

CITY OF KIRTLAND

ORDINANCE NUMBER 23-O-26

AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1028.04 RELATING TO THE MAINTENANCE OF DRIVEWAY CULVERTS, AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 89-O-29 was passed on August 21, 1989, adopting §1028.04 of the Kirtland Codified Ordinances relating to the maintenance of driveway culverts in the City of Kirtland; and

WHEREAS, the Utilities Standing Committee had met, performed a review of the current ordinances, 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 1028.04 entitled “Duty of Owner or Occupant,” 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 1028.04 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 maintenance of driveway culverts; 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 1028.04 – Culvert Maintenance

Mayor Kevin F. Potter

§ 1028.04 DUTY OF OWNER OR OCCUPANT.

Every owner or occupant of land abutting a public thoroughfare or street in the city shall maintain his or her driveway aprons so as to prevent damage to the public thoroughfare or street pavement and roadway ditches. Culverts shall be inspected upon the issuance of a permit. The Director of Public Service or the City Engineer will determine if culvert pipes need to be replaced. The permit holder has the option of hiring a contractor to perform the work or to have the City perform said work pursuant to Chapter 1024 of these Codified Ordinances.

(Ord. 89-0-29, passed 8-21-1989)