencing construction. Exceptions will be made in extreme situations if surface run-off can be maintained on this lot and conveyed to the storm sewer or natural watercourse, without creating a nuisance per Section 1351.08.

(d) The required plot plans shall show natural grade elevations along property lines at 25' intervals, location of all structures and corresponding elevations of its foundation components, yard drain locations, swales and drainage direction lines. In the case of minor subdivisions, drainage plans, for all lots, must be submitted and reviewed prior to issuance of a building permit for any of the lots.

(e) Final finished grade shall comply with Sections 1351.06, 1351.07 and 1351.08.

(Ord. 16-49. Passed 6-27-16.)

1351.05 GRADE LINE PERMITS.

(a) Permit Required. A grade line permit must be obtained from the Building Director by any person before said person or another, (i) begins construction of a new sidewalk, curb, curb-cut, driveway or driveway apron, or (ii) before any existing sidewalk, curb-cut, driveway or driveway apron is altered or repaired, where, as a result of such alteration or repair, the grade line as set by the City, or the existing grade line where no grade line has been set, will be changed.

(b) Application. An applicant for a permit hereunder shall file with the Building Director an application showing:

(1) Name and address of the owner;
(2) Name and address of the party doing the work;
(3) Location of the work area;
(4) Attached plans showing details of the proposed alteration;
(5) Such other information as the Building Director shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(c) Issuance. Such permit shall be issued upon the filing of the application required in subsection (b) above and the payment of a fee of fifty-five dollars ($55.00), and the determination of the Director of Public Service and Properties as to the proper grade line.
1351.06 DRAINAGE OF SURFACE WATER.
   (a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or
       hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance
       will not be created.
   (b) Catch basins properly connected to storm sewer or other approved provisions, such as
       underdrains, shall be made where water may pocket, to preclude the accumulation of surface
       water.
   (c) Existing natural ground drainage of the ground area surrounding the lot or plot excavated,
       filled or graded shall not be impeded.
   (d) Surface water shall not be drained onto adjacent properties.
   (e) When a lot or section of ground is graded, it shall be incumbent upon the owner of such
       lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both
       sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not
       drain onto the aforesaid adjoining lots or lands.

1351.07 POSITIVE DRAINAGE TO BE PROVIDED; NUISANCES ABATED.
   No condition shall be created nor any existing condition maintained whereby there will be
   upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which
   may accumulate and retain surface water and which may become a public hazard or
   nuisance. Any such condition shall be properly abated and protected by filling or by providing
   positive drainage.

1351.08 DRAINAGE PROTECTION TO ADJOINING LOTS.
   When it is found necessary to grade a lot higher or lower finished grade than the natural grade
   of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the
   owner of the lot to get permission from the Director of Public Service and Properties to change
   to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to
   provide suitable retaining walls or other approved protection on his property to protect the
   adjacent property from the drainage of surface and sub-surface waters and further to protect the
   adjacent property from caving of earth and to assist in the maintaining of the existing natural
   grade of such adjacent property.

1351.99 PENALTY.
   (a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or
       reviewed by the Director of Public Service and Properties shall be deemed guilty of a fourth
       degree misdemeanor.
   (b) Each day such violation is committed or permitted to continue shall constitute a separate
       offense. (Ord. 16-49. Passed 6-27-16.)
CHAPTER 1351
Determination of Grade Lines

1351.01 Natural grade and finished grade defined.
1351.02 Fee for determining grades.
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1351.01 NATURAL GRADE AND FINISHED GRADE DEFINED.
For the purposes of this chapter the following terms, phrases, words and their derivatives shall have the meaning given in this section:
(a) “Natural grade” is the elevation of the undisturbed natural surface of the ground.
(b) “Finished grade” is the elevation of the finished surface, in its slope in reference to a horizontal plane of the ground adjoining any structure.
(Ord. 16-49. Passed 6-27-16.)

1351.02 FEE FOR DETERMINING GRADES.
No person shall be issued a building permit for any structure whatsoever until a fifty-five dollar ($55.00) fee is paid to the Building Director to cover costs in determining, reviewing or fixing grades.
(Ord. 16-49. Passed 6-27-16.)

1351.03 GRADE LINES.
No building permit shall be issued until grade lines have been determined or reviewed by the Director of Public Service and Properties City’s Consulting Engineer and established and indicated on the plans submitted; provided, however, no grade line permit shall be necessary nor shall a fee be charged therefor when the work called for in the application for a building permit either (i) consists entirely of interior work to an existing structure; or (ii) consists of exterior work to an existing structure or the construction of a building accessory to an existing main use when, in the opinion of the Director of Public Service and Properties City’s Consulting Engineer, such work does not require the setting of a grade line different from the grade line already established.
(Ord. 16-49. Passed 6-27-16.)

