

CITY OF KIRTLAND

ORDINANCE NUMBER 23-O-24

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1026.03 RELATING TO CHARGES FOR WORK DONE ON STORM SEWERS BY THE CITY IN LIEU OF PROPERTY OWNERS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 95-O-72 was passed on January 15, 1996, adopting §1026.03 of the Kirtland Codified Ordinances relating to the charges imposed upon homeowners for work done on storm sewers by the City in lieu of property owners; and

WHEREAS, the Utilities Standing Committee had met, performed a review of the current ordinances relative to said charges, and wishes to update the 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 1026.03 entitled “Work Done by City in Lieu of Property Owner; Costs,” 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 1026.03 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 recoup the costs bourn by the City for work performed on storm sewers in lieu of the individual property owners; 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 1026.03 – Charges for City’s Work on Storm Sewers

Mayor Kevin F. Potter

§ 1026.03 WORK DONE BY CITY IN LIEU OF PROPERTY OWNER; COSTS.

- (a) If a property owner does not fill in, cover, regrade or install storm sewers and basins, or alter the course or grade of any roadside drainage ditch, tree lawn or other portion of a dedicated street or highway, as approved by the City Engineer, the city shall cause the filling in, covering, regrading, storm sewer and basin installation, or altering, to be done in accordance with the approval of the City Engineer, and the property owner shall be liable for all costs associated therewith.
- (b) If the invoice is not paid within 30 days, there shall be added to such cost an amount equal to five percent per month on the unpaid balance of the invoice to a maximum amount of 25 percent of the cost.
- (c) 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) Funds collected under this chapter shall be administered by the Director of Finance and placed in a special account or accounts for particular purposes.
- (e) The Director of Public Service shall appoint the necessary personnel required to collect all invoices.

(Ord. 95-0-72, passed 1-15-1996)