

CITY OF KIRTLAND

ORDINANCE NUMBER 23-O-22

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1024.02 RELATING TO THE INSTALLATION OF CULVERTS AND RIGHTS-OF-WAY, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 95-O-71 was passed on January 15, 1996, adopting Chapter 1024.02 of the Kirtland Codified Ordinances, particularly §1468.02 relating to the installation of driveway culverts in the right-of-way and other obstructions within the City of Kirtland; and

WHEREAS, the Utilities Standing Committee had met, performed a review of the current ordinances relative to culverts, and wishes to update said ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Section 1024.02, entitled “Installation in Rights-of-Way; Obstructions,” is hereby amended as set forth in Exhibit “A” attached hereto and made a part hereof as though fully set forth herein at length.

SECTION II: That the heretofore existing 1024.02 of the Codified Ordinances of the City of Kirtland, previously enacted and in force, be amended by the passage of this ordinance, and is hereby replaced as set forth in Section I hereinabove.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the City, and for the further reason to regulate the construction and installation of driveway culverts within the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2023.

ATTEST:

Approved by the Mayor this _____ day
of _____, 2023.

Clerk of Council
Amend 1024.02 – Driveway Culverts

Mayor Kevin F. Potter

§ 1024.02 INSTALLATION IN RIGHTS-OF-WAY; OBSTRUCTIONS.

(a) All driveway culverts installed within the road right of way of a public street or alley in the city shall be inspected by either the City Engineer or the Director of Public Service prior to covering to ensure that the correct culvert size, type and appropriate depth requirements are met. All such culverts shall be a minimum of 12 inches inside diameter, 40 feet long, and be backfilled with #57 limestone.

(b) All driveway culverts within the road right-of-way of a street or alley in the city shall be maintained in proper working condition and shall be kept free from obstructions by the property owner for whose benefit the driveway culvert has been installed. In nonemergency situations, if the Director determines that a driveway culvert is in need of cleaning, repair or replacement, the Director shall cause written notice thereof to be served upon the property owner at the property owner's last known address. Such cleaning, repair or replacement must be made in accordance with this chapter and shall be approved by the Director within seven days after service of such notice.

(c) If the Director determines that an emergency situation exists, and immediate cleaning, repair or replacement is needed, or if such property owner fails or refuses to comply with the notice provided in subsection (b) hereof, the city may cause the required work to be done by the city and the amount of costs expended shall be invoiced to the property owner by certified mail. Upon the property owner's failure to reimburse the city this amount, within 30 days after billing, the Director of Finance shall collect such unpaid invoices in the same manner other municipal taxes are collected as provided by law, including, but not limited to, certification of charges for delinquent accounts to the County Auditor for placement on tax bills. As used in this section, "delinquent accounts" are those which remain due and unpaid for 30 days.

(d) Whenever it is necessary to remove concrete or asphalt pavement over a culvert, or within a road right-of-way, for purposes of either removing obstructions or widening streets or alleys in the city, there shall be no requirement, on the part of the city to restore any such driveway with concrete or asphalt pavement, excepting citywide drainage projects.

(Ord. 95-0-71, passed 1-15-1996)