1351.04 DIRECTOR OF PUBLIC SERVICE THE CITY’S CONSULTING ENGINEER AND PROPERTIES TO ESTABLISH GRADES.
(a) The Director of Public Service and Properties City’s Consulting Engineer shall be charged with the duty and final determination of natural grade lines and shall review or establish grade lines for all streets, sidewalks, boulevard, sanitary and storm sewers and structures of every kind and description.
(b) Prior to requesting a footer inspection and Certificate of Occupancy, the builder or owner shall request verification of the bottom of footer elevation and finished ground grade, to be certified by the City’s engineer that the grade complies with the submitted plot plan.

(c) All grade sheet/plot plans shall be based on the natural grade found on the existing lot and shall remain consistent with the grade on adjoining lots. Finished grade at the foundation of new structures shall not be set in excess of 6" higher than the highest elevation existing at the lot lines on adjoining lots. If existing grades of adjoining lots are at different elevations, grade for subject lot will be set at the average height of the adjoining lots. Any changes to approved grade plan must be submitted for review prior to commencing construction. Exceptions will be made in extreme situations if surface run-off can be maintained on this lot and conveyed to the storm sewer or natural watercourse, without creating a nuisance per Section 1351.08.

(d) The required plot plans shall show natural grade elevations along property lines at 25' intervals, location of all structures and corresponding elevations of its foundation components, yard drain locations, swales and drainage direction lines. In the case of minor subdivisions, drainage plans, for all lots, must be submitted and reviewed prior to issuance of a building permit for any of the lots.

(e) Final finished grade shall comply with Sections 1351.06, 1351.07 and 1351.08.

(Ord. 16-49. Passed 6-27-16.)

1351.05 GRADE LINE PERMITS.

(a) **Permit Required.** A grade line permit must be obtained from the Building Director by any person before said person or another, (i) begins construction of a new sidewalk, curb, curb-cut, driveway or driveway apron, or (ii) before any existing sidewalk, curb-cut, driveway or driveway apron is altered or repaired, where, as a result of such alteration or repair, the grade line as set by the City, or the existing grade line where no grade line has been set, will be changed.

(b) **Application.** An applicant for a permit hereunder shall file with the Building Director an application showing:

1. Name and address of the owner;
2. Name and address of the party doing the work;
3. Location of the work area;
4. Attached plans showing details of the proposed alteration;
5. Such other information as the Building Director shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(c) **Issuance.** Such permit shall be issued upon the filing of the application required in subsection (b) above and the payment of a fee of fifty-five dollars ($55.00), and the determination of the City’s Consulting Engineer as to the proper grade line.

(Ord. 16-49. Passed 6-27-16.)

1351.06 DRAINAGE OF SURFACE WATER.

(a) Whenever the surface of a lot or plot, or portion thereof, is excavated, filled, graded or hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance will not be created.

(b) Catch basins properly connected to storm sewer or other approved provisions, such as underdrains, shall be made where water may pocket, to preclude the accumulation of surface water.
(c) Existing natural ground drainage of the ground area surrounding the lot or plot excavated, filled or graded shall not be impeded.
(d) Surface water shall not be drained onto adjacent properties.
(e) When a lot or section of ground is graded, it shall be incumbent upon the owner of such lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not drain onto the aforesaid adjoining lots or lands.
(Ord. 16-49. Passed 6-27-16.)

1351.07 POSITIVE DRAINAGE TO BE PROVIDED; NUISANCES ABATED.

No condition shall be created nor any existing condition maintained whereby there will be upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which may accumulate and retain surface water and which may become a public hazard or nuisance. Any such condition shall be properly abated and protected by filling or by providing positive drainage.
(Ord. 16-49. Passed 6-27-16.)

1351.08 DRAINAGE PROTECTION TO ADJOINING LOTS.

When it is found necessary to grade a lot higher or lower finished grade than the natural grade of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the owner of the lot to get permission from the City’s Consulting Engineer Director of Public Service and Properties to change to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to provide suitable retaining walls or other approved protection on his property to protect the adjacent property from the drainage of surface and sub-surface waters and further to protect the adjacent property from caving of earth and to assist in the maintaining of the existing natural grade of such adjacent property.
(Ord. 16-49. Passed 6-27-16.)

1351.99 PENALTY.

(a) Whoever violates any provisions of this chapter or fails to conform to the grade line set or reviewed by the City’s Consulting Engineer Director of Public Service and Properties shall be deemed guilty of a fourth degree misdemeanor.
(b) Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 16-49. Passed 6-27-16.)

and present Chapter 1351 is repealed.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.
PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

4-12-17 LL