

ORDINANCE NO. 2018-34

AN ORDINANCE AMENDING SECTIONS 905.1-INSPECTIONS FOR DEFECTIVE CONDITIONS, 905.2-NOTICE TO CORRECT DEFECTS, AND ADOPTING SECTIONS 905.7-APPROPRIATION OF FUNDS BY COUNCIL, AND 905.8 ENFORCEMENT; ALL OF CHAPTER 905 CULVERTS, DRAINS AND DITCHES OF THE CITY OF HURON CODIFIED ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HURON, OHIO:

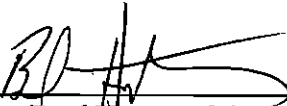
**SECTION 1.** That Sections 905.1- Inspections for Defective Conditions and 905.02 – Notice to Correct Defects both of Chapter 905 – Culverts, Drains and Ditches of the Codified Ordinances of the City of Huron which currently reads as follows: (refer to Exhibit “A” attached), shall be and hereby are amended: (refer to Exhibit “B” attached).

**SECTION 2.** That Sections 905.7 – Appropriation of Funds by Council and 905.8 – Enforcement both of Chapter 905 – Culverts, Drains and Ditches of the Codified Ordinances of the City of Huron are hereby adopted to read as follows: (refer to Exhibit “B” attached).


**SECTION 3.** That Sections 905.1- Inspections for Defective Conditions and 905.02 – Notice to Correct Defects both of Chapter 905 – Culverts, Drains and Ditches of the Codified Ordinances of the City of Huron, as existing prior to the adoption of this Ordinance shall be, and the same hereby are, repealed.

**SECTION 4.** It is hereby 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 any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including O.R.C. §121.22.

**SECTION 5.** This ordinance will take effect thirty (30) days following adoption.

  
\_\_\_\_\_  
Brad Hartung, Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

ADOPTED: 08 JAN 2019

EXHIBIT A

**CHAPTER 905**  
**Culverts, Drains and Ditches**

<b>905.1</b>	<b>Inspections for defective conditions.</b>	<b>905.5</b>	<b>Failure to comply; City action.</b>
<b>905.2</b>	<b>Notice to correct defects.</b>	<b>905.6</b>	<b>Building permit requirements.</b>
<b>905.3</b>	<b>New installation materials.</b>	<b>905.99</b>	<b>Penalty.</b>
<b>905.4</b>	<b>New installation; cost borne by owner.</b>		

**CROSS REFERENCES**

Notice to remove obstructions from culverts or covered drains, fill or drain lots- see Ohio R.C. 715.47

Notice to construct or repair curbs or gutters - see Ohio R.C. 729.03 et seq. Division of Streets and Parks - see ADM. Ch. 149

Removal of obstructions from culverts, etc. - see GEN. OFF. 521.05

Pavements and curbs in subdivisions - see P. & Z. 1119.04

Rain carriers - see BLDG. 1363.10

---

**905.1 INSPECTIONS FOR DEFECTIVE CONDITIONS.**

The Service Director is directed and instructed to make periodic inspections and examinations of the position and condition of all culverts, drains or drainage ditches to determine the need, if any, for them to be reset, cleaned or replaced.  
(Ord. 1962-20. Passed 7-23-62.)

**905.2 NOTICE TO CORRECT DEFECTS.**

In the event that the Service Director finds and determines a drain, culvert or drainage ditch defective in construction, obstructed or inadequate in size so as to hinder, stop or interfere with the disposal of excess surface water, he is authorized and directed to inform the owner or the occupant of the property, on which the defect or inadequacy is found, of the unsatisfactory conditions and make recommendations in writing for replacement, resetting or cleaning as he deems necessary.  
(Ord. 1962-20. Passed 7-23-62.)

**905.3 NEW INSTALLATION MATERIALS.**

In all new construction of driveways drains or culverts and in all cases requiring replacement of existing culverts or drains, the drains or culverts shall be of corrugated steel or reinforced concrete tube and shall be not less than eight inches in diameter.

(Ord. 1962-20. Passed 7-23-62.)

**905.4 NEW INSTALLATION; COST BORNE BY OWNER.**

In the event that new culverts or drains must be installed in the opinion of the Service Director, the owner or occupant of the property to be benefited shall, upon notice, have the duty of providing and installing the necessary drain pipe at his own cost and expense. All work shall be in accordance with the recommendations of the Service Director.

