

AN ORDINANCE TO ESTABLISH CHAPTER 1114 AND TO ENACT SECTIONS 1114.01 THROUGH 1114.07 OF THE ZONING ORDINANCES OF THE VILLAGE OF RICHFIELD WITH RESPECT TO CHANGE OF GRADE.

WHEREAS: This Council desires to enact legislation to prevent damage to streams, lakes, ponds, sewers, drainage ways, culverts, and to other properties, and

WHEREAS: This Council desires to enact legislation to control grade changes that may adversely affect adjacent private or public property,

THEREFORE: BE IT ORDAINED by the Council of the Village of Richfield, Ohio:

CHAPTER 1114 of the Codified Ordinances of the Village of Richfield, Ohio is enacted as follows:

SECTION 1114.01 PROHIBITION OF CERTAIN GRADE CHANGES

No person shall, by filling or by other means, change the grade of any lot or parcel of land within the Village in such a manner as to do any of the following acts:

- a) Create a nuisance upon such property, by obstruction of the natural drainage of water from such property;
- b) Adversely affect adjacent private or public property by the diversion of surface water onto such adjacent property, by the increase in the rate of run-off of surface water onto such adjacent property or by the interference with or obstruction of the natural drainage of water from such adjacent property; or
- c) Interfere with or obstruct the public or private water system, or the public or private sanitary system or storm sewer system.

SECTION 1114.02 PERMIT REQUIRED

No person shall do any of the following acts without first having obtained a permit issued by the Zoning Inspector in accordance with the provisions of this chapter:

- a) Install a solid wall, mound, dike or other barrier along the property line or closer than fifteen feet to the property line when such wall, mound, dike or other barrier would have the effect of diverting water onto property belonging to another; or
- b) By filling or by other means add or remove soil or other surface material to any lot or parcel of land within the Village in an amount greater than twenty cubic yards for each 2,000 square feet of the total area of such lot or parcel.

SECTION 1114.03 APPLICATION FOR PERMIT

No person who desires a permit to change the grade of any lot or parcel of land within the Village shall fail to apply to the Zoning Inspector for a permit therefor, using an application form furnished by the Inspector. Such person shall post a

cash deposit and bond in the amount to be determined by the Zoning Inspector, not to exceed ten thousand dollars (\$10,000), from which the Village Engineer shall be paid for inspections of the permittee's work, at his normal hourly rate. Such application shall be accompanied by a drawing of the area of land for which the change of grade is required, together with a drawing of the entire parcel owned by the applicant and also the parcels and the roads abutting on its boundary lines, including the dimensions of and the elevations for all lot lines and streets. If land is to be filled, such drawing shall show the area to be filled with elevations for the proposed filled-in area both before and after the filling and the slope of the fill on all sides, which shall exceed two feet vertically for each three feet horizontally. Such application shall also include the amount of material in cubic yards requested to be used as fill, the length of time requested for filling and any other information requested by the Zoning Inspector that is necessary in order to understand the application.

Section 1114.04 REVIEW OF APPLICATION BY PLANNING COMMISSION, INSPECTION REPORT, AND CERTIFICATION BY VILLAGE ENGINEER.

Applications for the permit required by Section 1114.03 shall be referred to the Planning Commission for review and to the Village Engineer for inspection of the property and for a report. No such permit shall be issued unless the Village Engineer finds and so reports to the Zoning Inspector and to the Planning Commission that the proposed change in grade, with such provisions for drainage and such drainage facilities as the applicant proposes in connection therewith, will not violate any of the provisions of Section 1114.03. Any special requirements or conditions imposed upon the issuance of such permit, found by the Village Engineer or the Planning Commission to be necessary for approval of the application because of the topography of such land and adjacent lands, shall also be set forth in such permit. Before granting such permit, the Planning Commission shall insure that the provisions of Chapter 1115 have been complied with.

Section 1114.05 PERMITTED FILL MATERIAL

- a) No person shall deposit or permit to remain on any land or any portion thereof any fill material other than any of the following:
 - 1) Natural material, but limited to natural earth and natural stone; or
 - 2) Artificial material, if composed of concrete, asphalt, brick, tile and similar material.
- b) No person shall deposit, or permit to remain on any land or portion thereof, as fill material, organic material of any kind.
- c) Size of artificial material shall be of marginal size that can be reasonably compacted and will not permit voids in the fill.

Section 1114.06 MAINTENANCE GRADE LINES ESTABLISHED BY THE VILLAGE

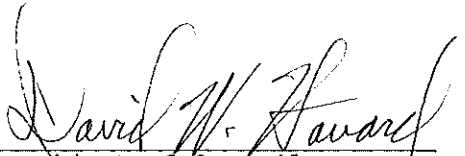
When the Village Engineer has set and finally determined and established the finished grade line of any parcel of real estate, lot or parcel of land within the Village, thus providing for the drainage of surface water therefrom, no owner, occupant or any other person in charge of such premises shall fail to continue to maintain and adhere to such finished grade line of such premises, or shall fail to keep all drains, ditches, swales or other surface water conductors open and free and clear of any obstructions.

Section 1114.07 PENALTY


Any person, whether as owner, lessee or occupant of property within the Village or as contractor under contract with any such person, who violates any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250) or imprisoned not more than thirty days, or both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 5/17/88



President of Council



Mayor

Attest:



Clerk of Council

Dated: 5/17/88