

CITY OF CLAYTON, OHIO

RESOLUTIONS AND ORDINANCES

March 5, 2020

OLD BUSINESS - NONE

NEW BUSINESS

ORDINANCES (FIRST OF TWO READINGS)

ORDINANCE NO. O – 03 – 20 – 05

AN ORDINANCE APPROVING AMENDMENT TO CLAYTON CODIFIED ORDINANCE PART NINE TITLED, “STREETS, UTILITIES, AND PUBLIC SERVICES CODE” TO ADD A NEW CHAPTER 907 TO TITLE ONE THEREOF AND ENTITLED “REPAIR AND MAINTENANCE OF DITCHES AND CULVERTS”

WHEREAS, City staff has reviewed Part Nine (“Streets, Utilities, and Public Services Code”) of the Clayton Codified Ordinances and has recommended amendment to Title One thereof in order to add a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts”; and

WHEREAS, it is the determination of Council that the addition of a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts” as recommended by City staff will promote the public health, safety and welfare of the City and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That Title One of Clayton Codified Ordinance Part Nine (“Streets, Utilities, and Public Services Code”) is hereby amended to add a new Chapter 907 entitled, “Repair and Maintenance of Ditches and Culverts” as follows. (Additions in **bold** and deletions in ~~strikethrough~~):

CHAPTER 907 REPAIR AND MAINTENANCE OF DITCHES AND CULVERTS

907.01 OBSTRUCTIONS PROHIBITED.

No person shall place any obstruction in a storm water drainage ditch situated in the street right-of-way, or in any way change or affect the natural flow of water within such ditch, except as provided in this Chapter.

The City shall maintain ditches that are in the street right-of-way to keep them free from natural occurring obstructions such as silt and/or storm debris.

Ditching other than upon street right-of-way areas shall be the responsibility of the property owner, unless a recorded permanent easement exists as a matter of record granting the City the right of ingress and egress upon the easement.

All man-made obstructions to culverts or other drainage ditches abutting the property thereto, including those abutting driveway entrances and all other means of ingress and egress to the property are prohibited. Each owner, occupant or person having control or management of any lot or parcel of land situated within the City limits shall maintain such culverts and drainage ditches clear and unobstructed.

No person shall place any obstruction in a natural storm water drainage course that is situated on private property and that provides storm water drainage from other properties through such property, or in any way change or affect the natural flow of water within such water course as to cause the unnatural accumulation of water upon such other properties. Nothing herein shall prohibit the installation of storm sewers within, and as a replacement for, a natural drainage course, provide that such sewers are of sufficient size to accommodate storm water that would naturally flow through such drainage course, and provided that the plans for same have been approved by the Director and also received such other approvals as required, from government entities.

907.02 NOTICE TO REMOVE OBSTRUCTIONS.

The owner, occupant or person having control or management of any lot or parcel of land situated within the corporate limits, whether the same is improved or unimproved, vacant or occupied, within seven (7) days written notice to do so, served upon said owner, occupant or person having control or management, by the Public Service Director (“Director”), shall clear and remove or cause to be cleared or removed any obstruction in any culvert or other drainage ditch abutting such lot or parcel of land.

907.03 CONFORMANCE TO ESTABLISHED GRADE AND PLANS.

Any owner, occupant or person having control or management of any lot or parcel of land who, after receiving notice as provided for in Section 907.02, determines to perform the work ordered by the Director shall obtain from the Director written authorization prior to any excavation.

907.04 ENFORCEMENT.

In the event the owner, occupant or person having control or management does not remove such obstructions in accordance with the provisions of this Chapter, then the Director shall enforce the provisions of this Chapter and cause all culverts and drainage ditches to be rendered unobstructed.

Whenever any obstruction in culverts or drainage ditches placed or caused to be placed there by the property owner, occupant, or person having control or management thereof are removed by the City, the City shall give notice by certified mail, to the owner, occupant or person having control or management of such lot or parcel of land, at said person's last known address, to pay the cost of such removal, which notice shall be accompanied by a statement of the amount of cost incurred. In the event the same is not paid within thirty (30) days after the mailing of such notice, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments collected.

907.05 DRAINAGE PIPE FOR ALL NEW INSTALLATIONS.

No person shall install a culvert or storm sewer pipe within a drainage ditch situated in a street right-of-way abutting property without first obtaining a permit for such purpose from the Director. The fee for such permit shall be in accordance with the current City Fee Schedule. Such installation shall be made only in accordance with sizes, standards, and specifications of and subject to final inspection by the Director. Pursuant to the specifications on file with the Public Service Director, each property owner is required to purchase, install, and maintain drainage pipe within the street right-of-way and to purchase and install necessary pipe fittings for the proper installation of yard drains, downspouts, etc. All tie-ins must be inspected and approved by the Director prior to backfilling.

Any property owner, occupant, or person having control or management of a lot or parcel of land within the City who has enclosed or causes to become enclosed, a roadway ditch in contravention of any of the requirements herein shall remove and/or correct the enclosure as determined by the Director. Failure to comply shall constitute cause for removal of the enclosure by the City, at the property owner's expense. The amount of money so expended by the City shall be billed to the property owner by certified mail. If the property owner fails to reimburse the City within thirty (30) days of receipt of the bill, then such amount shall be certified to the County Auditor for collection the same as other taxes and assessments collected. If the City removes the enclosure, the City, in its sole discretion, may make the ditch and open ditch.

Each property owner is required to supply backfill material. The City may, but is not required, to supply backfill as determined by the Director. Each property owner is responsible for all landscaping, re-seeding, sodding, and restoration.

Whenever it is necessary to remove concrete or asphalt pavement over a culvert, or within a street 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 such driveway with concrete or asphalt pavement.

907.06 EXISTING TILE DRAINAGE.

Where existing tile or drainage pipe must be repaired or replaced, the property owner is responsible for providing the materials and labor. However, the City may assist with installation as part of a City right-of-way ditch maintenance program. The City may, at the

discretion of the Director, excavate an open ditch in lieu of tiles or drainage pipe in need of repair.

907.07 DRIVEWAY CULVERTS FOR ALL NEW INSTALLATIONS.

All new driveway construction will be the responsibility of the property owner. Driveway culvert size will be determined by the Director during the permit process and following inspection.

Minimum driveway culvert width shall be thirty (30) feet. Acceptable culvert material are ADS smooth wall interior plastic and SDR-35 plastic, with a minimum one and one-half feet of graded cover. Reinforced concrete and galvanized pipe may be acceptable with less grade cover and premium backfill, as may be determined by the Director.

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2. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
 3. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on March 5, 2020 and March 19, 2020.
 4. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON MARCH 19, 2020