(Ord. 1962-20. Passed 7-23-62.)

**905.5 FAILURE TO COMPLY; CITY ACTION.**

In the event any owner or occupant fails to provide and install the drain pipe, as required in Section 905.04, the Service Director is authorized to cause within fifteen days after notice, grading of the street so as to provide proper drainage and to prevent the obstruction thereof. Any expense incurred by the City shall be paid by the owner or occupant benefited by such improvement. (Ord. 1962-20. Passed 7-23-62.)

**905.6 BUILDING PERMIT REQUIREMENTS.**

No building permit shall be issued by the Building Official unless and until the Service Director has examined the proposed building site and the proposed plans to determine if the applicant proposes to provide a satisfactory culvert or drain under the driveway of the premises and adequate lot drainage.

Upon completion of such examination the Service Director shall notify immediately the Building Official and the builder of his findings and recommendations.

No building permit shall be issued to any applicant until the recommendations of the Service Director are complied with.

No trucks or materials of any builder shall be permitted to have access to a proposed building site until all the provisions of this section have been complied with.

(Ord. 1962-20. Passed 7-23-62.)

**905.7 ENFORCEMENT.**

The City, by and through its Zoning Official or his designee may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood as provided in Ohio Revised Code 715.47. If such culverts or drains are of insufficient capacity, the City may make them of such capacity as reasonably to accommodate the flow of such water at all times. The City Council may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or such obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof.

After service of a copy of such resolution, or after a publication thereof, in a newspaper of general circulation in such municipal corporation or as provided in section 7.16 of the Revised Code, for two consecutive weeks, such owner, or such owner's agent or attorney, shall comply with the directions of the resolution within the time therein specified.

In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the municipal corporation, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. Such expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the court of common pleas, and like proceedings may be had as directed in

**905.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

---

**CHAPTER 905**  
**Culverts, Drains and Ditches**

<b>905.1</b>	<b>Inspections for defective conditions.</b>	<b>905.5</b>	<b>Failure to comply; City action.</b>
<b>905.2</b>	<b>Notice to correct defects.</b>	<b>905.6</b>	<b>Building permit requirements.</b>
<b>905.3</b>	<b>New installation materials.</b>	<b>905.99</b>	<b>Penalty.</b>
<b>905.4</b>	<b>New installation; cost borne by owner.</b>		

**CROSS REFERENCES**

Notice to remove obstructions from culverts or covered drains, fill or drain lots- see Ohio R.C. 715.47  
Notice to construct or repair curbs or gutters - see Ohio R.C. 729.03 et seq.  
Division of Streets and Parks - see ADM. Ch. 149  
Removal of obstructions from culverts, etc. - see GEN. OFF. 521.05  
Pavements and curbs in subdivisions - see P. & Z. 1119.04  
Rain carriers - see BLDG. 1363.10

---

**905.1 INSPECTIONS FOR DEFECTIVE CONDITIONS.**

(a) The Service Director, by and through the Zoning Official or his designee is directed and instructed to make periodic inspections and examinations of the position and condition of all culverts, drains or drainage ditches to determine the need, if any, for them to be reset, cleaned or replaced.

(b) The City shall have the authority to maintain, repair, deepen, widen or clean any and all ditches, watercourses or drainage improvements within the City and such authority includes the right of ingress to and egress from the ditch, watercourse or drainage improvement. No person, firm or corporation shall interfere with, prohibit or obstruct the City or its agents in the exercise of this right.

(c) Storage or processing of materials which are buoyant, pollutant, flammable, explosive, or could be injurious to human, animal or plant life in time of flooding shall be stored one and one half feet above the Base Flood Elevation, or suitably flood-proofed and protected.

