

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE 10-42

INTRODUCED BY: Gentile, Kasaris, Willey

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1248 IMPROVEMENTS, SECTION 1248.08 MAINTENANCE GUARANTEE, AND DECLARING AN EMERGENCY

WHEREAS: Council has reviewed Section 1248.08 of the Codified Ordinances of the City of North Royalton pertaining to maintenance guarantees; and

WHEREAS: Due to current economic conditions, the city wishes to amend its maintenance guarantees to alleviate undo hardships on companies doing business in the city; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City Of North Royalton, Part 12 Planning and Zoning Code, Chapter 1248 Improvements, Section 1248.08 Maintenance Guarantee; and

WHEREAS: Council desires to provide for these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 12 Planning and Zoning Code, Chapter 1248 Improvements, Section 1248.08 Maintenance Guarantee of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1248.08 MAINTENANCE GUARANTEE.

~~(a) The developer shall submit to the City Engineer a Contractor's bond equal to 10% for warranty and maintenance of the improvements for 2 years from and after the date of acceptance of dedication, and a cashbond equal to 5% of the total cost of the City owned improvements installed.~~

~~(b) These funds are to be used by the City where, at the discretion of the City Engineer, a problem with the improvements is discovered or damage to the improvements during the Warranty Period and the developer fails to make immediate and necessary repairs. This cashbond shall remain in place until 90% of the subdivision building lots have been completed with residences, but no sooner than 2 years from dedication, said 2 year period being defined in subsection (a) hereof.~~

(a) The developer shall submit to the City Engineer at the time of acceptance of dedication a Contractor's bond equal to 10% for warranty and maintenance of the improvements for 2 years from and after the date of acceptance of dedication.

(b) These funds are to be used by the City where, at the discretion of the City Engineer, any defect with the improvements is discovered to the public improvements during the Warranty Period and the contractor fails to make immediate and necessary repairs.

(c) The developer shall deposit a cash bond equal to 5% of the total cost of the public improvements installed as part of approved subdivision plans. The bond funds shall be used for the cost of repairing any defects in the improvements not covered by the 10% Contractors Bond.

(d) This cash bond shall remain in place until 90% of the subdivision building lots have been completed with residences, but no later than 2 years from dedication, after inspection and approval of the City Engineer, said 2 year period being defined in subsection (a) hereof.

(e) In the event of failure of inspection and approval the cash bond shall remain in place for an additional year, renewable annually, until all deficiencies have been corrected or repaired at Developer's cost as determined by the City Engineer.

Section 2. Chapter 1248 Improvements, Section 1248.08 Maintenance Guarantee of the Codified Ordinances of the City of North Royalton is hereby amended as provided for herein and all other provisions of Chapter 1248 shall remain in full force and effect.

Section 3. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend the Codified Ordinances of the City Of North Royalton, Part 12 Planning and Zoning Code, Chapter 1248 Improvements, Section 1248.08 Maintenance Guarantee to alleviate undo hardships on companies doing business in the city.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: March 16, 2010

DATE APPROVED: March 17, 2010

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading March 16, 2010

YEAS: Gentile, Nickell, Petrusky, Willey,
Marnecheck, Antoskiewicz, Kasaris

NAYS: none