

1022.01 VARYING LOCATION, DIRECTION, SIZE OR CAPACITY; PERMIT REQUIRED.

No person shall divert, obstruct, drain or otherwise vary the location, direction, size or capacity of any drainage ditch, depression or other conduit for the drainage of water or sewage, situated ~~within any dedicated street~~ within the Municipality, without first obtaining a permit therefore from the Building Commissioner or his or her designee.

1022.02 PLANS AND SPECIFICATIONS; PERMIT ISSUANCE AND FEE.

Each applicant for a permit required by Section 1022.01 shall submit to the City Engineer plans and specifications fully disclosing and outlining the manner in which the applicant proposes to divert, obstruct, drain or otherwise vary the location, direction, size or capacity of a drainage ditch, depression or other conduit described in Section 1022.01. The City Engineer shall direct the Building Commissioner or his or her designee to issue a permit only if the applicant's proposed action will not create such a danger of flooding, backing or stagnation as will constitute a substantial risk to the health or safety of persons residing in the area surrounding or served by such drainage ditch, depression or other conduit, or endanger the property situated in the area, and, unless substantially equal capacity, is provided by such plans and specifications, only if the proposed action will not materially reduce the drainage capacity of such drainage ditch, depression or other conduit. At the direction of the City Engineer, and upon payment by the applicant of a fee as set forth in Chapter 214 of the Administration Code and the posting of the cash or bond required by Section 1022.03, the Building Commissioner or his or her designee shall issue a permit to take the proposed action, as approved by the City Engineer.

1022.03 DITCH TILES AND DRAINPIPES.

(a) No person shall install or reinstall ditch tiles on individual parcels of land within the ~~municipality limits of a street or highway~~ without first obtaining the appropriate permits, instructions and approval from the City Engineer.

(b) The installation of ditch tiles or pipes shall be located in line with the existing ditch or the authorized roadway cross-section.

(c) All drainpipes shall have vertical riser pipes with an acceptable grating spaced a maximum of fifty feet along the line.

(d) Upon the filing of an application for the installation of ditch tiles or pipes, a fee as set forth in Chapter 214 of the Administration Code shall be paid to the Building Commissioner.

(e) The size, location, slope and pipe material shall be approved by the City Engineer prior to any installation.

(f) The installation of temporary ditch tiles or pipes does not relieve the abutting property owners of the financial liability of being assessed for a complete storm sewerage system that may be installed at a future date.

(g) This section ~~applies only to enclosing ditches across the major frontage of a parcel of property and~~ does not apply in any way to requirements and ordinances regarding driveway culvert pipes.

(h) ~~At all locations where an Ohio Department of Transportation type headwall is required, a City standard trash grate shall be installed, as set forth in Exhibit A following.~~

EXHIBIT A  
TRASH GRATE INSTALLATION

[See printed version of the Codified Ordinances to view diagram.]

1022.04 DEPOSIT OF CASH OR BOND REQUIRED.

~~The applicant shall post with the Director of Finance either cash money or a bond, approved by the Director of Law and executed by the applicant as principal and by a compensated surety company as surety, in an amount, estimated by the City Engineer, equal to the actual cost of carrying out the action proposed to be taken by the applicant, in accordance with such plans and profiles as approved by the City Engineer. The City Engineer's estimate of the cost shall be conclusive. Such cash or bond shall be returned to the applicant by the Director of Finance upon receipt from the City Engineer of a certificate stating that action has been taken in accordance with the plans and profiles.~~

***a. If the applicant is a contractor, he/she shall provide to the Building Commissioner either cash money or a bond. A cash bond shall be in the amount as specified in Chapter 214. If a surety bond is provided, the form shall conform to the approved form of bond found in Chapter 1444 and shall be approved by the Director of Law and executed by the applicant as principal and by a compensated surety company as surety in an amount estimated by the City Engineer equal to the actual cost of carrying out the action proposed to be taken by the applicant, in accordance with such plans and profiles as approved by the City Engineer. The City Engineer's estimate of the cost shall be conclusive. Upon receipt and approval/acceptance of the cash bond or surety bond, the Building Commissioner shall deposit said bond with the Director of Finance. Such cash bond or surety bond shall be returned to the applicant by the Director of Finance upon receipt from the City Engineer of a certificate stating that action has been taken in accordance with the plans and profiles.***