(d) A Floodway Obstruction means any object in, along, across, or projecting into a portion of the floodway which may impede, retard, or change the direction of the flow of water either in and of itself or by catching or collecting waterborne debris, or that is placed where the flow of water would carry the same downstream to the damage or detriment of life or property. (Ord. 2018-34, Passed 1-8-19)

**905.2 NOTICE TO CORRECT DEFECTS.**

In the event that the Service Director, by and through the Zoning Official or his designee finds and determines a drain, culvert or drainage ditch defective in construction, obstructed or inadequate in size so as to hinder, stop or interfere with the disposal of excess surface water, he is authorized and directed to inform the owner or the occupant of the property, on which the defect or inadequacy is found, of the unsatisfactory conditions and make recommendations in writing for replacement, resetting or cleaning as he deems necessary. (Ord. 2018-34, Passed 1-8-19)

### **905.3 NEW INSTALLATION MATERIALS.**

In all new construction of driveways drains or culverts and in all cases requiring replacement of existing culverts or drains, the drains or culverts shall be of corrugated steel or reinforced concrete tube and shall be not less than eight inches in diameter.  
(Ord. 1962-20. Passed 7-23-62.)

### **905.4 NEW INSTALLATION; COST BORNE BY OWNER.**

In the event that new culverts or drains must be installed in the opinion of the Service Director, the owner or occupant of the property to be benefited shall, upon notice, have the duty of providing and installing the necessary drain pipe at his own cost and expense. All work shall be in accordance with the recommendations of the Service Director.  
(Ord. 1962-20. Passed 7-23-62.)

### **905.5 FAILURE TO COMPLY; CITY ACTION.**

In the event any owner or occupant fails to provide and install the drain pipe, as required in Section 905.04, the Service Director is authorized to cause within fifteen days after notice, grading of the street so as to provide proper drainage and to prevent the obstruction thereof. Any expense incurred by the City shall be paid by the owner or occupant benefited by such improvement. (Ord. 1962-20. Passed 7-23-62.)

### **905.6 BUILDING PERMIT REQUIREMENTS.**

No building permit shall be issued by the Building Official unless and until the Service Director has examined the proposed building site and the proposed plans to determine if the applicant proposes to provide a satisfactory culvert or drain under the driveway of the premises and adequate lot drainage.

Upon completion of such examination the Service Director shall notify immediately the Building Official and the builder of his findings and recommendations.

No building permit shall be issued to any applicant until the recommendations of the Service Director are complied with.

No trucks or materials of any builder shall be permitted to have access to a proposed building site until all the provisions of this section have been complied with.  
(Ord. 1962-20. Passed 7-23-62.)

### **905.7 APPROPRIATION OF FUNDS BY COUNCIL.**

The City's right and responsibility in the cleaning, deepening, widening and maintaining of all ditches, watercourses and drainage improvements shall be dependent on the appropriation and availability of funds for this purpose.  
(Ord. 2018-34, Passed 1-8-19)

### **905.8 ENFORCEMENT.**

(a) The City, by and through its Zoning Official or his designee shall have all authority conveyed to it by Ohio Revised Code 715.47 and may fill or drain any lot or land within its limits on which water at any time becomes stagnant, remove all putrid substances from any lot, and remove all obstructions from culverts, covered drains, or private property, laid in any natural watercourse, creek, brook, or branch, which obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort, or convenience of any of the citizens of the neighborhood.

If such culverts or drains are of insufficient capacity, the City may make them of such capacity as reasonably to accommodate the flow of such water at all times. The City Council may, by resolution, direct the owner to fill or drain such lot, remove such putrid substance or such obstructions, and if necessary, enlarge such culverts or covered drains to meet the requirements thereof. After service of a copy of such resolution, or after a publication thereof, in a newspaper of general circulation in such municipal corporation or as provided in section 7.16 of the Revised Code, for two consecutive weeks, such owner, or such owner's agent or attorney, shall comply with

the directions of the resolution within the time therein specified.

In case of the failure or refusal of such owner to comply with the resolution, the work required thereby may be done at the expense of the municipal corporation, and the amount of money so expended shall be recovered from the owner before any court of competent jurisdiction. Such expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the court of common pleas, and like proceedings may be had as directed in relation to the improvement of streets as provided in Ohio Revised Code §715.47.

(b) Notwithstanding the foregoing, in the event that the Service Director by and through the Zoning Official or his designee determines that a citation shall be issued without causing written notice to abate said nuisance the Service Director by and through the Zoning Official or his designee may direct the appropriate law enforcement agency to cause a citation to be issued to the landowner, or person in charge of the premises upon which a nuisance does exist as defined by Section 521.05.

(Ord. 2018-34, Passed 1-8-19)

**905.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a minor misdemeanor. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.