*b) Whether or not the deposit of cash bonds was made prior to the effective date of this subsection, when more than twenty-four months have passed since the making of any initial deposit required under this chapter, and, further, where no significant activity is occurring with regard to construction activities associated with such deposit, the Building Commissioner may seek to have such deposit forfeited to the City by application to Council. Council may declare such deposit forfeited to the City after a public hearing thereon, at which time the owner of the deposited funds shall be given an opportunity to show cause why such deposit should not be forfeited. Said owner of the deposited funds shall be given a thirty-day prior notice of the public hearing, which shall be made both by certificate of mailing to the owner's last known address on file with the City and by publication in a newspaper of general circulation.*

1022.05 OBSTRUCTION OF DRAINAGE DITCHES.

(a) No person shall, except as provided in subsection (b) hereof, obstruct, impede, divert, enclose or vary the location, direction, size or capacity of any drain, ditch, drainage ditch, culvert, sewer, natural watercourse or other watercourse, depression or conduit for the drainage of water, situated within the Municipality. The Building Commissioner shall require anyone requesting a building permit to sign a covenant to comply with this section. ***It is the responsibility of the property owner to keep said ditch, culvert, sewer, natural watercourse or other watercourse free of all debris, vegetation, etc. so as not to impede the drainage of water.***

(b) No person shall be deemed guilty of a violation of this section if such person acts pursuant to any permit expressly authorizing such action and issued by a duly authorized official of the Municipality, or acts pursuant to plans, specifications and profiles approved by the City Engineer in compliance with Section 1022.06(a) and (b).

(c) The Building Commissioner, upon the advice of the City Engineer, shall serve upon any person who has committed any act prohibited by subsection (a) hereof a notice that such person has violated the provisions of this section, which notice shall set forth in detail the manner of the violation. Such notice shall be sufficiently served if it is mailed by certified mail to the usual place of residence or the usual place of business of the offender or, if a corporation, to its usual place of business. The offender shall be allowed ten days from the day on which the notice is placed in the mail to take all necessary measures to cease the violation and in all respects to restore circumstances as they existed prior to the violation.

1022.06 CONSTRUCTION OF CULVERTS.

(a) Whoever constructs a driveway over, landscapes over or passes or travels as a means of ingress and egress over any drainage ditch or other depression in the land alongside of any public street or way, which ditch or depression at any time serves as a conduit for the drainage of water, shall construct in such ditch or depression, and under such driveway, landscaping or any other construction by means of which ingress and egress is effected, a culvert. The culvert shall have a minimum diameter of twelve inches, but prior to the installation of the culvert, plans and profiles covering the proposed installation shall be submitted to the City Engineer. The City Engineer shall determine whether or not the culvert is adequate to meet the hydraulic drainage requirements of the drainage ditch or depression and the surrounding drainage area in order to properly safeguard the health and safety of the residents in the area and protect the property therein, and whether or not the proposed location of the culvert is proper in relation to the grade of the street or way. The City Engineer shall either approve the plans and profiles or approve the plans and profiles with such modification in the size and location of the proposed culvert as will adequately meet the hydraulic drainage requirements of the drainage ditch or depression and the surrounding drainage area and will place the culvert in proper relation to the grade of the street. The determination of the City Engineer shall be conclusive.

(b) Before any permit to build or construct upon lots or lands drained by any ditch or depression is issued to any person required by subsection (a) hereof to install a culvert, such person shall install such culvert in accordance with the plans and specifications approved, or approved with modifications, by the City Engineer. ***Said person or contractor shall post a bond as provided for in Section 1022.04. In lieu thereof, such person shall post, with the Director of Finance, either cash money or a bond, approved by the Director of Law and executed by the applicant as principal and by a compensated surety company as surety, in an amount equal to the actual cost of installing the culvert in accordance with such plans and profiles, as estimated by the City Engineer. The City Engineer's estimate of the cost shall be conclusive.***

(c) Such cash or bond shall be returned to the applicant by the Director of Finance upon receipt from the City Engineer of a certificate stating that the culvert has been installed in accordance with such plans and profiles.

1022.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor for a first offense; for a second offense, such person is guilty of a misdemeanor of the third degree; for a third or subsequent offense, such person shall be guilty of a misdemeanor of the second degree. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.